be posted by the employer at each establishment in a
conspicuous place or places where notices to employees
are customarily posted. Each employer shall take steps
to assure that such notices are not altered, defaced or
covered by other material.

(3) The notice identified in subsection (2) of this section
shall be posted in each establishment of the em­
ployer as defined in WAC 296-27-020(8).

(4) All notices required to be posted by provisions of
the act, provisions of this chapter or the provisions of
any other safety and health standard, rule or regulation
adopted pursuant to the authority of the act, shall be
posted as required by this section, or as required by the
act, or as required by the provision of the applicable
safety and health standard, rule or regulation.

(5) Unless otherwise specified in this section, the act,
or the applicable safety and health standard, rule or
regulation, notices or other materials required to be
posted, shall be posted in each establishment of the em­
ployer, as defined in WAC 296-27-020(8).

(6) Copies of the act, all regulations published in this
chapter and all applicable standards shall be available at
all regional offices of the division of industrial safety and
health, department of labor and industries. If an em­
ployer has obtained copies of these materials, he shall
make them available upon request to any employee or
his authorized representative on the same day the re­
quest is made, or at the earliest time mutually conve­
nient to the employee or his authorized representative
and the employer, for review by the requesting employee
or authorized representative.

(7) Any employer failing to comply with the provi­
sions of this section shall be subject to citation and pen­
alty in accordance with the provisions of section 12 and
18 of the act. (RCW 49.17.120 and 49.17.180.)

(8) Documents required to be posted include, but shall
not be limited to the following:

(a) A copy or copies of an application or applications
for a variance or variances from any safety and health
standards applied for in accordance with RCW 49.17-080
or 49.17.090 shall be posted at each establishment to
which the variance, if granted, will apply. The manner
of posting such applications shall be in accordance with
subsections (4) and (5) of this section.

(b) Upon receipt of any CITA­
TION AND NOTICE issued
by the department pursuant to RCW 49.17.120 or 49­
.17.130, the employer shall immediately post the CITA­
TION AND NOTICE or a copy thereof in a prominent place
at or near each place a violation referred to in the CITA­
TION AND NOTICE occurred. Where, because of the na­
ture of the employer’s operations, it is not practicable to
post the CITATION AND NOTICE or a copy thereof at or
near each place of violation, the CITATION AND NOTICE
or a copy thereof shall be posted in the establishment of
the employer, as defined in WAC 296-27-020(8).

The posted CITATION AND NOTICE or copy thereof
shall be complete and shall not be abstracted, edited or
otherwise changed from the original. The posted CIT­
ATION AND NOTICE or copy thereof shall be readily visible,
and shall not be defaced or covered by other material.

The CITATION AND NOTICE or copy thereof shall re­
main posted as required by this subsection until all vi­
olations have been abated, or for three working days,
whichever is longer. Whenever an employer verifies
abatement of a violation in writing, see WAC 296-27­
16009, a copy of the written verification shall be posted
with the CITATION AND NOTICE for at least three working
days.

(c) A copy of the notice of filing of appeal pursuant to
RCW 49.17.140, the notice of conference pursuant to
WAC 263-12-090, and the notice of hearing pursuant
to WAC 263-12-100 shall be posted by the employer at
each establishment to which the notices apply in a con­
spicuous place or places where notices to employees are
customarily posted. The manner of posting such notices
shall be in accordance with subsections (4) and (5) of
this section.

(d) In the event that a proposed agreement settling an
appeal of a citation and notice to the board of industrial
insurance appeals is reached between the employer and
the department without the concurrence of the affected
employees or employee groups, a copy of the proposed
agreement shall be posted by the employer at each es­
ablishment to which the agreement applies in a con­
spicuous place or places where notices to employees are
customarily posted. The agreement shall be posted for
10 days before it is filed with the board of industrial in­
surance appeals. The manner of posting shall be in ac­
cordance with subsections (4) and (5) of this section.

(e) Notices required to be posted by specific provi­
sions of any safety and health standard or other rule or
regulation duly adopted by the director shall be posted
according to the standard, rule or regulation requiring
such posting. If the provision containing the require­
ment for posting does not specify the manner of posting,
such posting shall conform to the requirements of sub­
sections (4) and (5) of this section.

[Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91­
07), § 296-350-400, filed 11/22/91, effective 12/24/91. Statutory
Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86­
02), § 296-350-400, filed 6/30/86. 83-13-045 (Order 82-22), § 296-350­
400, filed 6/6/83. 83-13-045 (Order 82-22), § 296-350-400, filed
4/14/75. Formerly WAC 296-27-200.]

Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

308-10 Public records disclosure.
308-12 Architects.
308-13 Board of registration for landscape
architects.
308-14 Court reporters.
308-17 Private detective agencies and private
detectives.
308-18 Private security guard companies and pri­
vate security guards.
308-20 Cosmetology—Barber—Manicurist rules.

[1991 WAC Supp—page 2191]
Chapter 308-10 WAC
PUBLIC RECORDS DISCLOSURE

WAC 308-10-067 Public records indexing system.

WAC 308-10-067 Public records indexing system.
(1) The department of licensing has implemented a system of indexing for identification and location of the following records:
(a) All records issued before July 1, 1990, for which the agency has maintained an index.
(b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
(c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
(d) Interpretive statements entered after June 30, 1990.
(e) Policy statements entered after June 30, 1990.
(2) The department of licensing shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

WAC 308-10-067 Public records indexing system. (3) The general index of public records will be maintained and updated yearly by the agency. The index of records is available during regular business hours for public inspection at the agency's main office located at the Department of Licensing, 1125 Washington Street S.E., PB-01, Olympia, Washington 98504. Subindexes will be maintained and updated regularly by the departmental division and program area. The public disclosure officer is responsible for updating the general index yearly.

[Statutory Authority: RCW 42.17.260(4). 91-13-057, § 308-10-067, filed 6/17/91, effective 7/18/91.]

Chapter 308-12 WAC
ARCHITECTS

WAC 308-12-115 Definitions.

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 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.

(7) Design–build—A means of providing design and construction services in which a single entity is responsible for both services.

[Statutory Authority: RCW 18.08.340, 91-12-061, § 308-12-115, filed 6/5/91, effective 7/6/91. 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 308-12-326 Architect fees. The following fees shall be charged by the professional licensing division of the department of licensing:

<table>
<thead>
<tr>
<th>Title of Fee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>$100.00</td>
</tr>
<tr>
<td>Examination (initial or retake full)</td>
<td>345.00</td>
</tr>
<tr>
<td>Reexamination</td>
<td>45.00</td>
</tr>
<tr>
<td>Initial registration</td>
<td></td>
</tr>
<tr>
<td>(effective January 1, 1991)</td>
<td>135.00</td>
</tr>
<tr>
<td>Oral examination</td>
<td>50.00</td>
</tr>
<tr>
<td>Registration renewal:</td>
<td></td>
</tr>
<tr>
<td>January–April, 1991 (1 year)</td>
<td>45.00</td>
</tr>
<tr>
<td>May–August, 1991 (2 years)</td>
<td>90.00</td>
</tr>
<tr>
<td>September–December, 1991 (3 years)</td>
<td>135.00</td>
</tr>
<tr>
<td>Late renewal:</td>
<td></td>
</tr>
<tr>
<td>January–April, 1991 (1 year)</td>
<td>15.00</td>
</tr>
<tr>
<td>May–August, 1991 (2 years)</td>
<td>30.00</td>
</tr>
<tr>
<td>September–December, 1991 (3 years)</td>
<td>45.00</td>
</tr>
<tr>
<td>Certificate replacement</td>
<td>15.00</td>
</tr>
<tr>
<td>Examination proctor fee</td>
<td>100.00</td>
</tr>
<tr>
<td>Reciprocity application</td>
<td>350.00</td>
</tr>
<tr>
<td>Exam retake:</td>
<td></td>
</tr>
<tr>
<td>Division A: Predesign</td>
<td>35.00</td>
</tr>
<tr>
<td>Division B: Site design (written)</td>
<td>20.00</td>
</tr>
<tr>
<td>Division B: Site design (graphic)</td>
<td>55.00</td>
</tr>
<tr>
<td>Division C: Building design</td>
<td>85.00</td>
</tr>
<tr>
<td>Division D/F: Structural—General</td>
<td></td>
</tr>
<tr>
<td>and long span</td>
<td>30.00</td>
</tr>
<tr>
<td>Division E: Structural—Lateral</td>
<td>15.00</td>
</tr>
<tr>
<td>forces</td>
<td></td>
</tr>
<tr>
<td>Division G: Mechanical, plumbing,</td>
<td>35.00</td>
</tr>
<tr>
<td>and electrical systems</td>
<td></td>
</tr>
<tr>
<td>Division H: Materials and methods</td>
<td>35.00</td>
</tr>
<tr>
<td>Division I: Construction documents and services</td>
<td>35.00</td>
</tr>
<tr>
<td>Duplicate license</td>
<td>15.00</td>
</tr>
<tr>
<td>Certification</td>
<td>25.00</td>
</tr>
<tr>
<td>Corporations:</td>
<td></td>
</tr>
<tr>
<td>Certificate of authorization</td>
<td>250.00</td>
</tr>
<tr>
<td>Certificate of authorization renewal</td>
<td>125.00</td>
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</tbody>
</table>

[Statutory Authority: RCW 18.08.340 and 18.08.370, 91-13-055, § 308-12-326, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 43.24.086, 90-03-032, § 308-12-326, filed 1/12/90, effective 2/12/90; 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.]

Chapter 308-13 WAC
BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

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

<table>
<thead>
<tr>
<th>Title of Fee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>$150.00</td>
</tr>
<tr>
<td>Examination or reexamination (entire)</td>
<td>400.00</td>
</tr>
<tr>
<td>Reexamination fee</td>
<td>50.00</td>
</tr>
<tr>
<td>Section 1: Legal and administrative aspects of practice</td>
<td>15.00</td>
</tr>
<tr>
<td>Section 2: Programming and environmental analysis</td>
<td>20.00</td>
</tr>
<tr>
<td>Section 3: Conceptualization and communication</td>
<td>65.00</td>
</tr>
<tr>
<td>Section 4: Design synthesis</td>
<td>65.00</td>
</tr>
<tr>
<td>Section 5: Integration of technical and design requirements</td>
<td>80.00</td>
</tr>
<tr>
<td>Section 6: Grading and drainage</td>
<td>75.00</td>
</tr>
<tr>
<td>Section 7: Implementation of design through construction process</td>
<td>40.00</td>
</tr>
<tr>
<td>Section 8: Plant identification</td>
<td>40.00</td>
</tr>
<tr>
<td>Exam proctor</td>
<td>100.00</td>
</tr>
<tr>
<td>Renewal (3 years)</td>
<td>450.00</td>
</tr>
<tr>
<td>Late renewal penalty</td>
<td>150.00</td>
</tr>
<tr>
<td>Duplicate license</td>
<td>25.00</td>
</tr>
<tr>
<td>Initial registration (3 years)</td>
<td>450.00</td>
</tr>
<tr>
<td>Reciprocity application fee</td>
<td>200.00</td>
</tr>
<tr>
<td>Certification</td>
<td>45.00</td>
</tr>
<tr>
<td>Proctoring program</td>
<td>125.00</td>
</tr>
<tr>
<td>Replacement certificate</td>
<td>20.00</td>
</tr>
</tbody>
</table>


Chapter 308-14 WAC
COURT REPORTERS

WAC
308-14-085 Examination.
308-14-090 Application.
308-14-120 Examination appeal procedures.
308-14-130 Standards of professional practice.
308-14-135 Transcript preparation format.
WAC 308-14-085 Examination. (1) The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be an examination developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) Recognition of an examination as the Washington certification examination is conditioned upon the examination meeting the following requirements:

(a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;
(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;
(c) At least ninety-five percent accuracy is needed to pass the examination;
(d) Be offered at least twice a year;
(e) The pass/fail scores of the state certification applicants are provided to the department within four weeks of the date of the examination to include a complete list of all the applicants;
(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;
(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and
(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

(3) The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certification without additional examination if certified documentation of the passed examination is provided.

(5) Applicants who have failed the examination may apply by submission of a reexamination application and the required fee.

WAC 308-14-090 Application. (1) Applications for temporary and permanent certification must be complete in every detail and submitted with the required fee. The applications for examination must be received at least eight weeks prior to the examination. Complete applications will contain the following information:

(a) Name and address
(b) Business name and address
(c) Birth place and date
(d) Social Security number
(e) Educational background
(f) Previous work experience in court reporting
(g) List of references (references must have personal knowledge that the applicant has at least two years of court reporting experience)

(h) Professional licensure/certification, including any action taken against the license or certificate
(i) Personal affidavit
(j) Copies of school transcripts and/or graduation certificate (if required).

(2) An applicant holding a temporary certificate must submit a complete updated application and fee for permanent certification. The application must be received at least eight weeks prior to the examination date.

WAC 308-14-120 Examination appeal procedures. (1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenges to examination grading unless the total of the potentially revised score would result in issuance of certification.

(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 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 to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged portions of 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 hour to review the examination.

[Statutory Authority: RCW 18.145.050 and 43.24.020. 91-20--002 and 91-20--044, § 308-14-090, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. 90-10--009, § 308-14-090, filed 4/20/90, effective 5/21/90.]

[1991 WAC Supp—page 2194]
c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing 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 a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department'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 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

[Statutory Authority: RCW 18.145.050 and 43.24.020. 91-20-002 and 91-20-044, § 308-14-120, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91.]

WAC 308-14-130 Standards of professional practice. All certified shorthand reporters (CSR) shall comply with the following professional standards except where differing standards are established by court or agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified shorthand reporters shall:

1. Include on all transcripts, business cards, and advertisements their CSR reference number.

2. Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.

3. Preserve and file their shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years. Untranscribed notes shall be retained for no less than ten years or as required by statute, whichever is longer.


5. Prepare accurate transcripts.

6. Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.

7. Be truthful and accurate in advertising qualifications and/or services provided.

8. Preserve confidentiality of information in their possession and take all steps necessary to insure its security and privacy.

9. Notify all involved parties when transcripts are ordered.

10. Notify all involved parties, when a transcript is ordered by a person not involved in the case, before a copy of the transcript is furnished. If any party objects, the transcript is not provided without a court order.

11. Supply certified copies of transcripts to any involved party, upon appropriate request.

[Statutory Authority: RCW 18.145.050 and 43.24.020. 91-20-002 and 91-20-044, § 308-14-130, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: RCW 18.145.050. 90-20-008, § 308-14-130, filed 9/20/90, effective 10/21/90.]

WAC 308-14-135 Transcript preparation format. The following transcript format will be followed by all certified shorthand reporters (CSR's), except where format are recommended or established by court or agency.

1. No fewer than twenty-five typed lines on a standard 8 1/2 x 11 inch paper.

2. No fewer than ten characters to the typed inch.

3. No fewer than sixty characters per standard line.

[Statutory Authority: RCW 18.145.050 and 43.24.020. 91-20-002 and 91-20-044, § 308-14-135, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91.]

Chapter 308-17 WAC

PRIVATE DETECTIVE AGENCIES AND PRIVATE DETECTIVES

WAC

308-17-010 Promulgation—Authority.

308-17-020 Organization.

308-17-030 Definitions.

308-17-100 Agency applications—Conditions.

308-17-105 Branch office notification—Conditions.

308-17-110 Private detective applications—Conditions.

308-17-120 Armed private detective applications—Conditions.

308-17-130 Application for private detective and armed private detective license, licensed in another state—Conditions.

308-17-140 Comments by chief law enforcement officers and employers.

308-17-150 Private detective agency, private detective, and armed private detective fees.

308-17-160 Expiration and renewal of licenses.

308-17-165 Private detective and armed private detective—Termination of services.

308-17-170 Inactive license.

308-17-205 Filing of licenses.

308-17-210 Change of office location.

308-17-220 Licensee's responsibilities.

308-17-230 Complaint notification.

308-17-240 Required records.

308-17-300 Minimum preassignment training and testing requirements.

308-17-310 Private detective agency principal examination requirements.

308-17-320 Certification of preassignment training trainers.

WAC 308-17-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.165.170, does hereby promulgate the following rules and regulations relating to the licensing of private detective agencies, private detectives, and armed private detectives.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-010, filed 11/6/91, effective 12/7/91.]
WAC 308-17-020 Organization. The principal location of the private detective licensing program is at 2424 Bristol Court SW, Olympia, Washington 98504. The department of licensing administers the Washington private detective license law, chapter 18.165 RCW. Submissions and requests for information regarding private detective agency licenses, private detective licenses, and armed private detective licenses may be sent in writing to the Private Detective Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507–9045.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-020, filed 11/6/91, effective 12/7/91.]

WAC 308-17-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.165 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) "Principal owner" means the sole owner of a private detective agency.

(3) "Principal partner" means the partner who exercises operational control over a private detective agency.

(4) "Certified trainer" means a principal or a licensed private detective or armed private detective who has fulfilled the requirements of WAC 308-17-320.

(5) "Company identification" in RCW 18.165.160(6), shall include the license card issued by the director to a private detective or armed private detective.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-030, filed 11/6/91, effective 12/7/91.]

WAC 308-17-100 Agency applications—Conditions. Any person desiring to be licensed as a private detective agency must substantiate the experience requirements in RCW 18.165.050, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-17-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the agency without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the agency without the payment of additional fees.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-100, filed 11/6/91, effective 12/7/91.]

WAC 308-17-105 Branch office notification—Conditions. A principal of a private detective agency shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the agency application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-105, filed 11/6/91, effective 12/7/91.]

WAC 308-17-110 Private detective applications—Conditions. Any person desiring to be a private detective shall make application for a license on a form prescribed by the director and pay a fee as prescribed by WAC 308-17-150. Applicants who are employed by private detective agencies whose agency license was issued prior to January 1, 1992, shall make application during the time period as follows:

(1) Applicants whose last name begins with A through F shall apply during the month of February 1992.

(2) Applicants whose last name begins with G through L shall apply during the month of March 1992.

(3) Applicants whose last name begins with M through R shall apply during the month of April 1992.

(4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.

Applicants need not fulfill the preassignment training requirements specified in WAC 308-17-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private detective or armed private detective continuously since January 1, 1991. The agency principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-110, filed 11/6/91, effective 12/7/91.]

WAC 308-17-120 Armed private detective applications—Conditions. Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a fee as prescribed by WAC 308-17-150.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-120, filed 11/6/91, effective 12/7/91.]
WAC 308-17-130 Application for private detective and armed private detective license, licensed in another state—Conditions. Any person applying for a private detective or armed private detective license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.165 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-17-150 for a private detective or armed private detective license, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-130, filed 11/6/91, effective 12/7/91.]

WAC 308-17-140 Comments by chief law enforcement officers and employers. If comments required by RCW 18.165.070(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private detective shall be issued if he or she is otherwise qualified.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-140, filed 11/6/91, effective 12/7/91.]

WAC 308-17-150 Private detective agency, private detective, and armed private detective fees. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

<table>
<thead>
<tr>
<th>Title of Fee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private detective agency:</td>
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<td>Application/examination</td>
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<td>Reexamination</td>
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<td>License renewal</td>
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<td>Late renewal with penalty</td>
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<tr>
<td>Certification</td>
<td>25.00</td>
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<tr>
<td>Private detective:</td>
<td></td>
</tr>
<tr>
<td>Original license</td>
<td>50.00</td>
</tr>
<tr>
<td>Certified trainer examination/reexamination</td>
<td>25.00</td>
</tr>
<tr>
<td>License renewal</td>
<td>40.00</td>
</tr>
<tr>
<td>Late renewal with penalty</td>
<td>50.00</td>
</tr>
<tr>
<td>Certification</td>
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<td>Armed private detective:</td>
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<td>Original license</td>
<td>25.00</td>
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<tr>
<td>Certified trainer examination/reexamination</td>
<td>25.00</td>
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<tr>
<td>License renewal</td>
<td>40.00</td>
</tr>
<tr>
<td>Late renewal with penalty</td>
<td>50.00</td>
</tr>
<tr>
<td>Certification</td>
<td>25.00</td>
</tr>
</tbody>
</table>

WAC 308-17-165 Private detective and armed private detective—Termination of services. A person licensed as a private detective or armed private detective may perform duties and activities as licensed only under the direction and supervision of a licensed agency principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private detective or armed private detective. Notice of such termination shall be by the agency principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private detective or armed private detective license held by the agency. Notice of termination shall be provided by signature of the agency principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or the date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the agency principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-165, filed 11/6/91, effective 12/7/91.]

WAC 308-17-170 Inactive license. (1) Any license issued under chapter 18.165 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.165 RCW.

[1991 WAC Supp—page 2197]
(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.165 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-170, filed 11/6/91, effective 12/7/91.]

WAC 308-17-205 Filing of licenses. Licenses of all private detectives and armed private detectives shall be on file in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-205, filed 11/6/91, effective 12/7/91.]

WAC 308-17-210 Change of office location. The principal of a private detective agency shall notify the department of the change of location and mailing address of the agency office within ten working days by filing a completed change of address application with the department.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-210, filed 11/6/91, effective 12/7/91.]

WAC 308-17-220 Licensee’s responsibilities. 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 18.165 RCW.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-220, filed 11/6/91, effective 12/7/91.]

WAC 308-17-230 Complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the private detective program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-230, filed 11/6/91, effective 12/7/91.]

WAC 308-17-240 Required records. The minimum records the principal of a private detective agency shall be required to keep are preassignment training and testing records for each private detective. These records shall be retained and available for inspection by the director or the director’s authorized representative for a minimum of three years.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-240, filed 11/6/91, effective 12/7/91.]

WAC 308-17-300 Minimum preassignment training and testing requirements. (1) The preassignment training required by RCW 18.165.090, shall include as a minimum:

(a) Legal powers and limitations.
   (i) Representation and misrepresentation.
   (A) How to properly identify yourself.
   (B) Misrepresentation defined.
   (C) Problems/liability arising out of misrepresentation.
   (ii) Powers of arrest.
   (A) Laws pertaining to arrest by private citizen.
   (B) Probable cause.
   (C) Potential liability resulting from false arrest claim.
   (b) Evidence.
      (i) Definition.
      (A) Written.
      (B) Recorded.
      (C) Material.
      (ii) Marking.
      (iii) Storage.
      (iv) Chain of custody documentation.
      (c) Report writing.
         (i) Elements of a report.
         (ii) Fact versus opinion or assumption.
         (iii) Penmanship.
         (d) Courtroom testimony.
            (i) Expert witnesses.
            (ii) Manufacturing evidence.
            (iii) Perjury.
            (iv) Discovery.
            (e) Confidentiality/privilege.
            (f) Federal, state, county, and municipal court systems.
               (g) Common sources of public information.
                  (i) Court docket information.
                  (ii) U.S. Postal Service.
                  (iii) Voter registration.
                  (iv) Credit reporting agencies.
                  (v) Department of licensing.
                  (vi) Private sources.
               (h) Frequent activities in violation of criminal statutes.
                  (i) Privacy laws: Electronic surveillance.
                  (ii) Chapter 9.73 RCW privacy violations.
                  (ii) U.S. Code violations.
                  (iii) Appellate court decisions.
                     (A) Explanation of privacy.
                     (B) Video/photography.
                     (C) Tracking transmissions.
                     (j) Fair Credit Reporting Act.
                        (i) Permissible purposes of reports.
                        (ii) Obtaining information under false pretenses.
                        (2) The minimum time each private detective candidate must spend in preassignment training is four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.
                        (3) All private detective applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to
demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private detective preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

[Statutory Authority: RCW 18.165.170, 91-22-111, § 308-17-300, filed 11/6/91, effective 12/7/91.]

WAC 308-17-310 Private detective agency principal examination requirements. (1) All principals of an agency who do not meet the experience requirements required by RCW 18.165.050, must pass an examination demonstrating their knowledge and proficiency in the following areas:

(a) All topics contained in the private detective preassignment training course.
(b) Washington state law as it applies to private detective licensing and regulation.
(c) Legal liability for employee actions pertaining to the private detective industry.
(f) The Washington state Public Disclosure Act (chapter 42.17 RCW).
(g) Communication skills.

(2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.

[Statutory Authority: RCW 18.165.170, 91-22-111, § 308-17-310, filed 11/6/91, effective 12/7/91.]

WAC 308-17-320 Certification of preassignment training trainers. An individual must successfully score at least eighty-five percent on the agency principal examination to become a certified trainer. Individuals who fail to obtain an eighty-five percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private detective agency may have certified.

[Statutory Authority: RCW 18.165.170, 91-22-111, § 308-17-320, filed 11/6/91, effective 12/7/91.]

Chapter 308-18 WAC
PRIVATE SECURITY GUARD COMPANIES AND PRIVATE SECURITY GUARDS

WAC 308-18-010 Promulgation--Authority.

308-18-020 Organization.
308-18-030 Definitions.
308-18-100 Company applications—Conditions.
308-18-105 Branch office notification—Conditions.
308-18-110 Private security guard applications—Conditions.
308-18-120 Armed private security guard applications—Conditions.
308-18-130 Application for private security guard and armed private security guard license, licensed in another state—Conditions.
308-18-140 Private security guard temporary registration card—Conditions.
308-18-145 Comments by chief law enforcement officers and employers.
308-18-150 Private security guard company, private security guard, and armed private security guard fees.
308-18-160 Expiration and renewal of licenses.
308-18-165 Private security guard and armed private security guard—Termination of services.
308-18-170 Inactive license.
308-18-200 Office identification.
308-18-205 Filing of licenses.
308-18-210 Change of office location.
308-18-220 Licensee's responsibilities.
308-18-230 Complaint notification.
308-18-240 Required records.
308-18-300 Minimum preassignment training and testing requirements.
308-18-310 Private security guard company principal examination requirements.
308-18-320 Certification of preassignment training trainers.

WAC 308-18-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.170.180, does hereby promulgate the following rules and regulations relating to the licensing of private security guard companies, private security guards, and armed private security guards.


WAC 308-18-020 Organization. The principal location of the private security guard licensing program is at 2424 Bristol Court S.W., Olympia, Washington 98504. The department of licensing administers the Washington private security guard license law, chapter 18.170 RCW. Submissions and requests for information regarding private security guard company licenses, private security guard licenses, and armed private security guard licenses may be sent in writing to the Private Security Guard Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507–9045.


WAC 308-18-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.170 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) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means the partner who exercises operational control over a private security guard company.

[1991 WAC Supp—page 2199]
(4) "Certified trainer" means a principal or a licensed private security guard or armed private security guard who has fulfilled the requirements of WAC 308-18-320.

(5) "Other item of equipment" in RCW 18.170.170(7), shall include the license card issued by the director to a private security guard or armed private security guard.


WAC 308-18-100 Company applications—Conditions. Any person desiring to be licensed as a private security guard company must substantiate the experience requirements in RCW 18.170.060, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-18-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the company without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the company without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the company without the payment of additional fees.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-100, filed 11/6/91, effective 12/7/91.]

WAC 308-18-105 Branch office notification—Conditions. A principal of a private security guard company shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the company application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.


WAC 308-18-110 Private security guard applications—Conditions. Any person desiring to be a private security guard shall make application for a license on a form prescribed by the director and pay a fee as prescribed by WAC 308-18-150. Applicants who are employed by private security guard companies whose company license was issued prior to January 1, 1992, shall make application during the time period as follows:

(1) Applicants whose last name begins with A through F shall apply during the month of February 1992.

(2) Applicants whose last name begins with G through L shall apply during the month of March 1992.

(3) Applicants whose last name begins with M through R shall apply during the month of April 1992.

(4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.

Applicants need not fulfill the preassignment training requirements specified in WAC 308-18-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private security guard or armed private security guard continuously since January 1, 1991. The company principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.


WAC 308-18-120 Armed private security guard applications—Conditions. Any person desiring to be an armed private security guard shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a fee as prescribed by WAC 308-18-150.


WAC 308-18-130 Application for private security guard and armed private security guard license, licensed in another state—Conditions. Any person applying for a private security guard or armed private security guard license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.170 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-18-150 for a private security guard or armed private security guard, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.


WAC 308-18-140 Private security guard temporary registration card—Conditions. A private security guard temporary registration card issued by a private security
guard company, as authorized by RCW 18.170.090, shall show, as a minimum, the following information:
1. A preprinted number issued by the company.
2. Company name.
3. Private security guard name.
4. Date of issue.
5. Date of expiration.
6. Name and signature of the certified trainer.

WAC 308-18-145 Comments by chief law enforcement officers and employers. If comments required by RCW 18.170.130(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private security guard shall be issued if he or she is otherwise qualified.

WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

<table>
<thead>
<tr>
<th>Title of Fee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private security guard company:</td>
<td></td>
</tr>
<tr>
<td>Application/examination</td>
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<tr>
<td>Reexamination</td>
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<tr>
<td>License renewal</td>
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</tr>
<tr>
<td>Late renewal with penalty</td>
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<tr>
<td>Certification</td>
<td>25.00</td>
</tr>
<tr>
<td>Private security guard:</td>
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</tr>
<tr>
<td>Original license</td>
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<tr>
<td>Certified trainer examination/ reexamination</td>
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<td>License renewal</td>
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<tr>
<td>Late renewal with penalty</td>
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<td>Certification</td>
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<tr>
<td>Late renewal with penalty</td>
<td>25.00</td>
</tr>
<tr>
<td>Certification</td>
<td>25.00</td>
</tr>
</tbody>
</table>

WAC 308-18-165 Private security guard and armed private security guard—Termination of services. A person licensed as a private security guard or armed private security guard may perform duties and activities as licensed only under the direction and supervision of a licensed company principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private security guard or armed private security guard. Notice of such termination shall be by the company principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private security guard’s or armed private security guard’s license held by the company. Notice of termination shall be provided by signature of the company principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the company cannot be surrendered to the department because the license has been lost, the company principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

WAC 308-18-170 Inactive license. (1) Any license issued under chapter 18.170 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.170 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must

[1991 WAC Supp—page 2201]
satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.170 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.


WAC 308-18-200 Office identification. Every private security guard company office shall be identified by displaying the name, visible to the public, of the company name as licensed at the address appearing on the license.


WAC 308-18-205 Filing of licenses. Licenses of all private security guards and armed private security guards shall be on file in the office located at the address appearing on the individual license.


WAC 308-18-210 Change of office location. The principal of a private security guard company shall notify the department of the change of location and mailing address of the company office within ten working days by filing a completed change of address application with the department.


WAC 308-18-220 Licensee’s responsibilities. 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 18.170 RCW.


WAC 308-18-230 Complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the private security guard program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.


WAC 308-18-240 Required records. The minimum records the principal of a private security guard company shall be required to keep are:

(1) Preassignment training and testing records for each private security guard.

(2) Prenumbered private security guard temporary registration card ledger showing the number, name, date of issue, date of expiration and date card was forwarded to the director.

These records shall be retained and available for inspection by the director or the director’s authorized representative for a minimum of three years.


WAC 308-18-300 Minimum preassignment training and testing requirements. (1) The preassignment training required by RCW 18.170.100, shall include as a minimum:

(a) Basic security.

(i) Role of the security officer.

(ii) Typical assignments and tasks.

(iii) Observation.

(iv) Patrol.

(v) Proper actions.

(b) Legal powers and limitations.

(i) Citizens arrest.

(ii) Authority to detain, question, or search a private citizen.

(iii) Authority to search or seize private property.

(iv) Use of force.

(v) Relationship with law enforcement.

(vi) Avoiding liability.

(c) Emergency response.

(i) How to contact police, fire, and medical response services.

(ii) How to define what is or is not an emergency situation.

(iii) Response to fires.

(iv) Response to medical emergencies.

(v) Response to criminal acts.

(vi) Assisting emergency services personnel.

(vii) Bomb threats.

(d) Safety and accident prevention.

(i) Observation and reporting of unsafe conditions.

(ii) Accident hazards.

(iii) Fire hazards.

(iv) Hazardous materials.

(v) Safety rules and regulations.

(vi) Accident reporting.

(e) Report writing.

(i) Why write a report.

(ii) Elements of a report.

(iii) Proper times, names, and location descriptions.

(iv) Giving physical descriptions.

(v) Fact versus opinion or assumption.

(vi) Penmanship.

(vii) Changes to a report.

(viii) Reports as legal documents.

(f) Public relations.

(i) Public relations skills.

(ii) Principles of good communication.

(iii) Proper telephone procedure.

(iv) Listening.

(v) Avoiding confrontation.

(vi) Dealing with the media.

(2) The minimum time each private security guard candidate must spend in preassignment training is four
hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private security guard applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple choice questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private security guard preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).


WAC 308-18-310 Private security guard company principal examination requirements. (1) All principals of a company who do not meet the experience requirements required by RCW 18.170.060, must pass an examination demonstrating their knowledge and proficiency in the following areas:

(a) All topics contained in the private security guard preassignment training course.
(b) Washington state law as it applies to private security guard licensing and regulation.
(c) Legal/liability issues related to the private security guard industry.
(d) General security management.
(2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.


WAC 308-18-320 Certification of preassignment training trainers. An individual must successfully score at least eighty-five percent on the agency principal examination to become a certified trainer. Individuals who fail to obtain an eighty-five percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private security guard company may have certified.


Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST RULES

WAC 308-20-010 Definitions.
308-20-010 Definitions.
308-20-020 Term of course—Examination eligibility.
308-20-030 Curriculum structure.
308-20-040 Application for school license.
308-20-050 Change in ownership of school.
308-20-070 Training guidelines.
308-20-080 Course outline of training requirements.
308-20-090 Student credit for training.
308-20-095 Examination eligibility of applicants from out-of-state schools.
308-20-105 Curriculum for instructor-trainees.
308-20-110 Minimum school safety standards.
308-20-140 Examination—Application.
308-20-175 Persons licensed in other jurisdictions.

WAC 308-20-010 Definitions. (1) "Creditable hour" means only those hours of training while the student is performing in the subject areas listed in the course outline, as stated in WAC 308-20-080. (2) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, or approved chemical compounds. These compounds must be designated for use on the hair of the face, neck, skin, or scalp. (3) "Curriculum" means a detailed course of study. (4) "Student learning objectives" are measurable outcomes expected to occur as the result of instruction. (5) "Instructional objectives" are measurable evaluation of the attainment of the student learning objectives. (6) "Terminal learning objectives" are final outcomes expected to occur at the completion of a course of study as a result of instruction. (7) "Monthly student record" is a form preprinted with school name that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, chemical services, or cadet instructor).

Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 490), § 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 the minimum state creditable hours required in the 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 the 500 hour manicurist course, the 800 hour barber course and the 300 hours of training in 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.

WAC 308-20-030 Curriculum structure. Each curriculum shall be designed to prepare students for at least beginning employment/job entry. A school offering training in cosmetology, barbering, manicuring, and instructor—training will submit a curriculum for each course. The curriculum shall include the minimum state required hours in accordance with the course outline as stated in WAC 308-20-080 and 308-20-105.

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

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 combined curriculum for manicurist, barber and chemical services; a school offering barber instruction must submit a barber curriculum; a school offering manicurist instruction must submit a manicurist curriculum. A school offering instruction in cosmetology, barber, and manicurist must submit a separate curriculum for each. 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 student rating scale for each curriculum must be submitted with the application. A school license will be issued with endorsements to instruct in cosmetology, barbering, manicuring, and/or instructor training according to the curriculums submitted;
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.
   k. The address and phone number of the department of licensing, cosmetology section for student's use in contacting the state regarding Washington state laws or concerns about their training.
6. A copy of the school's monthly and final student record form, showing hours of training earned in each area listed in WAC 308-20-080 or in the case of an instructor-trainee, WAC 308-20-105. The form must be preprinted with the school name and address and signature areas for both the student and instructor and be in a form acceptable to the department.
   The approved form must show operations or hours of activity daily in each subject, by course, i.e., barbering, manicuring, or chemicals with total hours by course daily and monthly in subjects, listed in WAC 308-20-080, with totals in each subject for month to date and total to date. Hours of training in addition to state required hours should show in a separate area.
7. Each school shall submit a copy of the enrollment contract or agreement for each course of training offered. The contract/agreement must include at least the following:
   a. The school's cancellation and refund policy;
Schools will design a rating method form that will demonstrate each student's progress in each course. Schools will design instructional objectives which promote student progress from beginning to completion within the specified hours required for each course. Each month the school shall provide each student with a current copy of his/her rating.

WAC 308-20-080 Course outline of training requirements. Listed are the subjects that make up the mandatory 800 hours of training for barbering, 500 hours of training for manicuring, and 300 hours of training for chemical services. To qualify for the barber examination students only need complete the 800 hours of barbering subjects, to qualify for the manicurists examination students need only complete the 500 hours of manicuring subjects. To qualify for the cosmetology examination students must complete 800 hours of barbering subjects, 500 hours of manicuring subjects, and 300 hours of chemical services subjects. A cosmetologist qualifies to perform all listed services and must be trained in all three areas.

Barber Services Training:
1. Theory
2. Shampooing – includes draping, brushing hair, scalp manipulations, PH values, conditioning and rinsing
3. Scalp and Hair Analysis
4. Haircutting and Trimming – includes scissors, razor, thinning shears, and clipper
5. Cutting and Trimming of Facial Hair – includes beard and mustache, eyebrow, ear & nose
6. Thermal Styling
7. Wet Styling – includes pin curling, braiding, fingerwaves, shaping, and rollers
8. Dry Styling – includes braiding, shaping, brushing, backcombing, and rollers
9. Styling Aids
10. Sanitation – includes cleaning individual work station, shampoo and dispensary bowls after individual use, storage of towels used by the student, life expectancy of disinfectants, sanitizing implements used by the student
11. Diseases – skin, scalp and hair
12. Safety – includes demonstration of implements and proper use, electrical appliances
13. First Aid – as related to the barbering field

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

The student's competency in attaining learning objectives is to be rated.
Chemical Services Training

1. Theory
2. Permanent Waving – includes scalp and hair analysis, sectioning and wrapping, preperm test curl (when necessary), solution application, processing (test curl), when necessary and neutralizing
3. Chemical Relaxing – includes scalp and hair analysis, sectioning, strand test, relaxer application
4. Chemical Training Elements – includes processing, neutralizing, materials, equipment
5. Hair Coloring or Bleaching – includes scalp & hair analysis, pre-diagnosis test, strand test, measurement and mixing of chemicals, application of chemicals and removal of chemicals
6. Sanitation – clean individual work station, sanitize individual equipment and tools, life expectancy of disinfectant, proper use and storage of linens
7. First Aid and Safety – as it relates to the use of chemicals

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 in which the student is enrolled and in the courses listed in this chapter shall be credited toward the hourly training requirements. (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 school, 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 of the Washington state minimum recognized creditable hours in each course, and; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met. Schools transferring credits will transfer to the student report form, in appropriate categories by course, the credits accepted. The certifying school accepts responsibility for total training of the student. (5) Each month the school will provide a copy of the completed monthly report form to the student. When a student transfers to a new school an enrollment student record will be developed for the permanent student file with a copy given to the student prior to enrollment. This will reflect the training transferred and the areas of training still needed.

WAC 308-20-095 Examination eligibility of applicants from out-of-state schools. A student who has received cosmetology, barbering, and/or manicuring instruction in a school outside Washington may be allowed to take the Washington state chemical/barber/manicurist examination(s) under chapter 18.16 RCW if the following requirements are met:
(1) The complete application and proper fee is paid;
(2) The applicant is seventeen years of age or older;
(3) The applicant has completed a course of training equivalent to that required under chapter 18.16 RCW, as stated in WAC 308-20-080, in a school in good standing under pertinent laws in the jurisdiction where the school is located. This must be documented by a detailed transcript of the subjects taken and number of hours involved in each subject; and
(4) Approval from the department, prior to scheduling any examination.

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; 
   (iv) Four-step method; and
   (v) Occupational analysis. 
   (b) Course organization: 
      (i) Develop instruction from analysis; 
      (ii) Optimize and prioritize; 
   (iii) Group and sequence learning units; 
   (iv) Test and evaluate; record progress of students on monthly report forms; and
   (v) Teaching aids. 
   (c) Student leadership development: 
      (i) How to be effective; 
      (ii) Student leadership organization such as Vocational Industrial Clubs of America; 
   (iii) Personality and conduct; 
   (iv) Interpersonal relationships; and
   (v) Customer relations. 
   (d) 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.

[1991 WAC Supp—page 2206]
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, and models.

(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. Towels will be kept in closed cabinets until used.

(4) Robes or gowns used by customers must be laundered after every use, and stored in closed cabinets until used. Soiled linens should be kept in ventilated closed containers. 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 in a clean covered 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. Storage areas shall be posted "flammable liquids." Materials should be inspected regularly and corroded containers must be discarded immediately.

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

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

(10) Licenses of the school and all currently employed instructors must be posted in public view.

(11) All trays, rollers, floors, chairs, and other implements should be free from dust, dirt, and/or hair.

(12) Clippers, scissors, razors, rollers, and other implements should be disinfected and sanitized after each use. Once sanitized they should be stored in clean covered/sealed containers to maintain dry sanitation. Used implements should be stored in an area separate from the sanitized implements.

(13) Hazardous chemicals and flammable liquid signs should be posted in the dispensary, storage room, and any other location these materials may be located.

(14) Fire extinguishers must be readily accessible to the dispensary, storage room, and other locations where flammable liquids may be kept.

(15) Facial rooms must have provisions for privacy, hot and cold running water, closed cabinets for linen storage, and method or procedure to sanitize and store implements in a manner that maintains sanitation.

(16) General appearance—the school floor, walls, and ceilings must be clean. Ventilation should be sufficient to keep odors from the chemicals used at a safe level. Electrical wiring must be acceptable to the local fire district as demonstrated by a current fire inspection form. Electrical plug-in should not reflect any frays and be properly repaired to prevent shock.

WAC 308-20-140 Examination—Application. Examinations are administered at least monthly. Examination schedules will be published 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 state required creditable hours in the approved course of study.

Each application submitted must be complete in every respect, including fee before the applicant will be scheduled for examination. The application must include a copy of the final student record form verifying the total activities in each subject and the hours of training in each course signed by the student and instructor. A sworn statement by the student that all statements on the application are true and correct is to be included. The school owner or manager will also sign a sworn statement that all statements made in the application are true and correct and this school has complied with all state regulations regarding the training of the student.

Applications may be submitted when the student is within one hundred fifty hours of completing the required training. These applications must include a sworn statement by student and school owner or manager that the student is within 150 hours of completing the required training. The training affidavit and final student record form must be submitted prior to being authorized to sit for any examination. If completed properly and otherwise satisfactory, the applicant will be authorized to take the examination(s).

Any person who fails to appear as scheduled for an examination, shall forfeit the fee.
WAC 308-20-175 Persons licensed in other jurisdictions. Persons licensed in any state, territory, or possession of the United States, or foreign country can apply for licensure by submitting a complete application, fee, verification of current licensure, and a detailed transcript of all cosmetology, barber, and/or manicurist training.

(1) After review of the courses taken and hours involved if it is determined that the training at the time of licensure was obtained, is equivalent to Washington state requirements, as stated in WAC 308-20-080, a license will be issued without examination.

(2) After review of the courses taken and hours involved if it is determined that the training is not equivalent to Washington state requirements, additional training in the lacking area(s) is required. When training to meet the requirements is obtained, the applicant must pass the examination(s) in the areas the training was needed, if a current out-of-state license is held. If the out-of-state license is invalid the complete examination for the requested license must be passed. The department will schedule the required examination(s) upon receipt of a statement from the school of the completion of required training and the monthly student record form that verifies the actual training received.

[Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-175, filed 5/10/91, effective 6/10/91.]

Chapter 308-31 WAC

PODIATRY

WAC 308-31-001 through 308-31-570 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-31-001 Board officers. [Statutory Authority: RCW 18.22.015(8), 86-01-041 (Order PL 573), § 308-31-001, filed 12/13/85.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-020.

308-31-010 Examinations. [Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-001, filed 12/30/88.] Statutory Authority: RCW 18.22.015. Effective 2/18/91.


308-31-110 Acts that may be delegated to an unlicensed person. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-100, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-120.

308-31-200 Definitions. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-100, filed 1/4/84; Order PL 128, § 308-31-001, filed 7/7/72.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-040.

308-31-205 Scope of practice. [Statutory Authority: RCW 18.22.015. § 308-31-025, filed 4/14/97; 87-04-050 (Order PM 638), § 308-31-025, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-100.


308-31-215 Presumption of responsibility for advertisements. [Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 624), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-922-001.]

308-31-220 Identification of licensees. [Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 624), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-922-001.]

308-31-230 Scope of practice. [Statutory Authority: RCW 18.22.015. § 308-31-025, filed 4/14/97; 87-04-050 (Order PM 638), § 308-31-025, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-100.

308-31-240 Identification of licensees. [Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 624), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-922-001.]

308-31-250 Examinations. [Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-057, filed 12/30/88.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-070.

308-31-260 Presumption of responsibility for advertisements. [Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 624), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-922-001.]

[1991 WAC Supp—page 2208]
Funeral Directors and Embalmers

308-48-600

WAC 308-31-001 through 308-31-570 Decodified. See Disposition Table at beginning of this chapter.

Chapter 308-48 WAC

Funeral Directors and Embalmers

WAC 308-48-600 Procedure for obtaining board approval of continuing education activity.

WAC 308-48-800 Funeral director/embalmer fees.

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.

(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.

[1991 WAC Supp—page 2209]
these provisions shall be sufficient grounds to refuse credit.


WAC 308–48–800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

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<td>Crematory endorsement renewal</td>
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Chapter 308–50 WAC
REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS


WAC 308–50–130 Minimal standards of practice. [Statutory Authority: RCW 18.35.161. 89–04–017 (Order PM 818), § 308–
Chapter 308-50  Title 308 WAC: Department of Licensing


WAC 308-50-010 through 308-50-500 Decodified. See Disposition Table at beginning of this chapter.

Chapter 308-52 WAC  MEDICAL EXAMINERS

WAC 308-52-010 through 308-52-690 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER


308-52-040 Foreign medical graduates. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-040, filed 7/18/84; Order PL 136, § 308-52-040, filed 2/19/76; Order PL 183, § 308-52-040, filed 2/13/75; Order PL 130, § 308-52-040, filed 6/8/91. Rules (part), filed 11/16/72; Rules (part), filed 12/18/63.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-050.

308-52-100 Applications for examination. [Statutory Authority: RCW 18.71.017 and 18.72.070. 90-05-001 (Order 031), § 308-52-100, filed 2/8/90, effective 3/11/90. 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.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-090.

308-52-120 Approved United States and Canadian medical schools. [Statutory Authority: RCW 18.71.017 and 18.72.070. 90-05-001 (Order PL 369), § 308-52-120, filed 1/21/81; Order PL-278, § 308-52-120, filed 11/16/77.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-030.


[1991 WAC Supp—page 2212]


Examination scores. [Statutory Authority: RCW 18.71A.020. 81–03–078 (Order PL 368), § 308–52–260, filed 1/21/81; 85–03–084 (Order PL 508), § 308–52–260, filed 1/18/85; 79–06–063 (Order PL 304), § 308–
Chapter 308-52 Title 308 WAC: Department of Licensing


[1991 WAC Supp—page 2214]
WAC 308-52-010 through 308-52-690 Decodified. See Disposition Table at beginning of this chapter.
Chapter 308-53

Title 308 WAC: Department of Licensing

Authority: RCW 18.54.070. Recodified as WAC 246-851-100.

308-53-120

Courses presumed to qualify for credit. [Statutory Authority: RCW 308-53-120, filed 4/27/79.]

308-53-123

Credit for classes. [Statutory Authority: RCW 308-53-123, filed 4/27/89. Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91.]

308-53-125

Post-graduate educational program. [Statutory Authority: RCW 308-53-125, filed 4/27/89.]

308-53-135

Credit for admission to optometric organizations and participation in patient care reviews. [Statutory Authority: RCW 308-53-135, filed 4/27/89.]

308-53-140

Credit for individual study, publications, and small-group study. [Order PL 239, § 308-53-140, filed 3/3/76.]

308-53-145

Credit for reports. [Statutory Authority: RCW 308-53-145, filed 4/27/89.]

308-53-146

Credit for preprogrammed educational materials. [Statutory Authority: RCW 308-53-146, filed 4/27/89.]

308-53-150

Credit for lecturing. [Statutory Authority: RCW 308-53-150, filed 4/27/89.]

308-53-151

Credit for CPR training. [Statutory Authority: RCW 308-53-151, filed 4/27/89.]

308-53-155

Dual acceptance of continuing education credits. [Order 119B, § 308-53-155, filed 9/13/76.]

308-53-165

Surplus credit hours. [Statutory Authority: RCW 308-53-165, filed 3/29/91.]

308-53-170

Credits for practice management. [Statutory Authority: RCW 308-53-170, filed 3/29/91.]

308-53-175

Discretionary exception for emergency situation. [Statutory Authority: RCW 308-53-175, filed 4/27/89.]

308-53-200

Minimum equipment requirements. [Statutory Authority: RCW 308-53-200, filed 12/21/88, effective 1/1/90.]

308-53-205

Mobile optometric units. [Statutory Authority: RCW 308-53-205, filed 3/17/76.]

308-53-210

Retention of minimum contact lens records. [Order PL 256, § 308-53-210, filed 9/13/76.]

308-53-215

Contact lens advertising. [Statutory Authority: RCW 308-53-215, filed 3/20/81.]

308-53-220

Maintenance of records. [Order PL 256, § 308-53-220, filed 9/13/76.]

308-53-230

Renting space from and practicing on premises of commercial [mercantile] concern. [Statutory Authority: RCW 308-53-230, filed 3/29/91.]

308-53-235

“Licensing” used in this code. [Order PL 256, § 308-53-235, filed 9/13/76.]

308-53-240

“Department” used in this code. [Order PL 256, § 308-53-240, filed 9/13/76.]

308-53-245

“Optometry” used in this code. [Order PL 256, § 308-53-245, filed 9/13/76.]

308-53-250

“Continuing education credits” used in this code. [Order PL 256, § 308-53-250, filed 9/13/76.]

308-53-255

“Surplus credit hours” used in this code. [Order PL 256, § 308-53-255, filed 9/13/76.]

308-53-260

“Credits for post-graduate educational program” used in this code. [Order PL 256, § 308-53-260, filed 9/13/76.]

308-53-265

“Credit for admission to optometric organizations and participation in patient care reviews” used in this code. [Order PL 256, § 308-53-265, filed 9/13/76.]

308-53-270

“Credit for individual study, publications, and small-group study” used in this code. [Order PL 256, § 308-53-270, filed 9/13/76.]

308-53-275

“Credit for reports” used in this code. [Order PL 256, § 308-53-275, filed 9/13/76.]

308-53-280

“Credit for preprogrammed educational materials” used in this code. [Order PL 256, § 308-53-280, filed 9/13/76.]

308-53-285

“Credit for lecturing” used in this code. [Order PL 256, § 308-53-285, filed 9/13/76.]

308-53-290

“Credit for CPR training” used in this code. [Order PL 256, § 308-53-290, filed 9/13/76.]

308-53-295

“Dual acceptance of continuing education credits” used in this code. [Order PL 256, § 308-53-295, filed 9/13/76.]

308-53-300

“Surplus credit hours” used in this code. [Order PL 256, § 308-53-300, filed 9/13/76.]

[1991 WAC Supp—page 2216]
WAC 308-53-010 through 308-53-400 Decodified. See Disposition Table at beginning of this chapter.
Chapter 308-54 Title 308 WAC: Department of Licensing

(1919 WAC Supp—page 2218)
that vehicle by providing verification that the person is the purchaser or transferee of the vehicle. Acceptable verification includes:

(a) A properly released vehicle certificate of ownership;
(b) A certificate of ownership issued in the requester's name;
(c) A bill of sale from the vehicle owner on record with the department; or
(d) A bill of sale from a person claiming to be a more recent owner than the owner of record with the department.

(3) Any person requesting the name or address of an individual vehicle owner shall complete a form provided by the department giving their full business or individual name and the purpose for the requested information. If the purpose for the information is in connection with a prior business transaction, that prior business transaction must be identified.

[Statutory Authority: RCW 46.01.110 and 88.02.070. 91-03-088, § 308-56A-090, filed 1/18/91, effective 2/18/91.]

WAC 308-56A-120 Repealed. See Disposition Table at beginning of this chapter.

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.

[Order MV 208, § 308-56A-140, 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 and must include the applicable statutory inspection fee 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;

[1991 WAC Supp—page 2219]
(e) One with a structural change in, or modification of, body or frame changing the class designation or body type; or

(f) A used vehicle and no Washington record can be found.

(2) No fee will be charged when a vehicle 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.

(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.


WAC 308–56A–460 Destroyed vehicle rebuilt. (1) Any vehicle reported as destroyed pursuant to WAC 308–58–020 (1) or (2) that will be operated on any public road or highway, must be issued a new certificate of ownership and registration. The application for a new title shall include a Washington state patrol inspection and a bill of sale as provided in subsection (1) of this section.

(2) No fee will be charged when a vehicle 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.

(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.


WAC 308–57 Motor vehicle excise tax.

Chapter 308–57 WAC MOTOR VEHICLE EXCISE TAX

WAC 308–57–005 Definitions. The following definitions apply to the terminology used in this chapter:

(1) "Department" means the department of licensing.

(2) "Excise tax depreciation schedule one" means the statutory depreciation table as described in RCW 82.44.041 (3)(b).

(3) "Excise tax depreciation schedule two" means the statutory depreciation table as described in RCW 82.44.041 (3)(c).

(4) "Excise tax depreciation schedule three" means the statutory depreciation table as described in RCW 82.44.041 (3)(d).

(5) "Fleet" means any person or any type of business entity who is a registered owner of fifteen or more vehicles.

(6) "Light duty truck" means a truck which is smaller than a truck type power unit. The empty scale weight is six thousand pounds or less. It includes vehicles such as pickup trucks, vans, and utility vehicles.

(7) "MSRP" means the base manufacturer's suggested retail price as defined in RCW 82.44.041 (3)(b).

(8) "One hundred ten percent rule" means the limit of excise tax increase pursuant to RCW 82.44.041.

(9) "Purchase price" means the selling price of the vehicle before deducting for trade-in value or adding sales/use tax.

(10) "Registered within a county" means the county that the vehicle indicates as its resident address.

(11) "Tax code" means a two-digit alpha, numeric, or alpha-numeric representation of a value assigned by the department of revenue to passenger vehicles, motorhomes, light duty trucks, and motorhomes prior to
Motor Vehicle Excise Tax

WAC 308-57-010 Premise for assessing excise tax. Truck type power units and trailing units are taxed according to the most recent purchase price and purchase year and the depreciation rates in excise tax depreciation schedule two. All other vehicles are taxed using the value of the vehicle when it was first offered for sale and the statutory depreciation rates. Current condition or value of a particular vehicle is not used to determine excise tax.

WAC 308-57-020 Modified vehicles. All vehicles modified by a licensed primary or secondary manufacturer, such as a van conversion or limousine, for example, shall be taxed according to the MSRP provided by the primary or secondary manufacturer of the modified vehicle. If the vehicle is modified by someone other than a licensed manufacturer, the department shall use the original MSRP of the vehicle prior to the modifications.

WAC 308-57-030 Declaration of value. If there is no tax code for 1985 or older model vehicles and there is no MSRP information available for 1986 or newer model vehicles, the department may require the owner to provide a certified declaration of original value to be used as the basis for assessing the excise tax. Documentation supporting this valuation may also be required as deemed necessary by the department.

WAC 308-57-110 Excise tax depreciation schedule one. The following vehicles with use classes shall be taxed according to excise tax depreciation schedule one: CAB (taxicab) COM (commercial) (if powered and the scale weight is six thousand pounds or less) CYC (motorcycle) FAR (farm) (if powered and the scale weight is six thousand pounds or less) F/H (for hire) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less) H/C (horseless carriage) (if the license fee is not based on gross weight or if the license fee is based on gross weight and the scale weight is six thousand pounds or less) MH (motorhome) PAS (passenger) PER (nonpowered personal use) RES (restored) (if the license fee is not based on gross weight or if the license fee is based on gross weight and the scale weight is six thousand pounds or less) STA (stage) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less) TLR (nonpowered trailer) TRK (if the scale weight is six thousand pounds or less)

1986. This value represents the value of the vehicle when first offered for sale. In 1986 and thereafter, the MSRP is used to represent the value of the vehicle.

(12) "Truck type power unit" means trucks as described in RCW 82.44.041(1). This includes vehicles with CIR (circus), FIX (fixed load), or TOW (tow truck) use classes, regardless of scale weight, and other trucks whose empty scale weights exceed six thousand pounds. This also includes vehicles which would normally be considered light duty trucks but weigh more than six thousand pounds empty.

(13) "Truck type trailing unit" means trailers as described in RCW 82.44.041(1). This includes trailers with CIR (circus), FIX (fixed load), C/G (converter gear) and COM (commercial) use classes.

(14) "Value code" means the value which is used to calculate the excise tax. In determining the value code, it may be a tax code, purchase price, assessor's appraisal, or MSRP.

[Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-005, filed 1/29/91, effective 3/1/91.]

WAC 308-57-120 Excise tax depreciation schedule two. The following vehicles with use classes will be taxed according to excise tax depreciation schedule two: CIR (circus) FIX (fixed load) C/G (converter gear) COM (commercial) (if powered and the scale weight exceeds six thousand pounds or if nonpowered regardless of the scale weight) F/H (for hire) (if more than six seats and the scale weight exceeds six thousand pounds) FAR (farm) (if scale weight exceeds six thousand pounds) H/C (horseless carriage) (if the license fee is not based on gross weight or if the license fee is based on gross weight and the scale weight exceeds six thousand pounds) STA (stage) (if more than six seats and the scale weight exceeds six thousand pounds) TLR (nonpowered trailer) TRK (truck) (if the scale weight exceeds six thousand pounds),

TOW (powered tow truck)

[Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-120, filed 1/29/91, effective 3/1/91.]

WAC 308-57-130 Excise tax depreciation schedule three. A vehicle with a use class of CMP (camper) or TVL (nonpowered travel trailer) shall be taxed from excise tax depreciation schedule three.

[Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-130, filed 1/29/91, effective 3/1/91.]

WAC 308-57-140 Excise tax exemptions. The following vehicles are exempt from payment of excise tax:

1. Any vehicle with a tax code of 95 (vehicles taxed as personal property, such as a mobile home);

[1991 WAC Supp—page 2221]
WAC 308-57-210 Excise tax in even dollars. The excise tax shall be rounded to the nearest dollar for a twelve month period.

WAC 308-57-220 13-month leases. Prior to July 1, 1991, a person who chooses to license for thirteen months on the original registration of a leased vehicle shall be charged thirteen twelfths of the twelve month rate. After July 1, 1991, full year registrations preclude and supersede the thirteen month licenses.

WAC 308-57-230 Fleet abatement. A fleet vehicle, which is required by WAC 308-96A-260 to have a December expiration date, shall be charged excise tax based on the current depreciation rate for the number of months required to license through December. If the owner wishes to renew the registration for this fleet vehicle for the following year at the same time, the vehicle shall also be charged twelve months at the following year's depreciation rate.

WAC 308-57-240 Nonfleet abatement. With department approval, the owner of a vehicle may change the vehicle's registration expiration date. The owner shall be charged excise tax based on the current rate for twelve months plus the number of months in excess of twelve to extend the registration period to the desired expiration date. Those months in excess of twelve shall be charged at the next year's depreciation rate. This option requires that validation tabs for the desired month and year are available and the total number of months may not exceed eighteen.

WAC 308-57-310 Use class and one hundred ten percent rule. For purposes of administering the one hundred ten percent rule pursuant to RCW 82.44.041, only the vehicle's current use class will apply.

WAC 308-57-320 Trucks and one hundred ten percent rule. For purposes of administering the one hundred ten percent rule for trucks:

1. Light duty trucks whose value code was $10,000 or less for expirations through July 31, 1991, are equivalent to light duty trucks, which have a scale weight of six thousand pounds or less, and expirations on and after August 31, 1991.

2. Medium and heavy duty trucks whose value code was more than $10,000 for expirations through July 31, 1991, are equivalent to medium and heavy duty trucks, which have a scale weight of more than six thousand pounds, and expirations on and after August 31, 1991.

WAC 308-57-410 Appeal process. The department shall utilize chapters 308-08 and 10-08 WAC, to administer the appeal process when an applicant challenges the excise tax valuation assessed to the registered owner of the vehicle.

WAC 308-57-420 Taxes to be paid before appeal. The excise tax valuation may be appealed only after the excise tax has been paid. Any excise tax determined by the hearing officer to have been paid in excess shall be refunded for that registration period. If it is determined that an insufficient excise tax was collected, the additional tax shall be due and payable to the department.

WAC 308-57-430 Effective date for appeals. Any appeal which results in a decrease of excise tax liability shall only be eligible for a refund for registration periods ending on and after August 31, 1991.

WAC 308-57-440 Hearings officer. The director shall appoint the administrator of title and registration services or other such designee to conduct the hearing to determine the excise tax valuation for the vehicle.

Chapter 308-58 WAC

REPORTING DESTROYED VEHICLES
Abandoned And Inoperative Vehicles

WAC 308-58-010 Definitions. (1) For the purpose of RCW 46.12.070, destruction of a vehicle or total loss, less salvage value, shall mean the vehicle is:

(a) Dismantled with the intention of never again operating it as a vehicle; or

(b) Damaged to the extent that the cost of repair exceeds its market value immediately prior to the damage; or

(c) 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 in its repaired or restored condition.

(2) For the purpose of RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

[Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-58-010, filed 1/29/91, effective 3/1/91; Order MV 142, § 308-58-010, filed 8/28/72.]

WAC 308-58-020 Method of reporting destruction. (1) An insurance company settling a claim for a destroyed vehicle will report such settlement by using one of the following two methods:

(a) If the title is in the insurer’s possession, the title will be forwarded to the department within fifteen days of the settlement. 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.

(b) If the destroyed vehicle and its title do not come into the insurer’s possession, the insurer will report the fact of settlement within fifteen days of settlement on a form to be supplied by the department. The report will include the following information:

(i) Year, make, series and body style of vehicle;

(ii) License plate number, last year of registration and name of state in which registered;

(iii) Registered and legal owner’s name and address, if known;

(iv) Cause of damage;

(v) If the 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.);

(vi) Date and amount of sale;

(vii) Name and address of the purchaser and if the purchaser is the assured, a private party, a salvage buyer, or a motor vehicle wrecker;

(viii) Name and address of insurance company or adjuster;

(ix) Date of report.

(2) Any private party, government agency, or self-insured person shall, upon destruction of a vehicle registered in their name, forward the title to the department within fifteen days of the destruction of the vehicle. The title must be endorsed by the legal owner to release their 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 the address as shown in the department’s vehicle records. The legal owner will promptly return the cancelled title to the department.


Chapter 308-61 WAC

ABANDONED AND INOPERATIVE VEHICLES

WAC

308-61-175 Procedures for selling vehicles.
308-61-185 Lien provisions.

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.

(9) The three-hour public viewing period required in RCW 46.55.130(1) shall be held at all times during daylight hours.


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.

(3) No operator shall increase the daily storage rate charged for an unauthorized or abandoned vehicle in his/her custody between the time the vehicle is impounded and then redeemed or auctioned.


Chapter 308–66 WAC

MOTOR VEHICLE DEALERS AND MANUFACTURERS

WAC

308–66–120 Dealer's license application.
308–66–135 Expiration of dealer and manufacturer licenses.
308–66–140 Place of business and places of business.
308–66–152 Unlawful practices.
308–66–155 Consignment.
308–66–160 Dealer's and manufacturer's license plates.
308–66–165 Vehicle sales transactions.
308–66–170 Denial, suspension or revocation of license.
308–66–190 Transfer of certificate of title by dealer.
308–66–212 Sale, transfer or other disposition of noncorporate license.
308–66–214 Incorporation of licensee while licensed.
308–66–240 Bond cancellation, closure notice.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–66–213 Partial sales transfer or disposition of noncorporate licensee.

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 re-issued 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 46.70.085, 91-20-057, § 308-66-120, filed 9/24/91, effective 10/25/91. 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.]

WAC 308-66-135 Expiration of dealer and manufacturer licenses. Motor vehicle dealer license plates and vehicle manufacturer license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.70.160 and 46.70.085, 91-20-057, § 308-66-135, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 §§ 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;
(d) All temporary subagencies shall be covered by the bond of the dealer's principal place of business.

WAC 308-66-152 Unlawful practices. (1) Examples of unlawful acts or practices, as defined by RCW 46.70.180 (1)(a), include, but are not limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," "no cash out of your pocket," "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount, including factory rebates 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 the dealer of an obligation to refrain from this prohibited type of advertising. When any of these representations are made a payment disclosure shall be made as contained in subsection (6) of this section.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), include, but are not 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.

(3) It shall be considered false, deceptive or misleading, and thereby unlawful, to advertise with words, phrases, or initials which are not clear and conspicuous and easily comprehended by persons other than those closely allied with the vehicle industry.

[1991 WAC Supp—page 2225]
(a) Clear and conspicuous within an advertisement shall mean:
   (i) In the case of a television advertisement, the information required to be disclosed shall be completely disclosed audibly, visually, or a combination thereof.
   (A) If made visually, shall be made in a type size sufficiently large to be read with reasonable ease; shall appear on the television screen for at least seven seconds; shall be in print type of a color or shade that contrasts readily with the background; shall not be obscured by other words or images appearing on the television screen; and
   (B) If made audible, shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average television listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.
   (ii) In the case of a radio advertisement, the information required to be disclosed shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average radio listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.
   (iii) In the case of a printed advertisement, the information required to be disclosed shall be made in a type size which shall be sufficiently large to be read with reasonable ease and shall be made in relatively close proximity to each of the terms which require that the disclosures be made; disclosures shall be made in such color and contrast so as not to be obscured by other words or pictures appearing in the advertisement.
   (b) Examples of words, phrases, or initials which are not easily comprehended by persons other than those closely allied with the vehicle industry, and that may not be used without explaining their meaning in the same advertisement, include but are not limited to: Executive; capitalized cost reduction, o.a.c., c.f., f.o.b. The words annual percentage rate may be abbreviated to read A.P.R. or apr.

(4) Examples of false, deceptive or misleading, and thereby unlawful statements or representations within the meaning of RCW 46.70.180(1) include, but are not limited to:
   (a) Advertising a used vehicle for sale that is not available at the time the advertisement is placed;
   (b) Advertising a new vehicle as available for immediate delivery if it is available only on order;
   (c) Advertising any offer in connection with the sale of a vehicle or model or type of vehicle without disclosing any material limitations, including, but not limited to, the time limit, or that there is no time limit on the offer;
   (d) Advertising using a picture:
      (i) Of a new vehicle which does not substantially show the same vehicle offered for sale; or
      (ii) Of a used vehicle which is not the same vehicle offered for sale;
   (e) Causing an advertisement to be placed by a dealer or dealer representative that does not identify the dealer by his/her complete business name, or by the word "dealer" or abbreviation "DLR";
   (f) Incorporating in the dealer's 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 substantial discounts;
   (g) Advertising 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, or rental may be used in conjunction therewith, but not so as to create ambiguity as to whether a said vehicle is new, used, or a demonstrator.
   (h) Advertising a rebuilt vehicle for sale with knowledge as defined in RCW 46.70.101(1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;
      (i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;
      (i) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or
   (ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: Provided, however, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;
   (j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;
   (k) Adding charges, costs, or items to the advertised price other than the selling price of additional equipment ordered by the purchaser, sales tax, and license fees. "Additional equipment ordered by the purchaser" shall not include options already installed on the vehicle at the time of advertising;
   (l) Expressing "advertised price" as a combination of:
      (i) Dollar figures and words unless all component figures and the total dollar figure is expressed; or
      (ii) Dollar figures and dollar figures unless all component figures and the total dollar figure is expressed;
   (m) Advertising that a new vehicle or model or type of vehicle will be sold for a certain amount above or below invoice or cost without:

[1991 WAC Supp—page 2226]
(i) Disclosing the actual dollar amount being referred to as "invoice";
(ii) Stating the final, total price for each vehicle, which may exclude sales taxes and license fees; and
(iii) Computing invoice as the actual cost to the dealer to get each vehicle from the manufacturer.

In computing "invoice" the dealer may include the actual cost of transportation of the vehicle from the manufacturer to the dealer, but must exclude dealer holdbacks, other manufacturer incentives, optional advertising fees, dealer overhead expenses, and other similar expenses;

(n) Advertising that a new or used vehicle is reduced in price from a former price, or that the advertised price is a percentage of dollar amount savings from a former price, or words to that effect, unless the seller actually recently advertised or has records showing that vehicle has been offered for sale at the former price;

(o) Advertising or offering:
(i) Any rebate that is not an authorized manufacturer's rebate paid directly to the consumer, which the consumer may apply to the purchase; and
(ii) Any manufacturer's rebate for which the manufacturer requires any financial participation by the dealer, without also clearly and conspicuously stating the following disclosure: "Dealer participation in this rebate program may increase vehicle price before rebate";

(p) Advertising that "any written price quote will be beaten," "any deal will be accepted," or that a dollar amount is guaranteed on any "push, pull or drag," trade-in, or words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(q) Advertising a vehicle or model or type of vehicle as being available at "lowest cost," "best deal" or other words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(r) Advertising an interest rate that is adjustable without clearly and conspicuously disclosing that the interest rate is adjustable;

(s) Advertising a vehicle or model or type of vehicle for sale at a financing rate which has been bought down through the records of the dealership that such is the case;

(5) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:
(a) 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
(b) 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.
(6) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state the amount or percentage of the down payment required, or that no down payment is required, the amount of any payment or the number of payments or the period of repayment, the amount of any finance charge or that there is no charge for credit, unless it states clearly and conspicuously all of the following items:
(a) The cash price or the amount of the loan as applicable;
(b) The amount or percentage of the down payment required, or that no down payment is required, as applicable;
(c) The number, amount, and frequency 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;
(f) The specific model or type of vehicle(s) to which the advertised offer applies; and
(g) Any other conditions material to the advertised offer.

(7) Any advertisement to aid, promote, or assist directly or indirectly a consumer lease with option to purchase must state clearly that the advertisement offers a lease with option to purchase rather than a vehicle sale.

[Statutory Authority: RCW 46.70.180 and 46.70.160. 91-03-019, § 308-66-152, filed 1/7/91, effective 2/7/91. Statutory Authority: RCW 46.70.160 – 46.70.180. 90-20-086, § 308-66-152, filed 9/28/90, effective 10/29/90.]

(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 46.70.180(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).


WAC 308-66-156 Guaranteed title. "Guaranteed title" as it relates to a consigned vehicle shall mean a guarantee by the consignor to convey title to the consignee upon sale of the vehicle. The consignment agreement between the consignor and consignee shall comply with the provisions of WAC 308-66-155.

[Statutory Authority: RCW 46.70.160. 91-03-092, § 308-66-156, filed 1/18/91, effective 2/18/91.]

WAC 308-66-160 Dealer's and manufacturer'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.

(8) Pursuant to RCW 46.70.090 (5)(b), testing vehicles for repair is limited to testing for a preexisting, identifiable problem known to the manufacturer before the testing is to begin.


WAC 308-66-165 Vehicle sales transactions. Vehicle sales transactions reported to the department as required by RCW 46.70.083 shall be determined by reporting the number of vehicles sold in each license classification held by the dealer during the twelve-month period ending sixty days prior to the expiration of the license.

[Statutory Authority: RCW 46.70.160 and 1991 c 140. 91-20-057, § 308-66-165, filed 9/24/91, effective 10/25/91.]

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;
Motor Vehicle Fuel Tax

(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 Washington State Patrol pursuant to RCW 46.37.005, Title 204 WAC;

e) "Mobile homes, commercial campers, park trailers, and recreational vehicles," chapter 296-150B WAC;

WAC 308-66-214 Incorporation of licensee while licensed. A licensee which incorporates while licensed shall file a new application for the appropriate license and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may continue to be used. The firm may request the preincorporation license number upon renewal.

[Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-214, filed 9/24/91, effective 10/25/91; 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. Where, in the case of a merger, the incorporated licensed firm becomes the surviving corporation, the department may waive WAC 308-66-212.

[Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-215, filed 9/24/91, effective 10/25/91; Order MV 170, § 308-66-215, filed 7/16/73; Order 70-08-04, § 308-66-215, filed 8/6/70.]

WAC 308-66-240 Bond cancellation, closure notice. (1) When the department of licensing has received notification from a bonding company that a dealer's bond has been cancelled or the bond has expired and has not been renewed or a replacement bond has not been received with no lapse in coverage, the department shall notify the licensee to surrender the certificate issued for each license classification and dealer plates to the department.

(2) A bond cancellation closure notice shall be posted by the department at the established place of business and shall remain in effect until the license and bond has been reinstated or when the current license expires.

(3) The closure notice will not be posted if the licensee voluntarily surrenders the license certificate and dealer plates and signs a statement that he/she does not plan to obtain a replacement bond or conduct further business.

[Statutory Authority: RCW 46.70.160 and 46.70.070. 91-20-057, § 308-66-240, filed 9/24/91, effective 10/25/91.]

Chapter 308-72 WAC

WAC 308-72-10 Mitigation of penalties and interest.

WAC 308-72-710 Mitigation of penalties and interest. The department, in its discretion, may mitigate, extinguish or adjust penalties and interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

[1991 WAC Supp—page 2229]
The department, after review of records furnished and/or tax returns available, may take into consideration a taxpayer's history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate. Taxpayers who fail to pay assessed taxes on a timely basis may have late payment penalties and interest mitigated if the individual, partnership or corporation is able to establish that failure to take such payment action within a 30 day period after service of an assessment was based upon an internal business or employee oversight, or other unavoidable reasonable circumstance.

[Statutory Authority: RCW 82.36.435. 92-01-016, § 308-72-710, filed 12/6/91, effective 1/6/92.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

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 gross vehicle weight of over twenty-six 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 82.38.260. 92-01-014, § 308-77-034, filed 12/6/91, effective 1/6/92; 90-13-038 (Order PFT 90-04), § 308-77-034, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.060, 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 MV-191, § 308-77-040, filed 12/30/77; Order MV-191, § 308-77-040, filed 10/24/73; Order 114 MV, § 308-77-040, filed 11/26/71.]

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.

[1991 WAC Supp—page 2230]
WAC 308-77-215 Mitigation of penalties and interest. The department, in its discretion, may mitigate, extinguish or adjust penalties and interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

The department, after review of records furnished and/or tax returns available, may take into consideration a taxpayer’s history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

Taxpayers who fail to pay assessed taxes on a timely basis may have late payment penalties and interest mitigated if the individual, partnership or corporation is able to establish that failure to take such payment action within a thirty-day period after service of an assessment was based upon an internal business or employee oversight, or other unavoidable reasonable circumstance.

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, fuel or heating oils, or milk picked up from a farm or dairy storage tank 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 or milk picked up. 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.

Chapter 308-78 WAC

AIRCRAFT FUEL TAX

WAC 308-78-090 Mitigation of penalties and interest.

WAC 308-78-090 Mitigation of penalties and interest. The department, in its discretion, may mitigate, extinguish or adjust penalties and interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

The department, after review of records furnished and/or tax returns available, may take into consideration a taxpayer’s history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

Taxpayers who fail to pay assessed taxes on a timely basis may have late payment penalties and interest mitigated if the individual, partnership or corporation is able to establish that failure to take such payment action within a 30 day period after service of an assessment
was based upon an internal business or employee oversight, or other unavoidable reasonable circumstance.

[Statutory Authority: RCW 82.42.040 and 82.42.100. 92-01-015, § 308-78-090, filed 12/6/91, effective 1/6/92.]

Chapter 308-91 WAC
RECIROCITY AND PRORATION

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) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(6) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(7) "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.

(8) "Department" means the department of licensing, state of Washington.

(9) "Double bottom" (DB) means two full trailer(s)/semitrailer(s) used in a combination of vehicles.

(10) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

(11) "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.

(12) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(13) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(14) "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, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the 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.

(15) "Lessees" 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.

(16) "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.

(17) "Mileage experience year" means the period of time between July 1st and June 30th of the year immediately preceding the year in which registration is made.

(18) "Owner-operator" means an equipment lessor who leases their vehicular equipment with driver to a carrier.

(19) "Preceding year" means the period of twelve consecutive months immediately prior to July 1st of the year immediately preceding the commencement of the registration (calendar) year for which registration is sought.

(20) "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.

(21) "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).

(22) "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.

(23) "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.

(24) "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

(25) "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 interstate where such movement is authorized under the laws of the jurisdiction.

[1991 WAC Supp—page 2232]
(26) "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).

(27) "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).

(28) "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.

(29) "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.

WAC 308-91-090 Leased and rented vehicles. (1) The registration of leased or rental vehicles will be conducted under either the provisions of chapter 46.16 RCW or 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 or leased vehicles under this section include: Trucks, tractor-trailers, 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 (for the purpose of these rules, motorhomes and travel trailers are treated the same as passenger cars). In addition to the certificate of registration (cab card) or a photocopy thereof, 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. Refer to WAC 308-91-030 for the definition of terms used in this section.

(2) Owners of rental vehicles engaged in the business of renting passenger cars in this state who do not make application under the provisions of subsection (2) of this section or comply with the requirements of subsection (2) of this section must register all such vehicles under the provisions of chapter 46.16 RCW.

(3) Owners of rental vehicles engaged in the business of renting passenger cars in this state who do not make application under the provisions of subsection (2) of this section or comply with the requirements of subsection (2) of this section must register all such vehicles under the provisions of chapter 46.16 RCW.

(4) In the absence of an agreement or arrangement to the contrary, rental or leased vehicles are not eligible for vehicle license reciprocity in the state of Washington except for the classes of vehicles and circumstances indicated below:

(a) Passenger cars and motorhomes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(i) The vehicle was rented by the vehicle operator from a location outside of the state of Washington; or

(ii) The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington.

(b) Trailers and semitrailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors,
tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

(i) The vehicle is rented from a location within another jurisdiction; and

(ii) The vehicle registration certificate (cab card) or a photo copy thereof and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

(5) 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) Optional for rental vehicles referred to in subsection (1) of this section.

[Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-090, filed 3/6/91, effective 4/6/91; § 308-91-090, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-090, filed 3/2/88.]

WAC 308-91-095 Trip leasing. The requirements for single trip leasing in interstate commerce under interstate commerce commission (ICC) regulations are as follows:

(1) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(2) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(3) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(4) 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.

(5) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

[Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-095, filed 3/6/91, effective 4/6/91.]

Chapter 308-93 WAC

VESSLE REGISTRATION AND CERTIFICATES OF TITLE

WAC 308-93-670 Disclosure of individual vessel owner names and addresses.

WAC 308-93-670 Disclosure of individual vessel owner names and addresses. (1) Any business entity requesting the names and address of an individual vessel owner must furnish verification of its identity as a business entity. For purposes of this section, acceptable verification includes:

(a) A copy of the requesting entity's unexpired Washington master business license; or

(b) For businesses not authorized to do business in this state, a copy of its unexpired business license issued by the out-of-state jurisdiction where the business entity is authorized to do business.

(2) Any individual purchaser or transferee of a vessel may request the name and address of previous owners of that vessel by providing verification that the person is the purchaser or transferee of the vessel. Acceptable verification includes:

(a) A properly released vessel certificate of ownership; or

(b) A certificate of ownership issued in the requestor's name; or

(c) A bill of sale from the vessel owner on record with the department; or

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, traveler's 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, traveler's check, or money order.

(3) A handling fee in the amount of fifteen 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 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-150, filed 3/6/91, effective 4/6/91. Statutory Authority: RCW 46.01.110(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.]
(d) A bill of sale from a person claiming to be a more recent owner than the owner of record with the department.

(3) Any person requesting the name or address of an individual vessel owner shall complete a form provided by the department giving their full business or individual name and the purpose for the requested information. If the purpose for the information is in connection with a prior business transaction, that prior business transaction must be identified.

[Statutory Authority: RCW 88.02.100 and 88.02.070. 91-03-089, § 308-93-670, filed 1/18/91, effective 2/18/91.]

**Chapter 308-94 WAC**

**SNOWMOBILES AND OFF-ROAD AND NONHIGHWAY VEHICLES**

WAC 308-94-035 Snowmobile registration—Fee.

WAC 308-94-035 Snowmobile registration—Fee. Beginning with the registrations that expire September 30, 1992, the registration fee for snowmobiles required to be registered in accordance with RCW 46.10.020 shall be $15.00 annually.

[Statutory Authority: RCW 43.51.040. 91-09-001, § 308-94-035, filed 4/4/91, effective 10/1/91. 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.]

**Chapter 308-96A WAC**

**VEHICLE LICENSES**

WAC 308-96A-005 Terminology.

WAC 308-96A-006 Veteran's free license.

WAC 308-96A-007 Collector cars—Use limitations.

WAC 308-96A-008 Regular fleet registration.

WAC 308-96A-009 Permanent fleet registration.

WAC 308-96A-010 Definitions.

WAC 308-96A-011 Outstanding parking tickets—Information to be supplied by issuing jurisdiction.

WAC 308-96A-012 Effect of one hundred twenty-day notice on license renewal.

WAC 308-96A-050 Veteran license plate emblems—Available.

WAC 308-96A-051 Veteran license plate emblems—Fees.

WAC 308-96A-052 License plate emblems—How affixed.

WAC 308-96A-053 License plate emblems—Traffic violation.

WAC 308-96A-054 License plate emblems—Transfer vehicle on transfer.

WAC 308-96A-055 Vehicle license plate emblems—Higher education institutions.

WAC 308-96A-056 Special vehicle license plates—Criteria.

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," "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably when referring to license fees that are collected annually from owners of motor trucks, truck tractors, road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight.

(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 notice to renew a license which is mailed by the department to the registered owner. This form indicates the additional information that is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license which is mailed by the department 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 or more vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(a) "Perm or permanent fleet" means a fleet of commercial vehicles licensed to one registered owner where each vehicle is issued nonexpiring tabs and registration. Individual permanent fleet vehicles are not eligible for monthly license fee based on gross weight.

(b) "Regular fleet" means a fleet licensed to one registered owner where each vehicle is issued year and month tabs.

(9) "License fee" means and is limited to the fees required for the act of licensing a vehicle as set forth in chapter 46.16 RCW. License fee excludes the fees required for special vehicle license plates authorized by chapter 46.16 RCW.

(10) "Ride sharing van" for purposes of RCW 82.08.0287, 82.12.0282, and 82.44.015 means a passenger vehicle with a seating capacity of no fewer than seven nor more than fifteen persons including the driver. The seating capacity may not be fewer than five persons including the driver when at least three passengers are confined to a wheelchair.

[Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-005, filed 7/8/91, effective 8/8/91. 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-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 unemployment 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 indicating the union of the applicant and the former prisoner of war; and
(c) An affidavit that the applicant is not currently married.

(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 46.12.070. 91-04-025, § 308-96A-046, filed 1/29/91, effective 3/1/91. 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-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 RCW 46.16.305(4), 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) If the applicant is the surviving spouse of a deceased Pearl Harbor survivor, in addition to the documentation furnished in subsection (1) of this section, the surviving spouse shall include:

(a) A certified copy of the Pearl Harbor survivor's death certificate;
(b) A copy of the marriage license indicating the union of the applicant and the Pearl Harbor survivor; and
(c) An affidavit that the applicant is not currently married.

(3) 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 46.01.110 and 46.12.070. 91-04-025, § 308-96A-056, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 44. 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

WAC 308-96A-057 Purple heart license plates. Any military person that has been awarded a Purple Heart medal by any branch of the Armed Forces, including the Merchant Marines may be issued a set of special vehicle license plates indicating the recipient was wounded during one of this nation's wars or conflicts.

(1) Applicants for a special Purple Heart vehicle license plate shall satisfy the following conditions:

(a) Be a resident of the state of Washington;
(b) Have been wounded in combat;
(c) Been awarded a Purple Heart medal by any branch of the Armed Forces; and
(d) Be an owner, co-owner, lessee, or co-lessee of the vehicle to which the Purple Heart special license plate will be issued.

(2) Applications for the special license plates shall be upon forms provided by the department and sent to Specialized Licensing, Department of Licensing, Highway—Licenses Building, P.O. Box 9909, Olympia, Washington 98504–9909. The application shall include:
(a) A photocopy of the applicants form DD–214 or similar document issued by a branch of the Armed Forces which awards a Purple Heart medal to the applicant and the date of award;
(b) A photocopy of the current registration of the vehicle for which the special license plate is to be issued showing the applicants ownership status in the vehicle; and
(c) A replacement license plate fee then in effect. Veterans who qualify for free vehicle licensing may be issued the Purple Heart special license plate without paying the replacement plate fee.

(3) Purple Heart special license plates may be issued for display on any motor vehicle that is otherwise authorized to display a regular motor vehicle license plate, except the plates may not be issued for motorcycles. Purple Heart special license plates may not be displayed on nonmotor vehicles including campers and travel trailers.

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) A personalized license plate reported stolen may not be reissued until the stolen plate is removed from the Washington Crime Information Center (WACIC) records or for five years from the date the plate is reported stolen whichever comes first. The plate shall be reserved for the last owner for a period of thirty days after it becomes eligible for reissue. If the last owner of the plate makes an application for reissue as a replacement within the thirty days, the plate shall be provided at the replacement plate fee then in effect.

(6) 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.

WAC 308–96A–070 Amateur radio operator special license plates. (1) Every person having a valid amateur radio operator's license is entitled to apply to the department in Olympia, Washington, upon a satisfactory showing, to receive in lieu of the regular motor vehicle license plates, similar plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (F.C.C.). Only one set of plates carrying call letters may be issued to an amateur radio operator at any one time.

(2) An application for special amateur radio operator license plates must be accompanied by a photocopy of the official amateur radio operator license issued by the F.C.C. When the F.C.C. license expires, the operator must notify the department of the expiration and if a renewed F.C.C. license is obtained, furnish a copy of the new license.

(3) An applicant for special amateur radio operator license plates must be the registered owner of the vehicle for which the plates will be issued. Special amateur radio operator license plates issued prior to January 1, 1991, for vehicles not owned by the amateur radio operator, may continue to be used until the operator no longer has an interest in the vehicle. It is the responsibility of the registered owner to apply for replacement license plates when the special amateur radio operator license plate is no longer authorized.

(4) In addition to paying all other license fees required by law, each applicant for special amateur radio operator license plates shall pay an additional license fee of five dollars.

(5) In addition to paying all other license fees required by law, each applicant when applying for transfer of their special amateur radio operator license plates to
another vehicle shall pay an additional license fee of five dollars.

(6) The department shall furnish a list of the names, addresses, and license plate call letters to the state department of community development, Washington state patrol, and all county sheriffs upon request. The lists shall be used only in the performance of official duties of these government agencies and shall not be released for any other purpose.

(7) Any amateur radio operator who holds a special amateur radio operator license as issued under this section who has allowed his or her F.C.C. license to expire, or for any reason no longer has an official valid F.C.C. license, shall notify the department in writing within thirty days of the F.C.C. license becoming invalid and surrender his or her special amateur radio operator license plates. Special amateur radio operator license plates are deemed to be cancelled on the date the F.C.C. license becomes invalid. Failure to notify the department and surrender plates is a traffic infraction. The special plate may be reinstated by applying for and paying the fee for a new special plate.

[WAC 308-96A-071 Military affiliate radio system special license plates. (1) Any Washington state resident holding a valid Military Affiliate Radio System station license (MARS) is entitled to apply to the department in Olympia, Washington, and upon satisfactory showing, to receive in lieu of regular vehicle license plates, similar license plates bearing the official MARS call sign assigned by the Department of Defense. Only one set of license plates reflecting the call sign may be issued to the MARS station licensee at any one time.

(2) An application for special MARS license plates must be accompanied by a photocopy of the official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. When the MARS station license expires, the applicant must notify the department of the expiration and if a renewed license is obtained, furnish a copy of the new license.

(3) An applicant for special MARS license plates must be the registered owner of the Washington state registered vehicle for which the special license plates will be issued.

(4) In addition to paying all other license fees required by law, each applicant for an original special MARS license plate shall pay an additional license fee of five dollars.

(5) In addition to paying all other license fees required by law, each applicant when applying for transfer of their special MARS license plates to another vehicle shall pay an additional license fee of five dollars.

(6) Any MARS station licensee who holds a special vehicle license plate issued under this section and who has allowed the station license to expire, or for any reason no longer has an official valid MARS station license, shall notify the department in writing within thirty days of the license becoming invalid and surrender the special MARS vehicle license plates. Special MARS vehicle license plates are deemed to be cancelled on the date the MARS station license becomes invalid. Failure to notify the department and surrender the vehicle license plates is a traffic infraction. The special plates may be reinstated by applying for and paying the fee for a new special plate.

[WAC 308-96A-073 Vehicles over forty years old—Horseless carriage plates. (1) Any motor vehicle which is at least forty years old or older, and is owned and operated primarily as a collector's item shall, upon application and acceptance by the department, be issued one special horseless carriage commemorative license plate in lieu of a regular license plate. Any vehicle to be so licensed must be capable of being operated upon the highway.

(2) In addition to paying all other license fees required by law, each applicant for a horseless carriage commemorative license plate shall pay an additional license fee of thirty-five dollars.

(3) The special license plate shall be issued for the life of the vehicle and shall be transferred with the vehicle. The single plate shall be displayed on the rear of the vehicle.

(4) Horseless carriage commemorative license plates shall be assigned a separate numerical series commencing with "HORSELESS CARRIAGE 1."

[WAC 308-96A-074 Vehicles over thirty years old—Collector vehicle license plates. (1) Any motor vehicle which is at least thirty years old or older, and is owned and operated primarily as a collector's item shall, upon application and acceptance by the department, be issued one special collector vehicle license plate in lieu of a regular license plate. Any vehicle so licensed must be capable of being operated upon the highway.

(2) In lieu of a collector vehicle license plate the applicant may be authorized to display a Washington state issued vehicle license plate designated for use in the year of the vehicle's manufacture.

(3) In addition to paying all other license fees required by law, each applicant for a collector vehicle license plate shall pay an additional license fee of thirty-five dollars.

(4) Collector vehicle license plates are valid for the life of the vehicle and shall be transferred with the vehicle. The license plate shall be displayed on the rear of the vehicle.

(5) Collector vehicle license plates shall be assigned a separate numerical series commencing with "Collector Vehicle 0001."

[Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-073, filed 1/29/91, effective 3/1/91.

Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.

[Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-071, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-073 Vehicles over forty years old—Horseless carriage plates. (1) Any motor vehicle which is at least forty years old or older, and is owned and operated primarily as a collector's item shall, upon application and acceptance by the department, be issued one special horseless carriage commemorative license plate in lieu of a regular license plate. Any vehicle to be so licensed must be capable of being operated upon the highway.

(2) In addition to paying all other license fees required by law, each applicant for a horseless carriage commemorative license plate shall pay an additional license fee of thirty-five dollars.

(3) The special license plate shall be issued for the life of the vehicle and shall be transferred with the vehicle. The single plate shall be displayed on the rear of the vehicle.

(4) Horseless carriage commemorative license plates shall be assigned a separate numerical series commencing with "HORSELESS CARRIAGE 1."

[Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-073, filed 1/29/91, effective 3/1/91.

WAC 308-96A-074 Vehicles over thirty years old—Collector vehicle license plates. (1) Any motor vehicle which is at least thirty years old or older, and is owned and operated primarily as a collector's item shall, upon application and acceptance by the department, be issued one special collector vehicle license plate in lieu of a regular license plate. Any vehicle so licensed must be capable of being operated upon the highway.

(2) In lieu of a collector vehicle license plate the applicant may be authorized to display a Washington state issued vehicle license plate designated for use in the year of the vehicle's manufacture.

(3) In addition to paying all other license fees required by law, each applicant for a collector vehicle license plate shall pay an additional license fee of thirty-five dollars.

(4) Collector vehicle license plates are valid for the life of the vehicle and shall be transferred with the vehicle. The license plate shall be displayed on the rear of the vehicle.

(5) Collector vehicle license plates shall be assigned a separate numerical series commencing with "Collector Vehicle 0001."

[Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.]
WAC 308-96A-075 Collector cars—Use limitations. Vehicles with horseless carriage or collector vehicle license 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 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.

WAC 308-96A-161 Regular fleet registration. Any owner of a fleet of vehicles may apply for and be issued a regular fleet identifier code by the department. The owner may have any vehicle with a certificate of title in the same owner name registered using the regular fleet identifier code. Regular vehicle license plate month and year tabs shall be issued. Monthly tonnage may be purchased for individual vehicles.

WAC 308-96A-162 Permanent fleet registration. Any owner of a fleet of vehicles used for commercial purposes may apply for and be issued a permanent fleet identifier code by the department. The owner may have any vehicle used for commercial purpose, with a certificate of title in the same owner name registered using the permanent fleet identifier code. Nonexpiring license plate tabs and registration documents shall be issued. Annual tonnage must be purchased for individual vehicles.

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) "One hundred twenty-day notice" shall mean a warning notice of those violations received by the department one hundred twenty 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 fifteen dollar surcharge.

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 two 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 two violations.

WAC 308-96A-380 Effect of one hundred twenty-day notice on license renewal. Violations reported to the department after the one hundred twenty-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 one hundred twenty days 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 fifteen dollar surcharge.

[1991 WAC Supp—page 2239]
To renew license of a vehicle whose record indicates that a one hundred twenty-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 fifteen dollar surcharge.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-96A-380, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.]

WAC 308-96A-505 Veteran license plate emblems—Available. Veteran remembrance vehicle license plate emblems shall be provided in a design representative of:

(a) The words U.S. VETERAN, referred to as VETERAN emblem.

(b) The United States flag waving on a staff without wording, referred to as the FLAG emblem, and

(c) The campaign ribbon for each of the seven medals authorized in RCW 46.16.319 referred to as CAMPAIGN emblems.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-505, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-510 Veteran license plate emblems—Fees. Veteran remembrance emblems are marketed in a package. Each package contains one VETERAN, one FLAG, and one CAMPAIGN emblem. In lieu of the FLAG, the veteran may upon request be issued a CAMPAIGN emblem. In lieu of the CAMPAIGN, the veteran may upon request be issued a FLAG emblem. A total fee of ten dollars is collected for each package. The fee includes two dollars paid to the county treasurer as provided in RCW 46.01.140 and is considered a part of the department costs associated with the program.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-510, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-520 License plate emblems—How affixed. (1) Veteran remembrance emblems shall be affixed to vehicle license plates only at the bottom of the plate beneath the identification numbers/letters. Emblems displayed on the front license plate do not need to match the emblems displayed on the rear license plate of any vehicle.

(a) The VETERAN emblem shall be displayed between the license plate bolt holes.

(b) The FLAG emblem shall be displayed to the left of the left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate.

(c) The CAMPAIGN emblem shall be displayed to the right of the right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-96A-380, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.]

(2) Any other vehicle license plate emblems other than veteran remembrance emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-520, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-530 License plate emblems—Traffic violation. Displaying a license plate emblem on a vehicle license plate in such a manner so as to obscure the license plate identification numbers/letters, the month or year tab, the Washington inscription or in any location in violation of WAC 308-96A-520 or chapter 46.16 RCW shall be issued a notice of traffic infraction under chapter 46.63 RCW.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-530, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-540 License plate emblems—Follow vehicle on transfer. In any case of a valid sale or transfer of the ownership of any vehicle, the license plate emblem may pass to the purchaser or transferee. The transferor may remove the license plate emblem prior to sale or transfer of ownership of the vehicle. It is not necessary to notify the department when a license plate emblem is removed from a license plate.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-540, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-550 Vehicle license plate emblems—Higher education institutions. (1) The department shall approve a petition for special vehicle license plate emblems from an institution of higher education as defined in RCW 28B.10.016 after determining the following criteria is satisfied:

(a) It is reasonable to expect that a minimum of five thousand emblems in the approved configuration will be ordered by the institution within the first two years.

(b) The institution will offer emblems for purchase to any vehicle owners who are attending, have attended, or have made a contribution to the institution.

(c) The general public will receive benefit from display of the emblems.

(d) The emblem lettering and color scheme is compatible with the basic license plate design.

(e) The emblem has state-wide appeal and is not limited to a particular geographic area.

(f) The institution will be the sole source for procuring the emblems from the department. Accountability of the emblems and all fees derived from the sale thereof, after delivery by the department is the responsibility of the institution.

(g) When ownership in a vehicle displaying a vehicle license plate emblem is transferred, the emblem is also transferred. The new owner may remove or display the emblem at the owner's option.

(2) The institution shall provide a design including color and dimension specifications of the requested emblem with their application. The department shall approve or disapprove the design based on compatibility with the basic license plate's design. An emblem shall
not be approved that may carry connotations offensive to
good taste or decency or which may be misleading.

(3) The department shall collect a fee from the institu-
tion in an amount sufficient to offset the department's
costs associated with the institution's emblem.

(4) The original order of vehicle license plate emblems
for each approved design shall be not less than three
thousand emblems. Reorder of each approved design
shall be not less than one thousand emblems.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-550,
filed 1/18/91, effective 2/18/91.]

**WAC 308-96A-560 Special vehicle license plates—**
Criteria. The department may approve applications for
special vehicle license plates under RCW 46.16.301 after
determining that all of the following criteria is satisfied:

(a) It is reasonable to expect a minimum of one thou-
sand special license plates in the approved configuration
will be purchased by vehicle owners satisfying the qualifi-
cations set forth in the approved application.

(b) The applicant organization is a local chapter or
equivalent of a nationally recognized organization.

(c) The special license plate is designed so that it can be
readily recognized by law enforcement personnel as an
official Washington state issued license plate designat-
ing the applicant organization.

(d) Qualifications for the special license plate do not
discriminate between age, sex, religion, or national ori-
gin. Qualifications may include being a member of the
applicant organization.

(e) The special license plate lettering and color
scheme is compatible with the basic license plate design.
The plates shall consist of numbers or letters or any
combination thereof not exceeding seven positions that
do not conflict with existing license plates. The plate de-
sign must provide at least four positions to accommodate
serial numbering. The plate may not advertise a product
or service. A license plate shall not be approved that
may carry connotations offensive to good taste or
decency or which may be misleading.

(f) The applicant organization is recognized as a non-
profit entity by Washington law and the Internal Reve-
 nue Service.

(g) The special license plate has state–wide appeal
and is not limited to a particular geographic area.

(h) The applicant organization will not use the special
license plate to raise funds or as a qualification to gain-
ing or retaining membership in an organization.

(i) The applicant organization is formed to recognize
extra ordinary contribution, sacrifice, or merit displayed
by individual members in the protection of the health
and safety of the citizens of the United States and the
state of Washington. Organizations comprised of regular
law enforcement, fire fighter/suppression, medical, reli-
gious order or similar members are deemed to not satisfy
this qualification.

[Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-560,
filed 1/18/91, effective 2/18/91.]
Chapter 308-120  Title 308 WAC: Department of Licensing


308-120-235 Application requirements for ARNP. [Statutory Authority: RCW 18.88.080(2), 18.88.080, 88.18.086, 18.88.140 and 18.130.050, 88.07-049 (Order PM

[1991 WAC Supp—page 2242]
Application requirements for ARNP interim permit.

308-120-338


308-120-345

Renewal of ARNP designation.

308-120-360


308-120-365

CRN recognition at effective date.

308-120-400

ARNP with prescriptive authorization.

308-120-410

Application requirements for ARNP with prescriptive authority.

308-120-420

Authorized prescriptions by the ARNP with prescriptive authority.

308-120-430

Termination of ARNP prescriptive authorization.

308-120-440

Prescriptive authorization period.

308-120-505

Philosophy governing approval of nursing education programs.

308-120-506

Purposes of board approval of nursing education programs.

308-120-525

Approval of nursing education programs.

308-120-530

Denial, conditional approval or withdrawal of approval.

308-120-535

Reinstatement of approval.

[1991 WAC Supp—page 2243]
Chapter 308-120
Title 308 WAC: Department of Licensing


[1991 WAC Supp—page 2244]
Chapter 308-121 WAC
NURSING ASSISTANTS

WAC 308-121-110 through 308-121-180 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-121-110 Standards of practice and competencies of nursing assistants. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-110, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-100.

308-121-120 Purpose of review and approval of nursing assistant training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-120, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-110.

308-121-130 Requirements for nursing assistant training program approval. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-130, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-120.

308-121-140 Denial of approval or withdrawal of approval for programs for which the board is the approving authority. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-140, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-130.

308-121-145 Reinstatement of approval. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-145, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-140.

308-121-150 Appeal of board decisions. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-150, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-150.

Closing of an approved nursing assistant training program. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-155, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-160.

Program directors and instructors in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-160, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-170.

Students (trainees) in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-165, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-180.

308-121-170 Core curriculum in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-170, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-190.

308-121-180 Administrative procedures for approved nursing assistant training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-180, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-200.

WAC 308-121-110 through 308-121-180 Decodified. See Disposition Table at beginning of this chapter.

Chapter 308-122 WAC
LICENSING OF PSYCHOLOGISTS

WAC 308-122-001 through 308-122-720 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER


[1991 WAC Supp—page 2245]


308-122-245 Certificates of qualification—Experience and training requirements. [Statutory Authority: RCW 18.83.050. 89-19-053 (Order PM 862), § 308-122-245, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-245, filed 10/1/75.] Decoded by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-090.

308-122-250 Certificates of qualification—Experience and training requirements. [Statutory Authority: RCW 18.83.050. 89-19-053 (Order PM 862), § 308-122-250, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-250, filed 10/1/75.] Decoded by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-090.

Chapter 308–124A WAC

REAL ESTATE—LICENSING AND EXAMINATION

WAC
308–124A–025 Application process to take examination.
308–124A–110 Application for real estate examination, licensed in another jurisdiction.
308–124A–120 Application for license—Interim license.
308–124A–422 Application for broker license examination—Clock hour requirements.
308–124A–425 Waiver of clock hours.
308–124A–570 Reinstatement of a cancelled license for nonpayment of renewal fee.
308–124A–600 Continuing education clock hour requirements.

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 clock hours 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 clock hour fundamentals course, to the testing service approved by the department.

(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 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 be granted the qualifications for the examination as permitted in this section. The examination walk-in fee shall be paid in the form of a certified 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.

(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 completed an examination application with the examination walk-in fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved thirty clock hour 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 subsections (1) and (2) of this section. 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 clock hours in another jurisdiction must have his or her qualifications for the examination verified by the department as provided in subsection (2) of this section prior to walking in to an examination as permitted in this section. The examination walk-in fee shall be paid 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.


WAC 308–124A–110 Application for real estate examination, licensed in another jurisdiction. (1) 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.

(2) Applicants for the broker's examination will be approved as satisfying the minimum requirements established by RCW 18.85.090, 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 clock hours of instruction required under RCW 18.85.090(4).
(3) Applicants for the salesperson's examination will be approved as satisfying the minimum requirements established by RCW 18.85.095, 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.

(4) Any person applying to take the examination under this section 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 in such jurisdiction.

[Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-110, filed 11/7/91, effective 12/8/91; 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.

(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, 91-23-006, § 308-124A-120, filed 11/7/91, effective 12/8/91; 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-422 Application for broker license examination—Clock hour requirements. (1) Applicants for the broker's examination shall have ninety clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in real estate law and a course in real estate brokerage management. All courses completed to satisfy this requirement must be substantive real estate subject matter as defined in WAC 308-124H-025(1) and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within five years prior to applying for the broker's examination.

(2) Courses in real estate law and real estate brokerage management used to satisfy continuing education requirements within five years of applying for the broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Applicants are required to complete ninety clock hours of approved course work in addition to real estate law and brokerage management when they are used for continuing education credit.

[Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-422, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-425 Waiver of clock hours. Waiver of clock hours required under RCW 18.85.090, 18.85.095, 18.85.165, and 18.85.215 shall not be considered or granted.

[Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-425, filed 11/7/91, effective 12/8/91; 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 on each portion of the real estate salesperson examination is required to pass. The real estate salesperson examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate practices and (b) the state portion consisting of questions that test Washington licensing law and regulations effective July 1, 1991.

(2) A minimum scaled score of 75 on each portion of the real estate broker examination is required to pass. The real estate broker examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate brokerage practices and (b) the state portion consisting of questions that test on Washington licensing law, regulations, and the closing/settlement process effective July 1, 1991.

(3) A passing score for a portion of an examination shall be valid for a period not to exceed six months effective July 1, 1991.


WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee. Any person desiring to be reinstated as a real estate licensee within two
years of cancellation may have their license reinstated by satisfying either of the following options:

1. Submission of an application to the director providing proof of the following:
   a. Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law course specified in WAC 308–124H–037;
   b. Payment of all back renewal fees with penalty at the current rate; and
   c. Payment of a reinstatement penalty fine of one hundred dollars; or
2. Satisfy the procedures and qualifications for initial licensing, including the following:
   a. Successful completion of any applicable licensing examinations; and
   b. Successful completion of required courses pursuant to RCW 18.85.090 and/or 18.85.095, whichever applicable, within five years preceding the application for reinstatement.
3. Former licensees, cancelled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124A-570, filed 11/7/91, effective 12/8/91.]

WAC 308–124A–600 Continuing education clock hour requirements. A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.165, in the manner and on forms prescribed by the department.

1. A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and 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 the licensee's current 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.

2. The thirty clock hours may be satisfied by evidence of at least twenty clock hours in courses designated by the commission as substantive real estate subject matter and not more than ten clock hours in courses designated by the commission as business skills and management courses; this subsection shall become effective on January 1, 1992.

3. Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

4. A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate 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. Only approved courses in real estate law, real estate finance, taxation, and license law, rules and regulations may be repeated for continuing education credit.

6. Clock hour credit for continuing education shall not be accepted if:
   a. The course is not approved pursuant to chapter 308–124H WAC and chapter 18.85 RCW;
   b. Course(s) was taken to activate an inactive license pursuant to RCW 18.85.215(3);
   c. Course(s) was used to satisfy the requirements of RCW 18.85.095 (1)(c), real estate salesperson's license, RCW 18.85.140, reinstatement, and RCW 18.85.090, broker's license.
   d. Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.85.040. 91–23–006, § 308–124A–600, filed 11/7/91, effective 12/8/91.]

Chapter 308–124E WAC

REAL ESTATE—TRUST ACCOUNT PROCEDURES

WAC 308–124E–012 Administration of funds held in trust—General procedures.

WAC 308–124E–013 Administration of funds held in trust—Real estate and business opportunity transactions.

WAC 308–124E–014 Administration of funds held in trust—Property management.

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 federally chartered or approved banking institution or 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 or DBA name of the real estate broker as licensed.

2. Interest credited to a client's 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.

[1991 WAC Supp.—page 2250]
(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:

[1991 WAC Supp—page 2251]
(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. 91-23-006, § 308-124E-012, filed 11/7/91, effective 12/8/91; 91-12-012, § 308-124E-012, filed 5/30/91, effective 6/30/91; 90-01-045, § 308-124E-012, filed 12/14/89, effective 1/4/90; 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 or DBA 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 (a) of this subsection 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 (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, 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 (b)(i) of this subsection, 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 (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, 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.

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 or DBA 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.

(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.


Chapter 308-124H WAC

Real Estate Course School and Instructor Approval—Education of Real Estate Brokers and Salespersons


Chapter 308-124H-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124H-025 Application for course approval. Courses shall meet the following requirements:

(1) Provide practical information related to the practice of real estate, and deal with substantive real estate subject matter in any of the following real estate topic areas: Fundamentals, principles/practices/essentials, law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, escrow closing/settlement practices, current trends and issues, finance, hazardous waste and other environmental issues; or,

(2) Provide practical information related to assisting licensees in improving their business skills and business management in order to enable them to better serve and protect the consumer in any of the following topic areas: Advertising, agent supervision and broker responsibility, cross cultural communication, theory and practices of relocation, and accounting for real estate offices. Have 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, exclusive of examination time;

(3) Be under the supervision of an approved instructor approved to teach the course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Courses of thirty clock hours or more which are submitted as substantive real estate subject matter courses shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(5) Include textbook or instructional materials approved by the director, which shall be kept accurate and current. Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(6) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," or "real estate law" if submitted for approval for clock hours in real estate fundamentals pursuant to WAC 308–124H–035, real estate brokerage management pursuant to WAC 308–124H–036, or real estate law pursuant to WAC 308–124H–037. No other courses shall use these phrases in their titles;

(7) Not have a title which misleads the public as to the subject matter of the course;

(8) Be offered by a tax–supported, public vocational–technical institution, community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(9) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material, for approval by the director;

(10) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308–124H WAC;

(11) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax–supported, public vocational–technical institution, community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (5) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law and brokerage management courses required under RCW 18.85.090.


WAC 308–124H–270 Course description. Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

(1) Name of approved school;

(2) Date(s) and location of the course;

(3) The course title;

(4) The educational objectives of the course;

(5) The type of instruction (e.g., classroom, lecture, audio visual, computer assisted) in the course and the length of time required for completion;

(6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;

(7) Name(s) of instructors when available;

(8) Equipment and supplies which the student must provide;

(9) Fees for the course;

(10) The specific education requirements under chapter 18.85 RCW or chapter 308–124H WAC which will be met upon completion of the course students shall be informed, that for substantive courses of thirty clock hours or more, a comprehensive examination is available and is mandatory to satisfy the requirements of RCW 18.85.090 and 18.85.095;

(11) Cancellation policy;

(12) Tuition refund policy.

[1991 WAC Supp—page 2254]
WAC 308-124H-520 Approval of instructors. (1) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

(2) The director or designee shall approve, disapprove, or conditionally approve instructor applications based upon criteria established by the commission. The director or designee shall approve only complete applications which meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Approval shall expire two years after effective date of approval. If an application for renewal of approval is submitted at least thirty days prior to the expiration date, approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(5) No instructor for whom approval is required shall supervise a course for clock hour credit prior to approval of the instructor.

(6) Applicants shall identify on the application form the specific subject matter topic area or areas he or she proposes to teach.

WAC 308-124H-540 Qualifications of instructors. Each instructor shall be qualified in techniques of instruction.

Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

(1) One hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the director;

(2) Possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);

(3) Successful completion of an instructor training course approved by the director upon recommendation of the commission and two years fulltime experience in real estate or a related field within the five years immediately preceding the date of application;

(4) A bachelors or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;

(5) A current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach.

(6) At least ninety clock hours as an instructor in real estate within two years preceding the application;

(7) Ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach.

(8) Selection by a national or state association whose selection criteria have been approved by the director.

WAC 308-124H-800 Real estate course, school, and instructor approval fees. The following fees shall be charged by the department of licensing for applications for approval of real estate courses, schools offering the courses, and instructors. These fees shall be effective on and after July 1, 1991.

(1) Application/reapplication for course approval – a fee of $5.00 per clock-hour credit being offered, with a minimum fee of $50.00 per course.

An application fee shall accompany each application. Approval, if granted, shall be for two years from the date of approval. Courses approved prior to the effective date for this rule, need not apply for reapproval until the expiration of the current two-year approval period. Applications submitted and disapproved may be resubmitted at no additional fee.

(2) Application/reapplication for school approval a fee of $250.00 fee provides for two-year approval.

An application fee shall accompany each application. An application for school approval must include application for approval of the school's administrator. A school will not be approved unless the school's administrator is also approved. Approval, if granted, shall be for two years from the date of approval. All schools approved after August 1, 1990 and prior to the effective date of this rule, need not apply for reapproval until expiration of the current two-year approval period. Applications submitted and disapproved may be resubmitted at no additional fee.

(3) Application/renewal for instructor approvals:

(a) Approval to teach a specific course on one occasion – a fee of $50.00;

(b) Approval to teach as many subject areas as requested at time of initial application or renewal – a fee of $75.00. Approval shall be for two years from the approval date;

(c) Approval to teach additional subject area(s) not requested at time of initial application or renewal – a fee of $25.00 for each application to teach additional subject area(s). Approval, if granted, shall be for remainder of two-year approval period.

Applications submitted under (a), (b) and (c) above, and disapproved may be resubmitted at no additional fee.

An application fee shall accompany each application. Instructors approval to teach a specific course prior to the effective date of this rule, need not apply for reapproval until the expiration of the current two-year approval period. However, those instructors who wish approval to teach an additional subject area(s), must file
an application and pay the appropriate $25.00 application fee.

[Statutory Authority: RCW 18.85.040. 91-12-012, § 308-124H-800, filed 5/30/91, effective 6/30/91.]

Chapter 308-125 WAC
REAL ESTATE APPRAISERS

WAC
308-125-010 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

[1991 WAC Supp—page 2256]
estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cut-off date for eligibility for any specific examination is available to the applicant upon request.

(3) Dishonored checks will be considered as an incomplete application.

(4) 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 or the approved testing agency.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-020, filed 2/5/91, effective 3/8/91.]

WAC 308-125-030 Examination prerequisite general classification. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, no more than fifteen hundred hours may be credited in any twelve-month period.

(3) To fulfill the experience requirement, a candidate must have at least fifteen hundred hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state-certified general real estate appraiser should include coverage of real estate appraisal related topics, such as:

(a) Influences on real estate value.
(b) Legal considerations in appraisal.
(c) Types of value.
(d) Economic principles.
(e) Real estate markets and analysis.
(f) Valuation process.
(g) Property description.
(h) Highest and best use analysis.
(i) Appraisal math and statistics.
(j) Sales comparison approach.
(k) Site value.
(l) Cost approach.
(m) Income approach.
(n) Valuation of partial interests.
(o) Appraisal standards and ethics.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-030, filed 2/5/91, effective 3/8/91.]

WAC 308-125-035 State-certified residential classification. (1) There shall be two certificates for state-certified residential real estate appraiser:

(a) State-certified residential real estate appraiser/105 classification which applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity.

(b) State-certified residential real estate appraiser/75 classification which applies to appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units having a transaction value less than two hundred fifty thousand dollars.

(2) Those who hold a "state-certified residential real estate appraiser" certificate on or after the effective date of this rule shall hold the equivalent of a state-certified residential real estate appraiser/75 certificate. This is consistent with the standards created by the appraiser qualifications board and is equivalent to the federal "state-licensed" designation.

(3) The two certificates for state-certified residential real estate appraiser are created to satisfy changes made by the appraiser qualifications board which has three classifications:

(a) Certified general real property appraiser;
(b) Certified residential real property appraiser; and
(c) Licensed real property appraiser.

[Statutory Authority: RCW 18.140.030. 91-23-007, § 308-125-035, filed 11/7/91, effective 12/8/91.]

WAC 308-125-040 Examination prerequisite state-certified residential/105 classification. The state-certified residential real estate appraiser/105 classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser/105, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred five classroom hours of...
courses in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of studies specifically relating to Uniform Standards of Professional Appraisal Practice.

(2) An original certification as a state–certified residential real estate appraiser/105 shall not be issued to any person who does not possess two years of experience as a full time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two calendar years is required.

(3) The content for courses required prerequisite to taking the examination for certification as a state–certified residential real estate appraiser must include coverage of all the topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

(a) Influences on real estate value.
(b) Legal considerations in appraisal.
(c) Types of value.
(d) Economic principles.
(e) Real estate markets and analysis.
(f) Valuation process.
(g) Property description.
(h) Highest and best use analysis.
(i) Appraisal statistical concepts.
(j) Sales comparison approach.
(k) Site value.
(l) Cost approach.
(m) Income approach.
   —Gross rent multiplier analysis.
   —Estimation of income and expenses.
   —Operating expense ratios.
   —Direct capitalization.
(n) Valuation of partial interests.
(o) Appraisal standards and ethics.
(p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.


WAC 308–125–045 Examination prerequisite state–certified residential/75 classification. The state–certified residential real estate appraiser/75 classification applies to appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state–certified residential real estate appraiser/75, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than seventy–five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of studies specifically relating to Uniform Standards of Professional Appraisal Practice.

(2) An original certification as a state–certified residential real estate appraiser/75 shall not be issued to any person who does not possess two years of experience as a full–time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two calendar years is required.

(3) The content for courses required prerequisite to taking the examination for certification as a state–certified residential real estate appraiser/75 must include coverage of all the topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

(a) Influences on real estate value.
(b) Legal considerations in appraisal.
(c) Types of value.
(d) Economic principles.
(e) Real estate markets and analysis.
(f) Valuation process.
(g) Property description.
(h) Highest and best use analysis.
(i) Appraisal statistical concepts.
(j) Sales comparison approach.
(k) Site value.
(l) Cost approach.
(m) Income approach.
   —Gross rent multiplier analysis.
   —Estimation of income and expenses.
   —Operating expense ratios.
   —Direct capitalization.
(n) Valuation of partial interests.
(o) Appraisal standards and ethics.
(p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.


WAC 308–125–050 Educational courses—Preexamination. (1) In order for courses to be accepted under WAC 308–125–030(1) and 308–125–040(1), courses must:

(a) Be a minimum of fifteen classroom hours in length;
(b) Include an examination; and
(c) Be directly related to real estate appraising.

(2) For purposes of this section, prior to July 1, 1992, there will be no time limit on when credit may be obtained.

[1991 WAC Supp—page 2258]
WAC 308-125-060 Alternate to classroom hours, requirement preexamination. Achievement of a passing score on an examination that is identical to that administered upon completion of an educational offering approved by the director and offered by a state approved provider. This refers to those instances where the examination is challenged without attendance at the offering. Credit for the examination must be obtained by July 1, 1990.

WAC 308-125-070 Experience requirements. (1) A minimum of two years full time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than fifteen hundred hours may be credited in any twelve-month period.

(2) The work product claimed for experience credit must be in conformity with the Uniform Standards of Professional Appraisal Practice or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.

(3) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(4) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/study, teacher of appraisal courses.

(5) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(6) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

WAC 308-125-080 Application for certification. Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, professional licensing services at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

WAC 308-125-090 Continuing education required. (1) As a prerequisite to renewal of certification as a state-certified real estate appraiser, the holder of a certificate shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification shall be the completion by the applicant of twenty classroom hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the two-year period immediately preceding renewal.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of four hours in length and be directly related to real estate appraising.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

(a) Ad valorem taxation.
(b) Arbitrations.
(c) Business courses related to practice of real estate.
(d) Construction estimating.
(e) Ethics and standards of professional practice.
(f) Land use planning, zoning, and taxation.
(g) Management, leasing, brokerage, timesharing.
(h) Property development.
(i) Real estate appraisal (valuations/evaluations).
(j) Real estate financing and investment.
(k) Real estate law.
(l) Real estate litigation.
(m) Real estate related computer applications.
(n) Real estate securities and syndication.
(o) Real property exchange.
(p) Real estate feasibility and marketability studies.
(q) Such other presentations approved by the director.

(7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:
WAC 308-125-100 Course approval requirements. (1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: Provided, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: Provided, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: Provided, That all courses offered by providers in this subdivision (b) after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-100, filed 2/5/91, effective 3/8/91.]

WAC 308-125-110 Address change. It is the responsibility of each applicant and certified real estate appraiser to notify the department of licensing, real estate appraiser program unit, of a change of business address. Change of address notification shall be made within ten days of the change of address.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-110, filed 2/5/91, effective 3/8/91.]

[1991 WAC Supp—page 2260]
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 certification.

(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 18.140.030. 91-04-074, § 308-125-150, filed 2/5/91, effective 3/8/91.]

WAC 308-125-160 Waiver under RCW 18.140.080. The director will not waive clock hour requirements as provided in RCW 18.140.080(3).

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-160, filed 2/5/91, effective 3/8/91.]

WAC 308-125-170 Exceptions to chapter 18.140 RCW. No exceptions will be allowed to the requirements of chapter 18.140 RCW except as provided by statute or rule.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-170, filed 2/5/91, effective 3/8/91.]

WAC 308-125-180 Reciprocity. A person licensed or certified as a real estate appraiser under the rules or laws of another state may obtain certification in the state of Washington when the following condition is met:

The state in which the appraiser is licensed or certified has an appraiser licensure or certification program which meets federal guidelines and the state has a written reciprocal agreement with the state of Washington.

A person seeking certification under this section must provide a notarized statement from the state in which the person is licensed or certified establishing licensure or certification.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-180, filed 2/5/91, effective 3/8/91.]

WAC 308-125-190 Examination required—Scope. The director shall approve an examination for certification of real estate appraisers. This examination may be prepared and administered within a state agency, or the director may request bids for contracts to prepare and administer the exam. Such requests for proposals shall be done in accordance with the state law.

(1) The director will determine the scope of the examination and provide information concerning the scope of the examination to an individual upon request.

(2) If the director determines to seek proposals for testing services, the director will establish criteria for evaluating the proposals.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-190, filed 2/5/91, effective 3/8/91.]

WAC 308-125-200 Standards of practice. The standard of practice governing real estate appraisal activities will be the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

WAC 308-125-210 Required records—Accessibility of records to the department of licensing. All certified appraisers certified under chapter 18.140 RCW must retain records required by the Uniform Standards of Professional Appraisal Practice for a minimum of five years. Such records will be subject to random audit by the department without notice and must be readily available for inspection by a representative of the department.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-210, filed 2/5/91, effective 3/8/91.]

Chapter 308-128B WAC

ESCROW—LICENSING AND EXAMINATION

WAC 308-128B-080 Escrow officer and agent fees.

WAC 308-128B-080 Escrow officer and agent fees. On July 1, 1991, the following fees shall be charged by the professional licensing division of the department of licensing:

<table>
<thead>
<tr>
<th>Title of Fee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrow officer:</td>
<td></td>
</tr>
<tr>
<td>First examination</td>
<td>$150.00</td>
</tr>
<tr>
<td>Reexamination</td>
<td>150.00</td>
</tr>
<tr>
<td>Original license</td>
<td>160.00</td>
</tr>
<tr>
<td>License renewal</td>
<td>160.00</td>
</tr>
<tr>
<td>Transfer of license, name or</td>
<td></td>
</tr>
<tr>
<td>address change or license</td>
<td>25.00</td>
</tr>
<tr>
<td>activation</td>
<td></td>
</tr>
<tr>
<td>Duplicate license</td>
<td>25.00</td>
</tr>
<tr>
<td>Escrow agent:</td>
<td></td>
</tr>
<tr>
<td>Application and original certificate</td>
<td>345.00</td>
</tr>
<tr>
<td>Renewal</td>
<td>345.00</td>
</tr>
<tr>
<td>Late renewal with penalty</td>
<td>517.50</td>
</tr>
<tr>
<td>Transfer of certificate, name or</td>
<td></td>
</tr>
<tr>
<td>address change</td>
<td>25.00</td>
</tr>
<tr>
<td>Duplicate certificate</td>
<td>25.00</td>
</tr>
<tr>
<td>Escrow agent branch office:</td>
<td></td>
</tr>
<tr>
<td>Application and original license</td>
<td>345.00</td>
</tr>
<tr>
<td>Renewal</td>
<td>345.00</td>
</tr>
</tbody>
</table>

[1991 WAC Supp—page 2261]
Title of Fee | Fee
--- | ---
Late renewal with penalty | 517.50
Transfer of license, name or address change | 25.00
Duplicate license | 25.00

Chapter 308-171 WAC

### OCCUPATIONAL THERAPY

#### WAC 308-171-001
Through 308-171-330 Decodified.

### Disposition of Sections Formerly Codified in This Chapter

#### 308-171-001
Definitions. [Statutory Authority: Chapter 18.59 RCW. 90-16-071 (Order 075), § 308-171-001, filed 7/30/90, effective 8/30/90. 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 18.130.020(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 18.130.020. 85-05-008 (Order PL 513), § 308-171-001, filed 2/11/85. Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-010.

#### 308-171-002

#### 308-171-003
Occupational therapists acting in a consulting capacity. [Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-003, filed 4/14/87. Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-030.

#### 308-171-010

#### 308-171-013

#### 308-171-014
Foreign trained applicants. [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. Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-120.

[1991 WAC Supp—page 2262]
Definition of "commonly accepted standards for the profession." [Statutory Authority: RCW 308.171(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-200, filed 8/19/86. Statutory Authority: RCW 308.171(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 308.171(2) and 18.59.070, 85-05-008 (Order PL 513), § 308-171-200, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-130.


308-171-300 Unprofessional conduct or gross incompetency. [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 308.171(2) and 18.59.100, 85-05-008 (Order PL 513), § 308-171-300, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-160.

308-171-301 Code of ethics and standards of professional conduct. [Statutory Authority: RCW 308.173.200, 18.88.080. 90-22-018 (Order PM 610), § 308-171-301, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 308.171(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-301, filed 8/19/86. Statutory Authority: RCW 308.171(2) and 18.130.100, 85-12-010 (Order PL 529), § 308-171-301, filed 5/23/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-170.

308-171-302 Mandatory reporting. [Statutory Authority: RCW 308.171(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-302, filed 8/19/86.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-180.


WAC 308-171-001 through 308-171-330 Decodified. See Disposition Table at beginning of this chapter.
Chapter 308-173  Title 308 WAC: Department of Licensing


WAC 308-173-210 through 308-173-280 Decodified. See Disposition Table at beginning of this chapter.

Title 314 WAC
LIQUOR CONTROL BOARD

Chapters
314-12 General—Applicable to all licensees.
314-16 Retail licensees.
314-18 Banquet permits.
314-20 Beer—Brewers, holders, importers, etc.
314-24 Domestic wineries and domestic wine wholesalers.
314-26 Unsaleable beer and wine.
314-38 Permits.
314-64 Liquor samples.

Chapter 314-12 WAC
GENERAL—APPLICABLE TO ALL LICENSEES

WAC
314-12-035 Furnishing of information and/or documentation to the board. (1) In order to facilitate the administration and/or enforcement of RCW 66.24.010, licensees, applicants for licenses, or the agents or representatives thereof shall, upon request by the board, furnish to the board copies of all documents affecting the ownership and/or proposed operation of the premises licensed or sought to be licensed. These documents may be required with the original license application, with any application for transfer of license, and at such other times as may be requested by the board. Licensees, applicants for licenses, or the agents or representatives thereof, shall furnish along with these documents a signed written summary of any oral agreements which affect the ownership and/or proposed operation of the premises licensed, or sought to be licensed. Failure or refusal to furnish said requested documentation will be good and sufficient cause for denial of any application in support of which the documentation was requested, and will be good and sufficient cause for revocation of any license held by a licensee who fails or refuses to furnish the said requested documentation.

(2) Written information and/or documentation requested by the board from any person for the purpose of administering and/or enforcing RCW 66.24.010, any person furnishing written information and/or documentation requested by the board may be required to submit an affidavit on a form prescribed by the board, which shall be signed by the person submitting the information, given under oath subject to the penalties of perjury, and certifying that all information and/or documentation being furnished is true, accurate and complete.

[Statutory Authority: RCW 66.08.030. 91-22-114, § 314-12-035, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-032 (Order 99, Resolution No. 108), § 314-12-035, filed 1/27/82.]

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: Provided, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

[1991 WAC Supp—page 2264]