

[Statutory Authority: RCW 31.12.045, [31.12].115 and [31.12].535. 95-09-049, § 419-72-065, filed 4/17/95, effective 5/18/95. Statutory Authority: RCW 31.12.045(2), 31.12.115, 31.12.516 and 31.12.535. 89-24-085 (Order 89-3), § 419-72-065, filed 12/6/89, effective 1/6/90.]

WAC 419-72-070 Application deemed complete. An application filed pursuant to this chapter is deemed complete when:

(1) The director has received all of the information required by this chapter;

(2) If the applicant credit union is required to provide notice to other credit unions pursuant to WAC 419-72-025(2), 419-72-050(2) or 419-72-065(9), at least twenty days have passed since the applicant gave the notice to other credit unions; and

(3) If the applicant is required to supply certain information to another credit union pursuant to WAC 419-72-025(3) or 419-72-050(3), at least sixty days have passed since the applicant supplied the required information to the other credit union.

If an incomplete application is received, the director will give written notice to the applicant no later than thirty days from the date the original application was received that further information is necessary. The applicant will be allowed thirty days after receipt of the notice to provide the requested information.

[Statutory Authority: RCW 31.12.045, [31.12].115 and [31.12].535. 95-09-049, § 419-72-070, filed 4/17/95, effective 5/18/95. Statutory Authority: RCW 31.12.045(2), 31.12.115, 31.12.516 and 31.12.535. 89-24-085 (Order 89-3), § 419-72-070, filed 12/6/89, effective 1/6/90.]

WAC 419-72-075 Approval of application. The director shall give written approval or denial of an application made in conformance with this chapter within thirty days from the date it is deemed complete. The director's decision will take into consideration the following general criteria and other issues or facts that may be relevant to the application:

(1) Whether the application is consistent with the provisions of chapter 31.12 RCW and this chapter;

(2) Whether the applicant credit union is currently operating in conformance with the provisions of chapter 31.12 RCW, applicable rules in Title 419 WAC, and written supervisory orders, directives and agreements;

(3) Whether the proposed new group possesses a common bond of occupation or association, or constitutes a community, as defined in WAC 419-72-015;

(4) If the application involves the inclusion of a group based on a common bond of occupation or association, whether the proposed new group has sufficient size and resources to form a credit union of its own;

(5) Whether the applicant is in a safe and sound condition and possesses the financial and managerial capability to provide credit union service to the proposed group in a safe and sound manner;

(6) Whether the applicant has complied with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(7) Whether approval of the application might reasonably threaten the viability of another credit union;

(8) Whether the applicant is using the inclusion of the group as a marketing strategy to preempt expansion by other credit unions; and

(9) Whether approval of the application will adversely impact the safety and soundness of the applicant.

The approval of a credit union's application for inclusion of a community group in its field of membership will not preclude approval of another credit union's application to include the same or a portion of the same community group in its field of membership.

[Statutory Authority: RCW 31.12.045, [31.12].115 and [31.12].535. 95-09-049, § 419-72-075, filed 4/17/95, effective 5/18/95. Statutory Authority: RCW 31.12.045(2), 31.12.115, 31.12.516 and 31.12.535. 89-24-085 (Order 89-3), § 419-72-075, filed 12/6/89, effective 1/6/90.]

WAC 419-72-080 Special circumstances. An applicant credit union may request that one or more of the provisions of this chapter be waived if an emergency exists which requires immediate inclusion of a separate group in order to preserve the viability of the applicant. The request for waiver may be granted if, in the opinion of the director, the request has a reasonable probability of remedying an emergency situation.

[Statutory Authority: RCW 31.12.045, [31.12].115 and [31.12].535. 95-09-049, § 419-72-080, filed 4/17/95, effective 5/18/95. Statutory Authority: RCW 31.12.045(2), 31.12.115, 31.12.516 and 31.12.535. 89-24-085 (Order 89-3), § 419-72-080, filed 12/6/89, effective 1/6/90.]

WAC 419-72-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 419-72-095 Repealed. See Disposition Table at beginning of this chapter.

Title 434 WAC SECRETARY OF STATE

Chapters

- 434-55 Limited partnership filings—Centralized system.**
- 434-110 Corporation filing procedures and special fees.**
- 434-120 Charitable solicitation organizations and charitable trusts.**
- 434-135 Limited liability partnerships.**

Chapter 434-55 WAC

LIMITED PARTNERSHIP FILINGS— CENTRALIZED SYSTEM

WAC

434-55-065 In-person or expedited counter service—Special fees.

WAC 434-55-065 In-person or expedited counter service—Special fees. (1) The corporations division counter

is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings;
- (f) Service of process;
- (g) International student exchange agency registration.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Reinstatements;
- (b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;
- (c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-065, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

Chapter 434-110 WAC

CORPORATION FILING PROCEDURES AND SPECIAL FEES

WAC

434-110-075 Miscellaneous fees.

WAC 434-110-075 Miscellaneous fees. (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;
- (b) Application for registration or any single document, ten dollars;

- (c) Application and amended notices, twenty dollars;
- (d) Copy of annual notice, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostille or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05 and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269. 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.]

Chapter 434-120 WAC

CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS

WAC

- 434-120-025 Definitions.
- 434-120-103 Required filings.
- 434-120-125 Record retention.
- 434-120-140 How and when.
- 434-120-145 Fees.
- 434-120-200 Required filings.

434-120-215	Form.
434-120-218	Solicitation reports by commercial fund-raisers who subcontract.
434-120-260	Surety bonds.
434-120-265	Exemption from surety bond.
434-120-300	Who shall register.
434-120-305	When to register.
434-120-310	How to register—Form.
434-120-315	Exemption from annual reporting.
434-120-317	Abbreviated reporting for qualifying trusts.
434-120-330	Annual fees.
434-120-335	When to file annual reports.

WAC 434-120-025 Definitions. (1) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Compensation," means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation shall not include reimbursement for expenses incurred and documented or noncash awards or prizes, valued at one hundred dollars or less, given annually to each volunteer.

(4) "Revenue" means all proceeds from charitable solicitations or from similar activities which would be charitable solicitations except that they are exempt from chapter 19.09 RCW by virtue of being regulated by the gambling commission.

(5) "Solicitation," means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization; or

(d) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(6) "Solicitation," as defined in RCW 19.09.020(15), for the purposes of these regulations, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. This includes, but is not limited to, admission to a theatrical or other performance presented by a charitable organization that is a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission.

(7) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. Cost of solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as part of its fund-raising activities.

(8) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits, receives or raises contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a "commercial fund-raiser" or "commercial fund-raising entity":

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives or raises any contribution for or on behalf of any such charitable organization; or

(b) A bona fide officer or other employee of a charitable organization.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-025, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-025, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-020.]

WAC 434-120-103 Required filings. (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Uniform Registration Statement - Charitable/Public Benefit Form. This form is used as an original registration form, as well as a periodic renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075; and

(b) Solicitation report. This form is filed periodically by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. Solicitation reports are filed as part of a periodic renewal, and as provided by WAC 434-120-105(4) for newly registered organizations; and

(c) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-103, filed 5/24/95, effective 6/24/95.]

WAC 434-120-125 Record retention. Organizations shall keep, for a three-year period, the annual solicitation reports and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, making them available to the attorney general or county prosecutor on request.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-125, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-125, filed 12/1/93, effective 1/1/94.]

WAC 434-120-140 How and when. (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation;

(2) Annual renewal:

(a) An entity shall renew its charitable registration at the same time as it submits its annual corporation renewal or nonprofit annual report, or, if not a corporation, the last day of the same month of the year as the entity's original registration for charitable solicitation purposes.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) The renewal cycle shall begin on July 1, 1994, for all organizations whose corporation renewal is due July 1, 1994, or later in the year. All charitable organizations whose corporation renewal comes due in the months of January through June shall renew in the new cycle beginning January 1995. The 1994 renewal shall be effective, without additional fees, until the new 1995 renewal date.

(3) Organizations not required to file a solicitation report with the secretary, may renew registrations every other year unless revenue is more than twenty-five thousand dollars in the previous registration or renewal period.

(4) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, or Washington representative or any other

information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-140, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. The fee shall be waived for those who first register under this act at the same time as filing nonprofit incorporation papers.

(2) Annual reregistration: Organizations reregistering shall pay a fee of ten dollars. If reregistering at the same time as filing nonprofit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the Nonprofit Corporation Act, the Charitable Solicitations Act, and the Charitable Trusts Act, the fee shall be thirty dollars for all three. The fee shall be thirty dollars if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-220(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) Expedited service fees: For in-person service at the counter, the fee is twenty dollars for one or more transactions in each charitable organization file requested.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-145, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.]

WAC 434-120-200 Required filings. (1) A commercial fund-raiser complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Commercial fund-raiser registration form. This form is used as an original registration form, as well as an annual renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.079;

(b) Solicitation report. These reports are filed periodically by all commercial fund-raisers, except those exempted by these rules. The purpose of these reports are to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. These reports must be filed in the time and manner specified in WAC 434-120-215;

(c) All surety bonds required by WAC 434-120-260; and

(d) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and

support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-200, filed 5/24/95, effective 6/24/95.]

WAC 434-120-215 Form. Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form available from the corporations division. The secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The organization's name, physical and mailing address, and telephone number of the commercial fund-raising entity and all names and addresses including without limitation all public or private postal box addresses under which contributions are solicited.

(b) The name(s); address(es); and telephone number(s); of the individual(s); responsible for the activities of the entity in Washington; and a list of the states and Canadian provinces in which the entity has solicited funds;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity; and the names of the three officers or employees receiving the greatest amount of compensation from the organization;

(3) The name and address of the entity that prepares, reviews, or audits the financial statement;

(4)(a) For an entity that has never before registered under the Solicitations Act, a solicitation report based on the aggregate financial fund-raising conducted in other states or, if an accounting year has not been completed in any state, a solicitation report filed by the end of the fourth operating month which reports actual financial information regarding the organization's first three months of operations in Washington, a three-month report containing actual financial information.

(b) For those who have previously conducted solicitations in Washington state, a solicitation report based on the previous accounting year. The report shall contain the following information:

(i) The number and types of fund-raising services conducted;

(ii) The name of each charitable organization to whom this entity has provided fund-raising services;

(iii) The total value of contributions received on behalf of each charitable organizations by or as response to the commercial fund-raiser, its affiliate or another entity retained by the commercial fund-raiser;

(iv) The actual amounts of money raised for each charitable organization after the fund-raising costs paid by each charitable organization has been deducted in accordance with the written agreement made prior to the solicitation;

(v) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

(5)(a) For funds that were raised and paid on a net revenue basis to each contracting organization or for each campaign in which the charitable organization paid any portion of the expenses, a solicitation report consistent with the audited annual financial statement signed by the entity who is listed as required by subsection (3) of this regulation; or

(b) For funds that were raised and paid on a percentage of gross revenue basis, a solicitation report, which shows the total revenue from each campaign conducted for each individual organization and the amount received by each charitable organization. This report must be verified and signed by the entity, who is required to be listed in subsection (3) of this section, and the president or treasurer of the charitable organization for which the funds were raised. The fund-raiser shall submit individual solicitation reports for each campaign.

(6) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.

All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-215, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004 and 94-02-011, § 434-120-215, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

WAC 434-120-218 Solicitation reports by commercial fund-raisers who subcontract. (1) A commercial fund-raiser who engages another registered commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, must independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-218, filed 5/24/95, effective 6/24/95.]

WAC 434-120-260 Surety bonds. (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars. Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding in the following year if the commercial fund-raiser engages, or plans to engage, in one or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions. Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with which the commercial fund-raiser maintains a contractual relationship.

(3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-260, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-260, filed 12/1/93, effective 1/1/94.]

WAC 434-120-265 Exemption from surety bond.

A commercial fund-raiser who can be classified as "product seller," as defined in RCW 7.72.010, may be exempt from the surety bond requirement in WAC 434-120-260 when:

(i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;

(ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;

(iii) The contract is filed by the product seller with the corporations division;

(iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer; and

(v) An annual solicitation report, signed by the entity making the audit report and the president, is filed with the corporations division (see WAC 434-120-215(4)).

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-265, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-265, filed 12/1/93, effective 1/1/94.]

WAC 434-120-300 Who shall register. (1) Any trustee as defined in RCW 11.110.020 holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the office of the secretary of state, corporations division.

(2) Exempt from registration under the Trust Act are the following:

(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;

(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices including but not limited to:

(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or

(ii) Any officer of a religious body holding property for religious purposes;

To be exempt under this act, a newly formed religious body, or subsidiary organizations, as described in subsection (2)(d) must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must register the trust immediately.

(d) Nonprofit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-300, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-300, filed 12/1/93, effective 1/1/94.]

WAC 434-120-305 When to register. (1) A trustee of a charitable or mixed purpose trust must register within two months of receiving control of the body of the trust.

(2) A trustee of a trust in which the only property held for a charitable purpose is a vested charitable remainder preceded by a life estate or other present interest must register within two months after commencement of the life estate or other present interest.

(3) A trustee of an instrument containing only contingent gifts or remainders to charitable purposes, shall register within two months of the authorization or requirement to use the trust principal or income for a charitable purpose.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-305, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-305, filed 12/1/93, effective 1/1/94.]

WAC 434-120-310 How to register—Form. Charitable trusts using the assets for charitable purposes and registering under the Trust Act shall use the charitable trust form available in the corporations division.

(1) The name, address, and telephone number of the charitable trust, foundation, corporation, or trustee and the type of instrument creating or governing the organization, corporation, or trust, the date of the governing instrument, and the location where it is filed;

(2) The names and addresses of the trustees or corporate officers and directors;

(3) The purpose of the charitable trust; the names and addresses of beneficiaries or the selected group of persons (class or classes) or activities which the charitable trust designates;

(4) Whether or not the trust has a federal Internal Revenue Service tax exempt status or Washington state real or personal property exemptions, and the basis for each exemption. Attach a copy of the application for federal tax exempt status, or the declaration of this status if granted by the Internal Revenue Service under 26 U.S.C. 501 (c)(3), and a copy of the application for exemption from the state of Washington;

(5) An inventory with a description and value of the charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the trust. An audited statement made according to GAAP may be submitted to comply with this section only. Include the name and address of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable trust;

(6) The titles of the trust instruments or articles of incorporation, copies of which must be attached to the registration report; and

(7) All charitable solicitation trust registrations shall be signed by the responsible trustee or president, treasurer, or comparable officer of the organization.

A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-310, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-310, filed 12/1/93, effective 1/1/94.]

WAC 434-120-315 Exemption from annual reporting. Trustees exempt from the annual reporting requirement of RCW 11.110.070 and WAC 434-120-320 because of RCW 11.110.073 shall file:

(1) At the time of registration or qualifying for the exemption, a copy of the declaration of the federal income tax-exempt status, if one is required under federal tax law, or other basis for the claim for exemption; and

(2) Annually, a copy of each publicly available United States tax or information return or report of the trust that is filed with the Internal Revenue Service.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-315, filed 5/24/95, effective 6/24/95.]

WAC 434-120-317 Abbreviated reporting for qualifying trusts. (1) Any trustee may file an abbreviated annual report under this section if:

(a) The report is filed on behalf of a charitable organization, properly registered with the secretary of state under chapter 19.09 RCW, that at the time of reporting:

(i) Retains in trust no more than ten percent of the proceeds of charitable solicitations, net of all deductions or exclusions reported under chapter 19.09 RCW;

(ii) Retains in trust no more than twenty-five thousand dollars in income-producing assets; or

(b) The total value of all trust assets never exceeded five thousand dollars during the reporting year.

(2) An abbreviated annual report shall state the facts satisfying either subsection (1)(a) or (b) of this section, upon a form filed with the secretary of state. The report shall be signed under oath and executed by one or more trustees or an officer of the corporation, association, or organization.

(3) Trustees reporting under this section shall be included on the register of trustees, pursuant to RCW 11.110.050. The trustee may, optionally, provide information for inclusion in the register that is not otherwise required by this section, but that is included as to other trustees.

(4) Nothing in this section shall be construed to exempt qualifying trustees from any provision of law other than the annual reporting requirements under chapter 11.110 RCW. This section does not relate to initial registration under WAC 434-120-300.

(5) Organizations shall use the abbreviated trust form location in the corporations division.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-317, filed 5/24/95, effective 6/24/95.]

WAC 434-120-330 Annual fees. (1) Charitable trusts registering for the first time shall pay a fee of twenty-five dollars. If an organization files a noncombined renewal, the fee shall be twenty-five dollars. When renewal is combined with filing an annual nonprofit corporation report the fee shall be twenty-five dollars. If an organization simultaneously files renewals under the Nonprofit Corporations Act, the Charitable Solicitations Act, and the Charitable Trust Act, the annual renewal fee shall be thirty dollars for all three, or if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report, the fee shall be thirty dollars for all four.

(2) For all expedited in-person service, the fee is twenty dollars for one or more transactions within one charitable trust file.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-330, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.]

WAC 434-120-335 When to file annual reports. (1) Annual reports or other information required to be filed annually by WAC 434-120-315, shall be filed at the same time as renewal or annual reports of corporation status or as charitable solicitation annual reports. If the trust is not registered under any of the corporation acts or the Charitable Solicitations Act, the annual report shall be filed by the last day of the same month of each year (the anniversary date) as the original charitable trust registration with the secretary of state.

(2) Annual reporting of trusts for several or mixed purposes, or in which the only property to be used for charitable purposes consists of a vested or contingent charitable remainder, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-335, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-335, filed 12/1/93, effective 1/1/94.]

Chapter 434-135 WAC LIMITED LIABILITY PARTNERSHIPS

WAC

434-135-010	Purpose and authority.
434-135-020	Official address and telephone number.
434-135-030	Office hours.
434-135-040	Telephone services.
434-135-050	Filing requirements.
434-135-060	Execution of document.
434-135-070	Filing duty of secretary of state.
434-135-080	Filed date.
434-135-090	Annual notice—Due date—Whom notified.
434-135-120	Limited liability partnership name.
434-135-150	Initial registration—Form of content.
434-135-160	Annual notice—Form of content.
434-135-170	Amended notice—Form of content.
434-135-190	Filing fees.

WAC 434-135-010 Purpose and authority. These rules are adopted under authority of chapter 25.04 RCW, the Washington Limited Liability Partnership Act.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-010, filed 8/2/95, effective 9/2/95.]

WAC 434-135-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu of five prerecorded messages. For direct access to an information officer press number five at the beginning of the recorded message.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-020, filed 8/2/95, effective 9/2/95.]

WAC 434-135-030 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:00 pm. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-030, filed 8/2/95, effective 9/2/95.]

WAC 434-135-040 Telephone services. (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability partnerships and on filing a document relating to new limited liability partnership which is available at this number includes the following:

(a) Exact name of limited liability partnership on file in the secretary of state's records;

(b) Unified business identifier (UBI) number;

(c) Date registered on the secretary of state's records;

(d) Expiration date of registration;

(e) Name and address of registered agent if any;

(f) Scheduled dissolution date (if any);

(g) Principal office address;

(h) Status of limited liability partnership;

(i) Filing date of most recent annual notice;

(j) Number of partners;

(k) State of registration;

(l) Requirements for filing documents with the secretary of state's office.

(2) Customers may also request that forms be mailed to them by using the menu system and pressing one.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-040, filed 8/2/95, effective 9/2/95.]

WAC 434-135-050 Filing requirements. (1) Duplicate copies of any documents to be filed under this chapter shall be submitted to the secretary of state. One copy must bear an original signature. The second copy may be signed with an original signature, photocopied, or be a conformed copy.

(2) Document must contain all the elements required by this chapter. It may contain other information as well.

(3) All documents shall be of no larger size than standard legal paper (8 1/2 x 14). The documents shall be submitted in form and quality which is suitable for photocopying, microfilming, or reproduction by a similar photographic process. Documents must be typed or printed in ink legibly.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-050, filed 8/2/95, effective 9/2/95.]

WAC 434-135-060 Execution of document. Documents submitted for filing to the secretary of state must be executed by:

(1) A majority in interest of the partners; or

(2) One or more partners authorized to execute the document.

The person(s) executing the documents shall print or type beneath or beside their signature their name and title indicating in what capacity they are signing.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-060, filed 8/2/95, effective 9/2/95.]

WAC 434-135-070 Filing duty of secretary of state.

(1) If the secretary of state determines that the documents conform to the filing provisions of this chapter and all required filing fees have been paid, he or she shall:

(a) Endorse each signed original and duplicate copy the word "filed" and the date of its acceptance.

(b) Retain the signed original as the official copy in the secretary of state's files.

(c) Return the duplicate original to the person who filed it or the person's representative.

(2) If the secretary of state refuses to file a document under this chapter the secretary of state shall return it to the domestic or foreign limited liability partnership or its representative stating the reason(s).

(3) The duties of the secretary of state in filing documents under this chapter are ministerial.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-070, filed 8/2/95, effective 9/2/95.]

WAC 434-135-080 Filed date. Documents received that conform to the requirements of this chapter shall be filed as of the date of receipt in the secretary of state's office. If the secretary of state is unable to process the documents immediately upon receipt, the documents shall be dated as of the date of receipt when processed.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-080, filed 8/2/95, effective 9/2/95.]

WAC 434-135-090 Annual notice—Due date—Whom notified. Each limited liability partnership shall file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division shall notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership at its principal office or, if its principal office is not in this state, to its registered agent in care of the registered office address, in either case, as listed on the records of the secretary of state and provide the annual notice form. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-090, filed 8/2/95, effective 9/2/95.]

WAC 434-135-120 Limited liability partnership name. The name of a limited liability partnership shall contain the words "limited liability partnership," "L.L.P.," or "LLP."

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-120, filed 8/2/95, effective 9/2/95.]

WAC 434-135-150 Initial registration—Form of content. (1) Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on the form provided by the secretary of state. The information that shall be provided is:

(a) The name of the limited liability partnership;

(b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;

(c) Number of partners of the limited liability partnership;

(d) Brief statement of the business in which the partnership engages;

(e) That the partnership thereby applies for status as a limited liability partnership; and

(f) Any other matters the partnership determines to include.

(2) Application shall be executed by a majority in interest of the partners or one or more authorized partners.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-150, filed 8/2/95, effective 9/2/95.]

WAC 434-135-160 Annual notice—Form of content.

Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. The information that shall be filed on the annual notice is as follows:

Section 1.

(a) Limited liability partnership name;

(b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;

(c) Unified business identification number;

(d) Internal account number;

(e) Date registered in Washington;

Section 2.

(a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;

(b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;

(c) Number of partners; and

Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-160, filed 8/2/95, effective 9/2/95.]

WAC 434-135-170 Amended notice—Form of content. (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. These changes may include the following:

- (a) Change of limited liability partnership name;
- (b) Change of principal office address;
- (c) Change of registered agent or registered office address;
- (d) Change in the number of partners;
- (e) Change in the type of business the partnership engages; or
- (f) The addition of any information the partnership determines to include.

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners. The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-170, filed 8/2/95, effective 9/2/95.]

WAC 434-135-190 Filing fees. For Washington registered domestic and foreign limited liability partnerships, fees are as follows:

- (1) Application for registration, both domestic and foreign, one hundred seventy-five dollars;
- (2) Amended notice, both domestic and foreign, thirty dollars;
- (3) Annual notice with required information, fifty dollars;
- (4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the notice fee of fifty dollars;
- (5) Resignation of registered agent, twenty dollars;
- (6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;
- (7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;
- (8) Service of process, per defendant, fifty dollars;
- (9) Reservation of name, thirty dollars; and
- (10) Any other statement or form, ten dollars.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-190, filed 8/2/95, effective 9/2/95.]

Title 446 WAC STATE PATROL

Chapters

- 446-10 Public records.**
- 446-65 Commercial motor vehicle regulations.**

Chapter 446-10 WAC PUBLIC RECORDS

WAC
446-10-030 Description of central and field organizations of the Washington state patrol.

WAC 446-10-030 Description of central and field organizations of the Washington state patrol. The Washington state patrol is a law enforcement agency and service. The administrative offices of the department and its staff are located in the General Administration Building, Olympia, Washington 98504. The department has eight district headquarters with working addresses as follows:

- District I - 2502 112th Street East, Tacoma 98445-5104
- District II - 2803 - 156th Avenue S. E., Bellevue 98007
- District III - 2715 Rudkin Road, Union Gap 98903
- District IV - West 6403 Rowand Road, Spokane 99204-5300
- District V - 605 East Evergreen Boulevard, Vancouver 98661-3812
- District VI - 2822 Euclid Avenue, Wenatchee 98801-5916
- District VII - 2700 116th Street NE, Marysville 98271-9425
- District VIII - 4811 Werner Road, Bremerton 98312-3333

[Statutory Authority: RCW 42.17.250. 95-24-041, § 446-10-030, filed 11/30/95, effective 12/31/95; 79-04-037 (Order 79-2), § 446-10-030, filed 3/23/79.]

Chapter 446-65 WAC

COMMERCIAL MOTOR VEHICLE REGULATIONS

WAC
446-65-010 Transportation requirements.
446-65-020 Physical qualifications for drivers.

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents,