

of the hearing expenses shall be paid into the electrical license fund. The formal appeal shall be assigned to an administrative law judge and shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW. Findings of fact, conclusions of law, and a decision are given as a result of a formal appeal.

(3) The electrical board will hear informal appeals from persons who desire to contest a decision of the department. Informal appeals will be heard by the board at a regular or special board meeting. An informal appeal shall be made in writing to the department chief electrical inspector and shall state the action by the department that is being appealed and the relief that is desired. An informal decision is given as a result of an informal appeal.

(4) See chapter 296-13 WAC for additional information on appeals before the electrical board.

[Statutory Authority: Chapter 19.28 RCW. 97-24-033, § 296-401-170, filed 11/25/97, effective 12/29/97. Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-401-170, filed 7/21/88. Statutory Authority: RCW 19.28.060, 19.28.600 and chapter 19.28 RCW. 86-18-041 (Order 86-23), § 296-401-170, filed 8/29/86. Statutory Authority: RCW 18.37.130. 80-02-052 (Order 80-1), § 296-401-170, filed 1/16/80.]

#### **WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees.**

(1) Journeyman or specialty electrician certificate renewal (per 36-month period) -	\$ 62
(2) Late renewal of journeyman or specialty electrician certificate (per 36-month period) -	\$125
(3) Journeyman or specialty electrician examination application (nonrefundable) -	\$ 26
(4) Journeyman or specialty electrician original certificate (submitted with application) -	\$ 41
(5) Trainee certificate (expires one year after purchase) -	\$ 20
(6) Trainee certificate renewal or update of hours -	\$ 20
(7) Journeyman or specialty electrician test or retest fee -	\$ 47
(8) Reciprocal journeyman or specialty certificate -	\$ 67
(9) Reinstatement of journeyman or specialty certificate -	\$ 20
(10) Continuing education course approval -	\$ 40
(11) Continuing education course renewal -	\$ 20

[Statutory Authority: Chapter 19.28 RCW. 97-24-033, § 296-401-175, filed 11/25/97, effective 12/29/97. Statutory Authority: RCW 19.28.060, [19.28.]210(6), [19.28.]350 and [19.28.]600. 97-12-016, § 296-401-175, filed 5/28/97, effective 6/30/97. Statutory Authority: Chapter 19.28 RCW (RCW 19.28.060, [19.28.]550, [19.28.]600). 95-15-034, § 296-401-175, filed 7/12/95, effective 8/14/95. Statutory Authority: RCW 19.28.060, 19.28.010(1), 19.28.600, 19.28.510(2), 19.28.540(2) and 19.28.550. 92-09-010, § 296-401-175, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 19.28.060, 19.28.600, 19.28.510(2), 19.28.540(2) and 19.28.550. 90-17-041, § 296-401-175, filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 19.28.060, 19.28.600 and chapter 19.28 RCW. 86-18-041 (Order 86-23), § 296-401-175, filed 8/29/86. Statutory Authority: RCW 19.28.060 and 19.28.210. 85-20-065 (Order 85-16), § 296-401-175, filed 9/27/85. Statutory Authority: RCW 19.28.120 and 19.28.510. 83-23-053 (Order 83-32), § 296-401-175, filed 11/14/83.]

## Title 308 WAC LICENSING, DEPARTMENT OF

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

#### Chapters

<b>308-10</b>	<b>Public records disclosure.</b>
<b>308-11</b>	<b>Regulation of auctioneers.</b>
<b>308-12</b>	<b>Architects.</b>
<b>308-13</b>	<b>Board of registration for landscape architects.</b>
<b>308-14</b>	<b>Court reporters.</b>
<b>308-17</b>	<b>Private investigative agencies and private investigators.</b>
<b>308-18</b>	<b>Private security guard companies and private security guards.</b>
<b>308-19</b>	<b>Bail bond agencies and bail bond agents.</b>
<b>308-20</b>	<b>Cosmetology—Barber—Manicurist— Esthetician rules.</b>
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<b>308-57</b>	<b>Motor vehicle excise tax.</b>
<b>308-58</b>	<b>Reporting destroyed vehicles.</b>
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<b>308-76</b>	<b>Motor vehicle fuel importer use tax.</b>
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<b>308-124D</b>	<b>Real estate—Operational procedures.</b>
<b>308-124F</b>	<b>Real estate—Miscellaneous provisions.</b>
<b>308-125</b>	<b>Real estate appraisers.</b>
<b>308-127</b>	<b>Timeshare.</b>
<b>308-330</b>	<b>Washington model traffic ordinance.</b>
<b>308-420</b>	<b>Camping resorts—Contracts—Resale, etc.</b>

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

#### WAC

308-10-050 Exemptions.

**WAC 308-10-050 Exemptions.** (1) The department may determine that a public record requested is exempt under the provisions of RCW 42.17.310 or other law.

(2) Under RCW 42.17.260, the department may delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe

that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

(3) The department will not release personal information, as defined in 18 USC 2725(3), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, unless the release both is considered a permissible use under 18 USC 2721 and is otherwise permitted by state law. In construing 18 USC 2721 (b)(2), the release of personal information for use in connection with matters of motor vehicle safety or driver safety shall be deemed to include the physical safety of persons as drivers, passengers or pedestrians and their motor vehicles or property.

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

[Statutory Authority: RCW 46.01.110, 97-17-009, § 308-10-050, filed 8/7/97, effective 9/13/97. Statutory Authority: RCW 42.17.250, 92-09-107, § 308-10-050, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-050, filed 12/24/75.]

### Chapter 308-11 WAC REGULATION OF AUCTIONEERS

#### WAC

308-11-140	Application of brief adjudicative proceedings.
308-11-150	Preliminary record in brief adjudicative proceedings.
308-11-160	Conduct of brief adjudicative proceedings.

**WAC 308-11-140 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an auctioneer or auction company in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-046, § 308-11-140, filed 5/1/97, effective 6/1/97.]

**WAC 308-11-150 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with

respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-046, § 308-11-150, filed 5/1/97, effective 6/1/97.]

**WAC 308-11-160 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-046, § 308-11-160, filed 5/1/97, effective 6/1/97.]

## Chapter 308-12 WAC ARCHITECTS

### WAC

308-12-025	Application for examination.
308-12-031	Registration examination.
308-12-040	Appeal of examinations.
308-12-050	Registration by reciprocity.
308-12-140	Repealed.
308-12-145	Repealed.
308-12-210	Application of brief adjudicative proceedings.
308-12-220	Preliminary record in brief adjudicative proceedings.
308-12-230	Conduct of brief adjudicative proceedings.
308-12-240	Reinstatement of suspended certificates, eligibility for registration, or denied renewals.
308-12-320	Renewal of licenses.
308-12-324	Compliance with laws.
308-12-326	Architect fees.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-12-140	Examination—Qualifications of candidates. [Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-140, filed 2/5/86.] Repealed by 97-03-121, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.360(2).
308-12-145	Acceptable work experience. [Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-145, filed 2/5/86.] Repealed by 97-03-121, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.350(2).

#### WAC 308-12-025 Application for examination. (1)

The application to begin the examination process must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350.

(2) Applications for the examination must be accompanied by the application fee for the examination as established by the director and published in chapter 308-12 WAC, architect fees. The application fee to begin the examination process will not be refunded.

(3) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts.

[Statutory Authority: RCW 18.08.350(2). 97-03-121, § 308-12-025, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.340. 95-04-080, § 308-12-025, filed 1/31/95, effective 3/3/95. Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-025, filed 8/10/89, effective 9/10/89. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-025, filed 10/17/85.]

**WAC 308-12-031 Registration examination.** The board adopts the N.C.A.R.B. Architect Registration Examination (A.R.E.) as the examination required of applicants. Where RCW 18.08.360 refers to the "entire examination," it means the NCARB A.R.E. together with the oral examination.

The board adopts the grading procedures prepared by the NCARB.

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

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(2) An applicant must pass each division of the NCARB examination.

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

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

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

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

The board may set aside the entire oral examination based upon certification by the NCARB of successful completion of the intern development program. Such applicants shall submit the NCARB Council Record of IDP completion. The decision to set aside the oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

An applicant must successfully complete the entire examination within a five-year period. The five-year period shall begin with the month an applicant passes the first division of the examination. Passing scores for any division of the examination may be carried forward for a period of five years from the date the applicant passed that division of the examination. Applicants shall retake any division of the examination which was passed more than five years previously, along with any division of the examination not yet passed. The oral examination is part of the entire examination and shall be completed within the five-year period.

[Statutory Authority: RCW 18.08.360(2). 97-03-121, § 308-12-031, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.340 and 18.08.360. 90-11-062, § 308-12-031, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-031, filed 8/10/89, effective 9/10/89; 88-17-085 (Order PM 767), § 308-12-031, filed 8/22/88. Statutory Authority: RCW 18.08.340 and 18.08.360. 88-01-035 (Order PM 694), § 308-12-031, filed 12/11/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-031, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-031, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-031, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-031, filed 2/2/83.]

**WAC 308-12-040 Appeal of examinations.** The board adopts the grading procedures as established by the NCARB. No appeal of failing scores will be accepted by the department or the board.

[Statutory Authority: RCW 18.08.360(2). 97-03-121, § 308-12-040, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.360. 89-12-052 (Order PM 843), § 308-12-040, filed 6/5/89. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-040, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-040, filed 2/2/83; Order PL 178, § 308-12-040, filed 10/23/74; Order PL-132, § 308-12-040, filed 9/25/72; Rule 8, filed 10/26/62.]

**WAC 308-12-050 Registration by reciprocity.** Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration

to a currently registered architect in any jurisdiction recognized by NCARB provided:

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

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

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

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

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-050, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-050, filed 8/10/89, effective 9/10/89. Statutory Authority: RCW 18.08.340(1) and 18.08.400. 88-09-066 (Order PM 720), § 308-12-050, filed 4/20/88. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-050, filed 2/5/86. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-050, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-050, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-050, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-050, filed 2/2/83; Order PL-132, § 308-12-050, filed 9/25/72; Order 691102, § 308-12-050, filed 11/26/69; Rule 9, filed 11/19/64, 10/26/62.]

**WAC 308-12-140 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-12-145 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-12-210 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request pursuant to subsection (1) below or at the discretion of the board chair pursuant to RCW 34.05.482.

(1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following issues:

(a) A determination whether an applicant meets the qualifications for a certificate of registration or certificate of authorization to practice architecture in this state and the board proposes to deny the application;

(b) A determination if an applicant for a certificate of registration to practice architecture in this state is eligible to begin the examination, continue the examination if already in the examination process, or to complete the examination;

(c) A determination whether a person or organization is in compliance with the terms and conditions of a final order previously issued by the board; or,

(d) A determination whether a certificate holder or an applicant for examination, certification or certificate renewal has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

(2) Brief adjudicative proceedings under subsection (1) shall be limited to consideration of the following issues:

(a) In proceedings under subsections (1)(a) and (b) above, the sole issue to be considered at the hearing is whether the documentation submitted by an applicant for issuance or renewal of a certificate of registration or certificate of authorization to practice architecture in this state, or examination meets the requirements for issuance, or renewal of a certificate or to take the examination for a certificate.

(b) In proceedings under subsection (1)(c) above, the sole issue to be considered at the hearing is whether the documentation submitted indicates that a person or organization is in compliance with the terms and conditions of a final order previously issued by the board.

(c) In proceedings under subsection (1)(d) above, the issues to be considered at the hearing are: (i) whether the person has been correctly certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship and (ii) is in a state of nonpayment or default at the time of the brief adjudicative proceeding.

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-210, filed 1/21/97, effective 2/21/97.]

**WAC 308-12-220 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a license or to begin or continue the examination shall consist of:

(a) The application for the license or examination and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application; and

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement; and

(b) All reports or other documents submitted by the license holder, or at the direction of the license holder, in full or partial fulfillment of the terms of the final order; and

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement.

(d) All documents relied upon by the program that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record for determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-220, filed 1/21/97, effective 2/21/97.]

**WAC 308-12-230 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the current board chair in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial written order.

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-230, filed 1/21/97, effective 2/21/97.]

**WAC 308-12-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.**

Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-240, filed 1/21/97, effective 2/21/97.]

**WAC 308-12-320 Renewal of licenses.** (1) The license renewal date for architects shall be the architect's birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in RCW

18.08.430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) The renewal period for architects is three years.

(3) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-third of the three-year renewal fee or the fee for one year. Penalty fees are one-third of the three-year renewal fee or equal to the fee for one year multiplied by the number of years delinquent.

[Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-320, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.430. 90-17-097, § 308-12-320, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

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

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

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

[Statutory Authority: RCW 18.08.340. 97-03-121, § 308-12-324, filed 1/21/97, effective 2/21/97. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-324, filed 10/17/85.]

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

Title of Fee	Fee
Examination application	\$100.00
Reciprocity application	364.00
Initial registration	140.00
Oral examination	50.00
Registration renewal (3 years)	140.00
Late renewal	46.00
Certificate replacement	15.00
Duplicate license	15.00
Certification	26.00
Corporations:	
Certificate of authorization	260.00
Certificate of authorization renewal	130.00

[Statutory Authority: RCW 43.24.086. 97-13-095, § 308-12-326, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-326, filed 2/27/97, effective 3/30/97. 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**

308-13-045	How and when do I receive my initial license?
308-13-160	How do I renew my license and when will it expire?
308-13-210	Application of brief adjudicative proceedings.
308-13-220	Preliminary record in brief adjudicative proceedings.
308-13-230	Conduct of brief adjudicative proceedings.
308-13-240	Reinstatement of suspended certificates, eligibility for registration, or denied renewals.

**WAC 308-13-045 How and when do I receive my initial license?** (1) You will be notified by mail once you have completed the examination and met all the requirements for initial registration. You may apply for your license up to three months prior to your birthdate and pay the fee for up to a thirty-nine month license. Your license will expire on your birthdate. Subsequent licenses will be issued for three years.

(2) You may also activate an inactive license for up to thirty-nine months. Subsequent licenses will be issued for three years.

[Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-045, filed 2/27/97, effective 3/30/97.]

**WAC 308-13-160 How do I renew my license and when will it expire?** (1) A courtesy renewal notice is mailed to your current address on file, approximately eight weeks prior to your license expiration date. The notice will show the due date, the amount of renewal fee, the penalty fee for late payment and other mailing instructions. It is essential that you notify the board of registration for landscape architects of any address changes.

(2) Your renewed landscape architect license is issued for a three-year period that expires on your birthdate.

[Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-160, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-160, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

**WAC 308-13-210 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set out below or at the discretion of the board chair pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for registration meets the minimum criteria for certification to practice as a landscape architect in this state and the board proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) A determination whether an applicant for or in the examination process shall be denied to sit for future examinations;

(4) A determination whether a certificate holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement; and

(5) A determination whether a certificate holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

[Statutory Authority: RCW 18.96.060. 97-10-026, § 308-13-210, filed 4/30/97, effective 5/31/97.]

**WAC 308-13-220 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license, renewal, reinstatement or approval and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application, renewal, reinstatement or approval; and

(c) All correspondence between the applicant for license, renewal, reinstatement or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program, regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.96.060. 97-10-026, § 308-13-220, filed 4/30/97, effective 5/31/97.]

**WAC 308-13-230 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board chair. The presiding officer for brief adjudicative proceedings shall have agency

expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.96.060. 97-10-026, § 308-13-230, filed 4/30/97, effective 5/31/97.]

#### **WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.**

Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

[Statutory Authority: RCW 18.96.060. 97-10-026, § 308-13-240, filed 4/30/97, effective 5/31/97.]

### **Chapter 308-14 WAC COURT REPORTERS**

#### **WAC**

308-14-210	Application of brief adjudicative proceedings.
308-14-220	Preliminary record in brief adjudicative proceedings.
308-14-230	Conduct of brief adjudicative proceedings.

**WAC 308-14-210 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a certificate meets the minimum criteria for a certificate to practice as a court reporter in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a certificate holder requesting renewal has submitted all required information and whether a certificate holder meets minimum criteria for renewal; and

(4) Whether a certificate holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-053, § 308-14-210, filed 5/1/97, effective 6/1/97.]

**WAC 308-14-220 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal certificate shall consist of:

(a) The application for the certificate or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the certification or renewal; and

(c) All correspondence between the applicant for certification or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the certificate holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the certificate holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the certificate holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the certificate holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-053, § 308-14-220, filed 5/1/97, effective 6/1/97.]

**WAC 308-14-230 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-053, § 308-14-230, filed 5/1/97, effective 6/1/97.]

**Chapter 308-17 WAC**  
**PRIVATE INVESTIGATIVE AGENCIES AND**  
**PRIVATE INVESTIGATORS**

**WAC**

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308-17-300	Minimum preassignment training and testing requirements.
308-17-310	Private investigative 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 investigative agencies, private investigators and armed private investigators.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-010, filed 8/15/97, effective 9/15/97. 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 investigator licensing program is at 405 Black Lake Boulevard SW, Olympia, Washington 98504. The department of licensing administers the Washington private investigator license law, chapter 18.165 RCW. Submissions and requests for information regarding private investigative agency licenses, private investigator licenses, and armed private investigator licenses may be sent in writing to the Private Investigator Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507-9045.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-020, filed 8/15/97, effective 9/15/97. 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 investigative agency.

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

(4) "Certified trainer" means a principal or a licensed private investigator or armed private investigator 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 investigator or armed private investigator.

(6) "Fire investigator or arson investigator" is anyone who qualifies for certification and has certification by the International Association of Arson Investigators; the National Association of Fire Investigators; or any organization or government body that has a certification program that meets all the requirements of NFPA 1033.

(7) "Address of record" is a physical street address.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-030, filed 8/15/97, effective 9/15/97. 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 investigative 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 nonrefundable 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-100, filed 8/15/97, effective 9/15/97. 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 investigative 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-105, filed 8/15/97, effective 9/15/97. 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 investigator applications—Conditions.** Any person desiring to be a private investigator shall make application for a license on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-17-150.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-110, filed 8/15/97, effective 9/15/97. 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 investigator 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 nonrefundable fee as prescribed by WAC 308-17-150.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-120, filed 8/15/97, effective 9/15/97. 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 investigator and armed private investigator license, licensed in**

**another state—Conditions.** Any person applying for a private investigator or armed private investigator 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 investigator or armed private investigator 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-130, filed 8/15/97, effective 9/15/97. 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 investigator shall be issued if he or she is otherwise qualified.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-140, filed 8/15/97, effective 9/15/97. 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 investigative agency, private investigator, and armed private investigator fees.** The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private investigative agency:	
Application/examination	\$350.00
Reexamination	25.00
License renewal	275.00
Late renewal with penalty	350.00
Certification	25.00
Private investigator:	
Original license	75.00
Transfer fee	25.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	75.00
Late renewal with penalty	100.00
Certification	25.00
Armed private investigator:	
Original license	50.00
Transfer fee	25.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	75.00
Late renewal with penalty	100.00
Certification	25.00

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-150, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170(1). 93-16-060, § 308-17-150, filed 7/29/93, effective 9/1/93. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-150, filed 11/6/91, effective 12/7/91.]

**WAC 308-17-160 Expiration and renewal of licenses.** Licenses issued to private investigators and armed private investigators expire one year from the date of issuance which date will be the renewal date. Licenses issued to private investigative agencies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the agency license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-17-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-17-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-160, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-160, filed 11/6/91, effective 12/7/91.]

**WAC 308-17-165 Private investigator and armed private investigator—Termination of services.** A person licensed as a private investigator or armed private investigator 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 investigator or armed private investigator. 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 investigator or armed private investigator 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 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-165, filed 8/15/97, effective 9/15/97. 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.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated and renewed within one year of 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-170, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-170, filed 11/6/91, effective 12/7/91.]

**WAC 308-17-180 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482 for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a private investigator in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-180, filed 8/15/97, effective 9/15/97.]

**WAC 308-17-185 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or

for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-185, filed 8/15/97, effective 9/15/97.]

**WAC 308-17-190 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceeding shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-190, filed 8/15/97, effective 9/15/97.]

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

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-205, filed 8/15/97, effective 9/15/97. 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 investigative 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-210, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-210, 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 investigator 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-230, filed 8/15/97, effective 9/15/97. 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 investigative agency shall be required to keep are preassignment training and testing records for each private investigator. 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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-240, filed 8/15/97, effective 9/15/97. 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 four hours of training covering the following areas:

(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.
- (i) 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 investigator 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 investigator 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 investigator preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initiated by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-300, filed 8/15/97, effective 9/15/97. 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 investigative 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 investigator preassignment training course.
- (b) Washington state law as it applies to private investigator licensing and regulation.
- (c) Legal liability for employee actions pertaining to the private investigative industry.
- (d) The Federal Freedom of Information Act (5 U.S.C. 552).
- (e) The Federal Privacy Act (5 U.S.C. 522A).
- (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(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-310, filed 8/15/97, effective 9/15/97. 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 ninety percent on the agency principal examination and have three years investigative experience to become a certified trainer. Individuals who fail to obtain a ninety 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 investigative agency may have certified.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-320, filed 8/15/97, effective 9/15/97. 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

308-18-020	Organization.
308-18-030	Definitions.
308-18-100	Company applications—Conditions.
308-18-110	Private security guard applications—Conditions.
308-18-120	Armed private security guard applications— Conditions.
308-18-140	Private security guard temporary registration card— Conditions.
308-18-150	Private security guard company, private security guard, and armed private security guard fees.
308-18-170	Inactive license.
308-18-180	Application of brief adjudicative proceedings.
308-18-185	Preliminary record in brief adjudicative proceedings.
308-18-190	Conduct of brief adjudicative proceedings.
308-18-240	Required records.

308-18-300 Minimum preassignment training and testing requirements.

**WAC 308-18-020 Organization.** The principal location of the private security guard licensing program is at 405 Black Lake Boulevard 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.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-020, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-020, filed 11/6/91, effective 12/7/91.]

**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.

(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.

(6) "Qualifying agent" means the person who officially represents a private security guard company in obtaining a license to operate and who meets the qualifications of RCW 18.170.060. The qualifying agent of a corporation or a partnership must be authorized to operate and represent the corporation or partnership as a legal agent, such as a managing officer, agent, employee or partner.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-030, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-030, filed 11/6/91, effective 12/7/91.]

**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 nonrefundable 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(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-100, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-100, filed 11/6/91, effective 12/7/91.]

**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 nonrefundable fee as prescribed by WAC 308-18-150.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-110, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-110, filed 11/6/91, effective 12/7/91.]

**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 nonrefundable fee as prescribed by WAC 308-18-150.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-120, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-120, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-140 Private security guard temporary registration card—Conditions.** Only those temporary registration cards provided by the department and preprinted with an assigned number and the company's name and address may be used. 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) Private security guard name.

(2) Date of issue.

(3) Date of expiration.

(4) Name and signature of the certified trainer.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-140, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-140, filed 11/6/91, effective 12/7/91.]

**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:

Title of Fee	Fee
Private security guard company:	
Application/examination	\$250.00
Reexamination	25.00
License renewal	250.00
Late renewal with penalty	350.00
Certification	25.00
Private security guard:	
Original license	35.00
Transfer fee	20.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	25.00
Late renewal with penalty	30.00
Certification	25.00
Armed private security guard:	
Original license	15.00
Transfer fee	20.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	25.00
Late renewal with penalty	30.00
Certification	25.00

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-150, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170 [18.170.180](1), 93-11-025, § 308-18-150, filed 5/7/93, effective 7/1/93. Statutory Authority: RCW 18.170.180, 91-22-112, § 308-18-150, filed 11/6/91, effective 12/7/91.]

**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 and renewed within one year of 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 18.170 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.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-170, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180, 91-22-112, § 308-18-170, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-180 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set forth below or at the discretion of the director pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a security guard in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-180, filed 8/15/97, effective 9/15/97.]

**WAC 308-18-185 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a

federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-185, filed 8/15/97, effective 9/15/97.]

**WAC 308-18-190 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-190, filed 8/15/97, effective 9/15/97.]

**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) Private security guard temporary registration card ledger showing the department-supplied registration number, applicant's 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.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-240, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-240, filed 11/6/91, effective 12/7/91.]

**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 at least 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).

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-300, filed 8/15/97, effective 9/15/97. Statutory Authority:

RCW 18.170.180. 91-22-112, § 308-18-300, filed 11/6/91, effective 12/7/91.]

### Chapter 308-19 WAC

#### BAIL BOND AGENCIES AND BAIL BOND AGENTS

##### WAC

308-19-400	Application of brief adjudicative proceedings.
308-19-410	Preliminary record in brief adjudicative proceedings.
308-19-420	Conduct of brief adjudicative proceedings.

**WAC 308-19-400 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-400, filed 5/1/97, effective 6/1/97.]

**WAC 308-19-410 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-410, filed 5/1/97, effective 6/1/97.]

**WAC 308-19-420 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-420, filed 5/1/97, effective 6/1/97.]

### Chapter 308-20 WAC

#### COSMETOLOGY—BARBER—MANICURIST— ESTHETICIAN RULES

##### WAC

308-20-160	Repealed.
308-20-500	Repealed.
308-20-710	Application of brief adjudicative proceedings.
308-20-720	Preliminary record in brief adjudicative proceedings.
308-20-730	Conduct of brief adjudicative proceedings.



DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

- 308-20-160 Release of results of examination. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-160, filed 9/12/84.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-20-500 Definitions. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-500, filed 7/17/92, effective 8/17/92.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.

**WAC 308-20-160 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-20-500 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-20-710 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a salon/shop, booth renter, mobile operator, personal service operator, instructor, cosmetologist, barber, manicurist, esthetician or school in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-049, § 308-20-710, filed 5/1/97, effective 6/1/97.]

**WAC 308-20-720 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-049, § 308-20-720, filed 5/1/97, effective 6/1/97.]

**WAC 308-20-730 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-049, § 308-20-730, filed 5/1/97, effective 6/1/97.]

Chapter 308-30 WAC  
NOTARIES PUBLIC

## WAC

308-30-170  
308-30-180  
308-30-190

Application of brief adjudicative proceedings.  
Preliminary record in brief adjudicative proceedings.  
Conduct of brief adjudicative proceedings.

**WAC 308-30-170 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through

34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for an appointment meets the minimum criteria for an appointment as a notary public in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether an appointment holder requesting renewal has submitted all required information and whether an appointment holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-052, § 308-30-170, filed 5/1/97, effective 6/1/97.]

**WAC 308-30-180 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for appointment or reappointment shall consist of:

(a) The application for appointment or reappointment and all associated documents;

(b) All documents relied upon by the director in proposing to deny the appointment or reappointment; and

(c) All correspondence between the applicant for appointment or reappointment and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the appointment holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the appointment holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the appointment holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-052, § 308-30-180, filed 5/1/97, effective 6/1/97.]

**WAC 308-30-190 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-052, § 308-30-190, filed 5/1/97, effective 6/1/97.]

## Chapter 308-32 WAC DEBT ADJUSTERS

### WAC

308-32-100

Application of brief adjudicative proceedings.

308-32-110

Preliminary record in brief adjudicative proceedings.

308-32-120

Conduct of brief adjudicative proceedings.

**WAC 308-32-100 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a debt adjuster, debt adjusting agency or debt adjusting branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-100, filed 5/1/97, effective 6/1/97.]

**WAC 308-32-110 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-110, filed 5/1/97, effective 6/1/97.]

**WAC 308-32-120 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-120, filed 5/1/97, effective 6/1/97.]

## Chapter 308-33 WAC

### EMPLOYMENT AGENCIES—FEE SCHEDULES

#### WAC

308-33-110	Application of brief adjudicative proceedings.
308-33-120	Preliminary record in brief adjudicative proceedings.
308-33-130	Conduct of brief adjudicative proceedings.

**WAC 308-33-110 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings

will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an employment agency, general manager or branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-054, § 308-33-110, filed 5/1/97, effective 6/1/97.]

**WAC 308-33-120 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-054, § 308-33-120, filed 5/1/97, effective 6/1/97.]

**WAC 308-33-130 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the

final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-054, § 308-33-130, filed 5/1/97, effective 6/1/97.]

### Chapter 308-48 WAC

#### FUNERAL DIRECTORS AND EMBALMERS

##### WAC

308-48-030	Care of human remains.
308-48-031	Funeral establishment facility, equipment, and embalming and preparation room standards.
308-48-150	Course of training—Apprentice funeral director.
308-48-160	Course of training—Apprentice embalmers.
308-48-810	Application of brief adjudicative proceedings.
308-48-820	Preliminary record in brief adjudicative proceedings.
308-48-830	Conduct of brief adjudicative proceedings.

**WAC 308-48-030 Care of human remains.** (1) Funeral establishments, funeral directors, embalmers, apprentices, employees or agents while providing for the care and handling of human remains shall:

(a) Comply with all applicable Washington state laws, rules and regulations related to health or the handling, transportation or disposition of human remains.

(b) Not perform any act which will tend to affect adversely the dignity, individual integrity or the respectful and reverential handling and burial or other customary disposition of human remains.

(c) Upon receipt of the human remains, obtain the identity of the human remains as established by the institution, agency, or individual releasing the remains.

(d) Place an identification bracelet or tag on the ankle or wrist of the remains. In the case of a remains that must be placed in a protective pouch due to the condition of the remains, an identification bracelet or tag should be placed inside the pouch and a second bracelet or tag attached to the exterior of the pouch.

(e) Follow the directions of the individual or individuals that has/have the right to control the disposition of the human remains.

(f) Record and maintain the following information:

(i) Name of deceased;

(ii) Date of death;

(iii) Place of death;

(iv) Name and relationship of person(s) having the right to control the disposition;

(v) Date and time of receipt of remains;

(vi) Date and time of refrigeration and/or embalming;

(vii) Method, date and location of disposition.

(g) Not separate any organs, viscera or appendages of a human remains from any other portion of the remains for a separate or different disposition. The entire human remains that the funeral establishment has received and has possession of must be maintained and disposed of as one entity.

(h) Provide refrigerated holding of a human remains for which embalming has not been authorized.

(2) The care and preparation for burial or other disposition of all human remains shall be private. No one shall be allowed in the embalming or preparation rooms while a

human remains is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized medical personnel employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

(3) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a human remains in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

[Statutory Authority: RCW 18.39.175(4). 97-21-061, § 308-48-030, filed 10/14/97, effective 11/14/97. Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-030, filed 3/28/88. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-030, filed 1/26/83; Rule 3, filed 9/17/64.]

**WAC 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards.** A funeral establishment or branch establishment shall:

(1) Have an exclusive area/office at an identified location for conducting the business which is accessible to the public.

(2) Provide private and secure area(s) for holding human remains which will include:

(a) A refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit;

(b) A sink with hot and cold running water;

(c) Covered receptacles for soiled linens, bandages, refuse and other waste materials which meet OSHA, WISHA, department of health and any other applicable regulations;

(d) Adequate chemicals for the disinfection of human remains and the equipment used in handling and caring for human remains;

(e) Chemical storage that meets OSHA, WISHA, department of health and any other applicable regulations.

(3) Provide rest rooms that are available for staff and the public.

(4) In the case where the holding of human remains is not provided at this facility, provide the identification of the facility upon request to the board and the individual or individuals that has/have the right to control the disposition of the human remains where this establishment or branch provides for the holding and/or preparation of the human remains entrusted to its care (this off-site facility must meet the requirements of subsection (2) of this section).

(5) Provide for the privacy of unsketed human remains in vehicles used for transportation of the remains by screening, curtains, or adequately tinted windows.

(6) Provide that if embalming is performed at the establishment or branch, no embalming of a human remains shall be performed in a funeral establishment or branch establishment except in a room set aside exclusively for embalming of a human remains. Such room shall be maintained and kept in a clean sanitary condition, and every embalming and preparation room shall be constructed, equipped, and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only."

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

[Statutory Authority: RCW 18.39.175(4). 97-21-060, § 308-48-031, filed 10/14/97, effective 11/14/97. Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-031, filed 3/28/88.]

**WAC 308-48-150 Course of training—Apprentice funeral director.** (1) For the purposes of RCW 18.39.035, the term "one year course of training" shall include assisting a licensed funeral director in coordinating all aspects of at least twenty-five arrangements for funeral, memorial and/or final disposition services for human remains.

(2) The term "one year" shall consist of at least eighteen hundred hours of employment and cannot be completed in a period of time less than one calendar year.

(3) Registered apprentice funeral directors shall provide a quarterly report to the board on a form supplied by the board containing information relating to the arrangements, services, final dispositions, and other duties of a funeral director the apprentice has assisted with or performed during the required term of apprenticeship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the apprentice toward the skill level required to work independently.

(5) Registered apprentice funeral directors may receive training from their sponsor and other licensed funeral directors as approved by the sponsor.

[Statutory Authority: RCW 18.39.175(4). 97-21-062, § 308-48-150, filed 10/14/97, effective 11/14/97; 86-15-022 (Order PM 604), § 308-48-150, filed 7/11/86; Order PL-259, § 308-48-150, filed 12/7/76; Order PL 122, § 308-48-150, filed 5/9/72.]

**WAC 308-48-160 Course of training—Apprentice embalmers.** (1) For the purposes of RCW 18.39.035, the term "two year course of training" shall include the embalming of at least fifty human remains under the supervision of a licensed embalmer.

(2) The term "two year" shall consist of at least thirty-six hundred hours of employment and cannot be completed in a period of time less than two calendar years.

(3) Registered apprentice embalmers shall provide a quarterly report to the board on a form supplied by the board

containing information relating to the embalmings the apprentice has assisted with or performed during the required term of apprenticeship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the apprentice toward the skill level required to work independently.

(5) Registered apprentice embalmers may receive training from their sponsor and other licensed embalmers as approved by the sponsor.

[Statutory Authority: RCW 18.39.175(4). 97-21-062, § 308-48-160, filed 10/14/97, effective 11/14/97; 86-15-022 (Order PM 604), § 308-48-160, filed 7/11/86; Order PL-259, § 308-48-160, filed 12/7/76; Order PL 122, § 308-48-160, filed 5/9/72.]

**WAC 308-48-810 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to operate a funeral establishment, branch funeral establishment, or a crematory; or to receive a prearrangement funeral service contract license; or for a license to practice as a funeral director, embalmer, apprentice funeral director, or apprentice embalmer; and the board proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-810, filed 10/14/97, effective 11/14/97.]

**WAC 308-48-820 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the board in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the board regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the board regarding compliance with the final order or agreement; and

(d) All documents relied upon by the board showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-820, filed 10/14/97, effective 11/14/97.]

**WAC 308-48-830 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the current board chair. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ board expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-830, filed 10/14/97, effective 11/14/97.]

**Chapter 308-49 WAC  
PREARRANGEMENT FUNERAL SERVICES**

**WAC**

308-49-162	Repealed.
308-49-164	Prearrangement funeral service trust agreement requirements.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

308-49-162	Trustee and master trust requirements. [Statutory Authority: RCW 18.39.175(4). 90-17-148, § 308-49-162, filed 8/22/90, effective 9/22/90.] Repealed by 97-21-064, filed 10/14/97, effective 11/14/97. Statutory Authority: RCW 18.39.175(4).
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**WAC 308-49-162 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-49-164 Prearrangement funeral service trust agreement requirements.** (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust agreements. The establishment may join with one or more other Washington state licensed funeral establishments in a "master trust."

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

- (a) A minimum of two trustees;
- (b) Duties and responsibilities of the trustees;
- (c) Method of removal of trustees;
- (d) Selection of depository(ies);
- (e) Procedures to be followed when the establishment deposits prearrangement funeral service contract moneys;
- (f) Conditions under which moneys may be withdrawn from the trust and procedures to be followed in making withdrawals;
- (g) Details as to investment and administration of the trust;
- (h) Compensation of trustees and expenses to be incurred;
- (i) Accounting methods to be used;
- (j) Provisions for amendment and termination of the trust agreement.

(3) Such prearrangement funeral service trust agreements are an integral part of the prearrangement funeral service contract and shall be approved by the board prior to use. Amendments, changes to the trust agreement, or termination of the trust agreement shall receive prior approval from the board before incorporation of amendment or change, or implementation of termination.

[Statutory Authority: RCW 18.39.175(4). 97-21-064, § 308-49-164, filed 10/14/97, effective 11/14/97; 90-17-148, § 308-49-164, filed 8/22/90, effective 9/22/90.]

**Chapter 308-56A WAC  
CERTIFICATES OF TITLE—MOTOR VEHICLES,  
ETC.**

**WAC**

308-56A-065	Vehicles held in trust.
308-56A-070	Leased vehicles.
308-56A-075	Two legal owners.
308-56A-095	Commercial parking companies.
308-56A-150	Certificate of inspection.
308-56A-160	Model year—How determined.
308-56A-400	Repealed.
308-56A-470	Issuance of certificates—Contents.

308-56A-610	Odometer disclosure statement—General procedures/requirements.
308-56A-620	Definitions.
308-56A-630	Repealed.
308-56A-640	Odometer disclosure statement—Vehicle dealer transactions.
308-56A-650	Odometer disclosure statement—Leased vehicles.
308-56A-660	Odometer disclosure statement—Involuntary divestiture.
308-56A-670	Odometer disclosure statement—Dealer auction companies.
308-56A-680	Odometer disclosure statement—Out-of-state vehicles.
308-56A-690	Odometer disclosure statement—Forms.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

308-56A-400	Dealer to dealer transfer. [Order MV 208, § 308-56A-400, filed 7/31/74.] Repealed by 98-01-020, filed 12/8/97, effective 1/8/98. Statutory Authority: RCW 34.05.354.
308-56A-630	Odometer disclosure statement—Exemptions. [Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-630, filed 7/31/89, effective 8/31/89.] Repealed by 97-14-034, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.01.110 and 46.12.124.

**WAC 308-56A-065 Vehicles held in trust.** (1) The trustee of a trust, including family trusts, executed pursuant to chapter 11.98 RCW listing a vehicle on the property schedule shall make application for certificate of ownership and registration in the name of the trustee, pursuant to chapters 46.12 and 46.16 RCW. The certificates of ownership and registration shall show the trustee as registered or legal owner followed by the word "trustee" and the name of the trust. The name of the trust may be abbreviated to fit into available space.

(2) Applications for licensing activities on the vehicle, including release of interest and transfer of ownership shall be requested over the signature of the trustee until the trustee is replaced or the trust is terminated. The replacement trustee shall make application for transfer of ownership as provided in subsection (1) of this section. If a replacement trustee is not appointed or the trust is terminated, the beneficiary of the vehicle shall make application for ownership as provided in chapter 46.12 RCW.

[Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-065, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-065, filed 7/31/74.]

**WAC 308-56A-070 Leased vehicles.** If the vehicle is leased and operated in Washington, it must be titled and licensed in Washington.

(1) The application for title is to be completed with the name of the lessee as registered owner, followed by the word "lessee." The name of the lessor is shown as the secured party or legal owner, followed by the word "lessor."

(2) If the vehicle is subject to a security agreement, the application will be completed as above except the lessor's name will be immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

(3) Dealers and persons engaged in the business of vehicle leasing may simply show the lessor as sole registered owner if a copy of the lease or rental agreement is attached

to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year.

[Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-070, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-070, filed 7/31/74.]

**WAC 308-56A-075 Two legal owners.** If one of two legal owners shown on a certificate of title has his/her security interest in the vehicle satisfied, that interest in the vehicle shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vehicle. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title.

[Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-075, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-075, filed 7/31/74.]

**WAC 308-56A-095 Commercial parking companies.** (1) Commercial parking companies may be provided the names and addresses of registered owners, and vehicle descriptions of vehicles assessed nongovernment vehicle parking fees. The commercial parking company shall execute a standard written agreement provided by the department. Any name or address provided by the department shall not be disclosed in any manner not otherwise approved by the department.

(2) "Commercial parking company" means any business entity directly engaged in the business of providing vehicle parking upon property owned or controlled by the business entity and approved for public parking of vehicles.

(3) The information provided may be used by the commercial parking company or its commercial agents or contractors only in connection with notification, collecting or attempting to collect the commercial parking company's own claims, owed or due or asserted to be owed or due for parking of vehicles.

[Statutory Authority: RCW 46.01.110 and 1997 c 33. 97-19-015, § 308-56A-095, filed 9/5/97, effective 10/6/97.]

**WAC 308-56A-150 Certificate of inspection.** (1) An application for certificate of ownership 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, jurisdiction or province other than Washington;

(b) Reported destroyed since the last certificate of ownership was issued;

(c) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

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

(g) A kit vehicle not previously titled as such; or

(h) A street rod not previously titled as such.

(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 designate other competent inspecting agencies to perform inspections required under subsection (1)(a) of this section if the vehicle is located in a foreign state or province and the requirement for inspection by the Washington state patrol 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) Vehicles reported destroyed: Ten days;

(c) Homemade, assembled, rebuilt vehicles, street rods, and kit vehicles: Ten days;

(d) Vehicles with identification number removed, defaced, altered, destroyed, illegible or missing: Ten days;

(e) Vehicles with structural change in, or modification of, body or frame changing the class designation or body type: Ten days;

(f) Used vehicles with no Washington record: Sixty days;

(g) Vehicles required to be inspected under subsection (1)(a) through (h) of this section and held for sale by a licensed dealer: One year; and

(h) Vehicles referred for inspection for any reason not listed above: Ten days.

[Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-150, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-56A-150, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 85-06-011 (Order TL/RG 11), § 308-56A-150, filed 2/22/85; Order MV 208, § 308-56A-150, filed 7/31/74.]

**WAC 308-56A-160 Model year—How determined.**

Model year is the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced so long as the actual production period is less than two years.

(1) The model year for a vehicle, including kit vehicles defined in RCW 46.04.251, is the model year assigned by the manufacturer. The manufacturer shall adopt a standard for assigning model year based on either the date of manufacture or features of the vehicle. The standard must be such that all vehicles assigned a model year which are manufactured on the same date with the same features are assigned the same model year. The model year shall be designated on the manufacturer's certificate of origin (MCO)

or similar documents provided by the completing vehicle manufacturer. The model year of a kit vehicle shall not be the model year of the vehicle the kit replicates.

(2) Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles shall assign the model years as provided in subsection (1) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(3) In the event an original manufacturer has not assigned a model year or the vehicle is rebuilt, home made, street rod assembled, or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the vehicle most closely resembles.

(4) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar document.

(b) "Incomplete vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operation, other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

[Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-160, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-56A-160, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-160, filed 6/30/93, effective 7/31/93.]

**WAC 308-56A-400 Repealed.** See Disposition Table at beginning of this chapter.



**WAC 308-56A-470 Issuance of certificates—Contents.** Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, in addition to all other vehicle and owner identification, a description of any facts or brands pertaining to previous license or operations of the vehicle. Facts pertaining to the vehicle may include but are not limited to:

- (1) The vehicle having been rebuilt;
- (2) Brands or special certificates previously issued by other states or jurisdictions;
- (3) Previous use of the vehicle such as: A taxicab or for hire vehicle with six seats or less;
- (4) The vehicle being previously owned and operated by a government agency; or
- (5) The vehicle is a street rod vehicle.

[Statutory Authority: RCW 46.01.110, 97-07-014, § 308-56A-470, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050, 92-03-077, § 308-56A-470, filed 1/14/92, effective 2/14/92.]

**WAC 308-56A-610 Odometer disclosure statement—General procedures/requirements.** (1) An odometer disclosure statement must be completed, pursuant to RCW 46.12.124, by the transferor of each vehicle and accompany the application for certificate of ownership.

(2) A power of attorney designated pursuant to chapter 11.94 RCW may be used with an odometer disclosure statement with the following limitations:

(a) The transferor may not give power of attorney to the transferee of the same vehicle to complete a separate odometer disclosure;

(b) The transferee of a vehicle may not give a power of attorney to the transferor of the same vehicle to complete a separate odometer disclosure;

(c) The transferee may give a power of attorney to a disinterested third party to complete the separate odometer disclosure; or

(d) The power of attorney may not be used to complete an odometer power of attorney.

(3) An odometer disclosure/title extension statement may be used with a secure certificate of ownership or when the secure certificate of ownership is lost or is being held by a lienholder.

[Statutory Authority: RCW 46.01.110 and 46.12.124, 97-14-034, § 308-56A-610, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110, 89-16-074 (Order TL/RG 49), § 308-56A-610, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-620 Definitions.** Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:

(1) "Transferee" means a person to whom a motor vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee.

(2) "Transferor" means a person who transfers ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor.

(3) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

[Statutory Authority: RCW 46.01.110 and 46.12.124, 97-14-034, § 308-56A-620, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110, 89-16-074 (Order TL/RG 49), § 308-56A-620, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-630 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-56A-640 Odometer disclosure statement—Vehicle dealer transactions.** (1) Vehicle dealers must obtain odometer disclosure statements from the transferor of the vehicle. A second odometer disclosure statement must be completed by the vehicle dealer as transferor at the time of wholesale or retail sale.

(2) Vehicle dealers must maintain records of completed odometer disclosure statements on dealer to dealer vehicle reassignments.

(3) If the certificate of ownership is unsecure, only the transferor odometer disclosure statement must accompany the application for certificate of ownership at the time of retail sale.

(4) Odometer disclosure statement records must be kept by the vehicle dealer for five years.

[Statutory Authority: RCW 46.01.110 and 46.12.124, 97-14-034, § 308-56A-640, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110, 89-16-074 (Order TL/RG 49), § 308-56A-640, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-650 Odometer disclosure statement—Leased vehicles.** (1) The lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide to the lessor a written odometer disclosure statement at the termination of the lease. The notice may be given any time after execution of the lease contract and prior to the termination of the lease or transfer of ownership.

(2) In addition to the requirements provided in RCW 46.12.124, the odometer disclosure statement must contain the following information:

(a) The printed name of the lessee completing the odometer disclosure statement. Only one lessee is required to complete and sign the disclosure statement;

(b) The lessee's name and current address;

(c) The lessor's name and current address; and

(d) The signature of the lessor.

(3) The lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

[Statutory Authority: RCW 46.01.110 and 46.12.124, 97-14-034, § 308-56A-650, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110, 89-16-074 (Order TL/RG 49), § 308-56A-650, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-660 Odometer disclosure statement—Involuntary divestiture.** (1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee must complete and sign an odometer disclosure statement pursuant to RCW 46.12.124 and this chapter as the transferor.

(2) When an abandoned vehicle is sold at an abandoned vehicle auction, only the transferee needs to complete an odometer disclosure statement.

(3) When an abandoned vehicle does not sell at an abandoned vehicle auction, an odometer disclosure is not required if the vehicle is subsequently sold by the tow truck operator to a hulk hauler, wrecker or scrap processor.

(4) When an abandoned vehicle does not sell at an abandoned vehicle auction, an odometer disclosure statement is required to be completed by the tow truck operator as transferee when the vehicle ownership is transferred to the tow truck operator.

[Statutory Authority: RCW 46.01.110 and 46.12.124. 97-14-034, § 308-56A-660, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-660, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-670 Odometer disclosure statement—Dealer auction companies.** (1) When a vehicle is sold by a vehicle dealer, doing business as an auction company to a nondealer, the dealer auction company must complete the odometer disclosure statement as the transferor.

(2) Vehicle dealer auction companies must retain the following odometer records, in addition to the records required in WAC 308-56A-640, for five years on each vehicle sold:

- (a) Name of the most recent owner, other than the auction company;
- (b) Name of the buyer;
- (c) Vehicle identification number; and
- (d) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

[Statutory Authority: RCW 46.01.110 and 46.12.124. 97-14-034, § 308-56A-670, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-670, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-680 Odometer disclosure statement—Out-of-state vehicles.** Vehicles last titled in another vehicle licensing jurisdiction must include an odometer disclosure statement when application is made for a certificate of ownership or registration. A foreign jurisdiction odometer disclosure statement must satisfy the provisions of RCW 46.12.124 or the federal Truth in Mileage Act of 1986. Odometer disclosure statements on out-of-state titles are acceptable, provided the form is issued/approved by the foreign jurisdiction and has the appropriate odometer readings required by the Truth in Mileage Act of 1986.

[Statutory Authority: RCW 46.01.110 and 46.12.124. 97-14-034, § 308-56A-680, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-680, filed 7/31/89, effective 8/31/89.]

**WAC 308-56A-690 Odometer disclosure statement—Forms.** All odometer disclosure statement forms submitted with applications for certificates of ownership must be approved by the department for compliance with the Federal Truth in Mileage Act of 1986.

[Statutory Authority: RCW 46.01.110 and 46.12.124. 97-14-034, § 308-56A-690, filed 6/25/97, effective 7/26/97. Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-690, filed 7/31/89, effective 8/31/89.]

**Chapter 308-57 WAC  
MOTOR VEHICLE EXCISE TAX**

**WAC**

- 308-57-005 Definitions.
- 308-57-010 Premise for assessing excise tax.
- 308-57-020 Modified vehicles.
- 308-57-030 Declaration of value.
- 308-57-110 Excise tax fee schedules one and five.
- 308-57-120 Excise tax fee schedules two and six.
- 308-57-130 Excise tax fee schedule three.
- 308-57-135 Excise tax fee schedule four.
- 308-57-140 Excise tax exemptions.
- 308-57-210 Excise tax in even dollars.
- 308-57-220 Repealed.
- 308-57-230 Fleet abatement.
- 308-57-240 Nonfleet abatement.
- 308-57-250 Repealed.
- 308-57-310 Repealed.
- 308-57-320 Repealed.
- 308-57-410 Repealed.
- 308-57-420 Repealed.
- 308-57-430 Repealed.
- 308-57-440 Repealed.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

- 308-57-220 13-month leases. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-220, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-250 Rental car abatement. [Statutory Authority: RCW 46.01.110, 46.16.225 and 1992 c 194. 92-20-049, § 308-57-250, filed 9/30/92, effective 10/31/92.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-310 Use class and one hundred ten percent rule. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-310, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-320 Trucks and one hundred ten percent rule. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-320, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-410 Appeal process. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-410, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-420 Taxes to be paid before appeal. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-420, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-430 Effective date for appeals. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-430, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.
- 308-57-440 Hearings officer. [Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-440, filed 1/29/91, effective 3/1/91.] Repealed by 97-12-015, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110.

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

- (1) "Excise tax fee schedule one" means the depreciation table described in RCW 82.44.041 (3)(b).
- (2) "Excise tax fee schedule two" means the depreciation table described in RCW 82.44.041(1).

(3) "Excise tax fee schedule three" means the depreciation table described in RCW 82.50.425(2).

(4) "Excise tax fee schedule four" means the depreciation table established for power units towing trailers with permanent plates issued in accordance with RCW 46.16.068.

(5) "RTA excise tax fee schedule five" means the depreciation table described in RCW 82.44.041 (3)(b) for use in the Central Puget Sound Regional Transit Authority area.

(6) "RTA excise tax fee schedule six" means the depreciation table described in RCW 82.44.041(1) for use in the Central Puget Sound Regional Transit Authority area.

(7) "Fleet" means any person with fifteen or more vehicles registered in the same name.

(8) "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.

(9) "MSRP" means the base manufacturer's suggested retail price as defined in RCW 82.44.041(3) and 82.50.425.

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

(11) "Registered within a county" means the county which the vehicle registered owner indicates as their resident address.

(12) "Tax code" means a two-digit alpha, numeric, or alpha-numeric representation of a value assigned by the department of revenue to passenger vehicles, light duty trucks, and motor homes prior to vehicle model year 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.

(13) "Truck type power unit" means trucks as defined in RCW 82.44.010(3). This includes vehicles with FIX (fixed load), or TOW (tow truck) use classes, regardless of scale weight; CMB (combination), COM (commercial), FAR (farm), FCB (farm combination), F/H (for hire), LOG (logging trucks), STA (stage), and TRK (trucks whose empty scale weights exceed six thousand pounds and whose declared gross weight does not exceed twelve thousand pounds) use class.

(14) "Truck type trailing unit" means trailers as defined in RCW 82.44.010(3). This includes trailers with CMB (combination), LOG (logging), and COM (commercial) use classes.

(15) "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.

(16) "Regional Transit Authority" or "(RTA)" means the Central Puget Sound Regional Transit Authority.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-005, filed 5/28/97, effective 6/28/97. 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 308-57-010 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 fee schedules two, four or six. All other vehicles are taxed using the value of the vehicle when it was first offered for sale and the appropriate

excise tax fee schedule. Current physical condition, mileage, or monetary value of a particular vehicle is not used to determine excise tax.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-010, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-010, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-020 Modified vehicles.** All new or unused vehicles modified by a licensed manufacturer, including but not limited to, van conversions, sport utility vehicles, and limousines, shall be taxed according to the MSRP provided by the modifying manufacturer. If the vehicle is modified by someone other than a licensed manufacturer, the original MSRP issued for the vehicle prior to the modifications plus the costs of the modifications shall be used.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-020, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-020, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-030 Declaration of value.** If there is no tax code for a model year 1985 or older model vehicle and there is no MSRP information available for a model year 1986 or newer model vehicle, the owner may be required to provide a certified declaration of original value and supporting documentation to be used as the basis for assessing the excise tax.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-030, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-030, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-110 Excise tax fee schedules one and five.** Vehicles with the following use classes are taxed according to excise tax fee schedule one and when applicable, schedule five:

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)

MH (motor home)

PAS (passenger)

PER (nonpowered personal use trailer)

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)

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-110, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-110, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-120 Excise tax fee schedules two and six.** Vehicles with the following use classes are taxed according to excise tax fee schedule two and when appropriate, schedule six:

FIX (fixed load)

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)

STA (stage) (if more than six seats and the scale weight exceeds six thousand pounds)

TRK (truck) (if the scale weight exceeds six thousand pounds),

TOW (powered tow truck)

LOG (powered logging truck)

LOG (nonpowered logging trailer/bunker)

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-120, filed 5/28/97, effective 6/28/97. 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 fee schedule three.** Vehicles with the following use classes are taxed according to excise tax fee schedule three:

CMP (camper)

TVL (travel trailer, including tent trailers)

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-130, filed 5/28/97, effective 6/28/97. 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 308-57-135 Excise tax fee schedule four.** Powered vehicles with the following use classes are taxed according to excise tax fee schedule four:

CMB (combination power units, if the declared combined gross weight is greater than forty thousand pounds)

FCB (farm combination power units, if the declared combined gross weight is greater than forty thousand pounds)

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-135, filed 5/28/97, effective 6/28/97.]

**WAC 308-57-140 Excise tax exemptions.** The following vehicles are exempt from excise taxes imposed in chapters 82.44 and 82.50 RCW:

(1) Vehicles with tax code 95 (vehicles taxed as personal property, such as mobile homes);

(2) Vehicles with the following use classes: EX (exempt), FED (federally owned), FEX (farm exempt), H/D (house moving dolly), PED (moped), ORV (off road vehicle), SCH (private school), SNO (snowmobile), or SNX (exempt snowmobile);

(3) Vehicles registered pursuant to WAC 308-96A-050, (nonresident members of the armed forces);

(4) Vehicles registered pursuant to WAC 308-96A-400, (Indian tribes and tribal members);

(5) Vehicles registered pursuant to WAC 308-96A-046, (veteran's free license);

(6) Vehicles registered pursuant to WAC 308-96A-180, (rental cars);

(7) Passenger motor vehicles registered pursuant to WAC 308-96A-175 and 308-96A-176, ride-sharing and transportation needs ride-sharing vehicles; and

(8) Vehicles registered pursuant to WAC 308-96A-063, Foreign organization special license plate.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-140, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-140, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-210 Excise tax in even dollars.** Individual vehicle excise taxes are rounded to the nearest whole dollar.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-210, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-210, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-220 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-230 Fleet abatement.** A fleet vehicle, which is required to have a December registration expiration date, shall be charged excise tax based on the current depreciation rate for the number of months required to license through December 31 of the current year. If the number of months to December 31 is fewer than four, an additional twelve months excise tax will be charged at the current depreciation rate.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-230, filed 5/28/97, effective 6/28/97; 92-15-024, § 308-57-230, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-230, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-240 Nonfleet abatement.** With department approval, the owner of a nonfleet vehicle may change the vehicle's registration expiration date. The owner shall be assessed excise tax based on the current depreciation rate for the number of months from the current expiration to the requested expiration date. The new expiration date must be greater than twelve months but not more than eighteen months from the current registration expiration date. New expiration dates may only be granted when validation tabs for the desired month and year are available.

[Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-240, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-240, filed 1/29/91, effective 3/1/91.]

**WAC 308-57-250 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-310 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-320 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-410 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-420 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-430 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-57-440 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-58 WAC**  
**REPORTING DESTROYED VEHICLES**

**WAC**

308-58-010	Definitions.
308-58-030	Sale of salvage.
308-58-040	Salvage vehicles rebuilt.
308-58-050	Destroyed vehicle retitled.

**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; or

(d) Damaged to the extent that the owner, an insurer, or other person acting on behalf of the owner, has determined the vehicle is uneconomical to repair. "Uneconomical to repair" means the cost of parts, labor, and salvage value is greater than the economic value placed on the repaired vehicle by the owner.

(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 46.12.075. 97-11-049, § 308-58-010, 5/19/97, effective 6/19/97. 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 308-58-030 Sale of salvage.** (1) After a vehicle has been reported destroyed pursuant to RCW 46.12.070, the vehicle may be sold by the insurer using a bill of sale instead of a release of interest on a certificate of ownership. The bill of sale must be signed by a representative of the insurer and provide their appellative title. The representative's signature need not be notarized.

(2) After a vehicle has been reported destroyed pursuant to RCW 46.12.070 and the vehicle is retained by the registered owner, the vehicle may be sold in its present condition using a bill of sale. The bill of sale must be signed by the owner of record and the signature notarized.

(3) A motor vehicle wrecker licensed pursuant to chapter 46.80 RCW may utilize a bill of sale issued in accordance with subsections (1) and (2) of this section in lieu of a certificate of ownership to comply with RCW 46.80.090.

[Statutory Authority: RCW 46.01.110 and 46.12.075. 97-11-049, § 308-58-030, 5/19/97, effective 6/19/97. Statutory Authority: RCW 46.01.110. 88-20-035 (Order TL/RG 44), § 308-58-030, filed 9/30/88; Order MV 142, § 308-58-030, filed 8/28/72.]

**WAC 308-58-040 Salvage vehicles rebuilt.** (1) Salvage vehicles defined in RCW 46.12.005 whose certificate of ownership or other authorized documentation has been turned in to the department pursuant to RCW 46.12.070, shall be issued certificates of ownership and registration pursuant to RCW 46.12.075. Certificates of ownership and registration shall prominently display a REBUILT inscription on the face of the document. The inscription will continue to appear on every subsequent certificates of ownership and registration issued for this vehicle.

(2) The application for certificate of ownership of a rebuilt salvage vehicle will be accompanied by a release of interest or a bill of sale transferring ownership to the applicant and a Washington state patrol inspection, as provided in WAC 308-56A-460.

[Statutory Authority: RCW 46.01.110 and 46.12.075. 97-11-049, § 308-58-040, 5/19/97, effective 6/19/97. Statutory Authority: RCW 46.01.110. 92-15-022, § 308-58-040, filed 7/6/92, effective 8/6/92; Order MV 142, § 308-58-040, filed 8/28/72.]

**WAC 308-58-050 Destroyed vehicle retitled.** The application for certificate of ownership to a vehicle shown on department records as destroyed, pursuant to RCW 46.12.070, must be accompanied by the following:

(1) A release of interest on the certificate of ownership, a notarized release of interest or notarized bill of sale from the owner of record, or a bill of sale from a licensed vehicle wrecker or insurer; and

(2) A Washington state patrol inspection as provided in WAC 308-56A-460.

[Statutory Authority: RCW 46.01.110 and 46.12.075. 97-11-049, § 308-58-050, 5/19/97, effective 6/19/97.]

**Chapter 308-72 WAC**  
**MOTOR VEHICLE FUEL TAX**

**WAC**

308-72-506	Repealed.
308-72-510	Repealed.
308-72-543	Repealed.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

308-72-506	Application for distributor's license. [Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-506, filed 3/22/88.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
308-72-510	Property statement in lieu of a bond. [Statutory Authority: RCW 82.36.060. 92-21-010, § 308-72-510, filed 10/12/92, effective 11/12/92; Order 107MV, § 308-72-510, filed 9/10/71.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
308-72-543	Alcohol exemption. [Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-543, filed 5/10/94, effective 6/10/94.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.

**WAC 308-72-506 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-72-510 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-72-543 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-76 WAC**

**MOTOR VEHICLE FUEL IMPORTER USE TAX**

**WAC**

308-76-005 through 308-76-430 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-76-005 Practice and procedure. Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-400 Motor Vehicle Fuel Importer Use Tax Act—Definitions. [Motor Vehicle Fuel Importer Use Tax Act, Regulation A, effective 8/15/65.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-405 Motor Vehicle Fuel Importer Use Tax Act—Tax imposed—Rate. [MVFIUTA Regulation B, effective 8/15/65; MVFIUTA Regulation A, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-410 Motor Vehicle Fuel Importer Use Tax Act—Report of carriers. [MVFIUTA Regulation C, effective 8/15/65; MVFIUTA Regulation B, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-415 Motor Vehicle Fuel Importer Use Tax Act—Computation and collection of tax—Credit for fuel purchased in Washington. [Order MV 376, § 308-76-415, filed 8/9/76; MVFIUTA Regulation D, effective 8/15/65; MVFIUTA Regulation C, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-420 Motor Vehicle Fuel Importer Use Tax Act—Assessment of tax. [MVFIUTA Regulation E, effective 8/15/65; MVFIUTA Regulation D, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-425 Motor Vehicle Fuel Importer Use Tax Act—Exported fuel—Refund procedure. [MVFIUTA Regulation F, effective 8/15/65; MVFIUTA Regulation E, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-430 Motor Vehicle Fuel Importer Use Tax Act—Records required. [MVFIUTA Regulation G, effective 8/15/65; MVFIUTA Regulation F, effective 9/1/63.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.

**WAC 308-76-005 through 308-76-430 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-77 WAC**

**SPECIAL FUEL TAX RULES AND REGULATIONS**

**WAC**

308-77-030 Repealed.  
308-77-090 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-77-030 Special fuel supplier's license. [Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-030, filed 1/6/89. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-030, filed 8/1/79; Order 114 MV, § 308-77-030, filed 11/26/71.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-77-090 Computation of tax on mileage basis. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-090, filed 8/1/79; Order 475-DOL, § 308-77-090, filed 12/30/77; Order MV-175, § 308-77-090, filed 10/24/73; Order 114 MV, § 308-77-090, filed 11/26/71.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.

**WAC 308-77-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-77-090 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-95 WAC  
VEHICLE IMPOUND**

**WAC**

308-95-010 through 308-95-030 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-95-010 Vehicle impound—Notice of right to formal hearing—Hearing request. [Statutory Authority: RCW 46.20.435. 83-12-025 (Order 718-DOL), § 308-95-010, filed 5/25/83.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-95-020 Transcripts or abstracts of driving record certified—As prima facie evidence. [Statutory Authority: RCW 46.20.435. 83-12-025 (Order 718-DOL), § 308-95-020, filed 5/25/83.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-95-030 Penalties, fines or forfeitures defined. [Statutory Authority: RCW 46.20.435. 83-12-025 (Order 718-DOL), § 308-95-030, filed 5/25/83.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.

**WAC 308-95-010 through 308-95-030 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-96A WAC  
VEHICLE LICENSES**

**WAC**

- 308-96A-005 Terminology.
- 308-96A-046 Veteran's free license.
- 308-96A-056 Pearl Harbor survivor license plates.
- 308-96A-057 Purple Heart license plates.
- 308-96A-072 Square dancer license plates.
- 308-96A-073 Vehicles over forty years old—Horseless carriage plates.
- 308-96A-074 Vehicles over thirty years old—Collector vehicle license plates.
- 308-96A-075 Repealed.
- 308-96A-136 Mopeds—License plates.

308-96A-161	Regular fleet registration.
308-96A-162	Permanent fleet registration.
308-96A-315	Repealed.
308-96A-415	Repealed.
308-96A-420	Repealed.
308-96A-550	Vehicle special collegiate license plates.
308-96A-560	Special vehicle license plates—Criteria for continued issuance.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

308-96A-075	Collector cars—Use limitations. [Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-075, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-075, filed 5/5/86; Order MV-328, § 308-96A-075, filed 7/24/75.] Repealed by 97-07-014, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110.
308-96A-315	Temporary placards. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-315, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-315, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-315, filed 8/15/84.] Repealed by 98-01-020, filed 12/8/97, effective 1/8/98. Statutory Authority: RCW 34.05.354.
308-96A-415	Centennial plate issuance. [Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-415, filed 5/28/87.] Repealed by 98-01-151, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110 and 1997 c 291.
308-96A-420	Centennial plate fee. [Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-420, filed 5/28/87.] Repealed by 98-01-151, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110 and 1997 c 291.

**WAC 308-96A-005 Terminology.** Terms used in chapter 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicate to the contrary:

(1) The terms "license or licensing" and "register or registering" are synonymous and mean the act of registration of a vehicle pursuant to chapter 46.16 RCW.

(2) The terms "tonnage," "declared gross weight," and "combined gross weight" are used interchangeably when referring to license fees for trucks, motor trucks, truck tractors, road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six.

(3) "No bill" or "special mailer" means the notice to renew a license provided by the department in lieu of a renewal notice. The special mailer requires additional or corrective information prior to the registration renewal.

(4) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department.

(5) "Current year" means the current registration year unless otherwise stated.

(6) "Month of expiration" or "expiration month" means the calendar month during which a registration year ends.

(7) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(8) "License fee" means the fees required for the act of licensing a vehicle pursuant to chapter 46.16 RCW. License

fee does not include special license plate fees and fees collected by the department for other jurisdictions.

(9) "Day of expiration" or "expiration day" means the day of the month that a vehicle registration, gross weight license, or tabs expire.

[Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-005, filed 4/24/97, effective 5/25/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-96A-005, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-005, filed 6/30/93, effective 7/31/93; 92-15-025, § 308-96A-005, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-005, filed 1/2/92, effective 2/2/92. 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) Disabled American veterans, former prisoners of war, surviving spouses of deceased former prisoners of war qualified pursuant to RCW 73.04.110 may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from annual licensing fees and motor vehicle excise tax.

(2) For purposes of this section, "personal use vehicle" means passenger vehicles, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight.

(3) Emission inspections are required pursuant to chapter 70.120 RCW.

(4) When personalized license plates are issued, the personalized license plate fee pursuant to RCW 46.16.585 is required to be paid.

(5) Propane, butane, and natural gas powered vehicles subject to annual liquefied petroleum gas (LPG) fees pursuant to RCW 82.38.075 is required to be paid.

(6) Disabled American veterans must provide confirmation of eligibility pursuant to RCW 73.04.110 with the initial application.

(7) 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 of the deceased former prisoner of war; and

(b) An affidavit that the applicant is not currently married or remarried after the death of the former prisoner of war.

(8) When the special license plate or free veteran license is transferred to another vehicle, the registration period for the vehicle, from which the exemption is removed, is expired. The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must notify the department of the transfer and pay the transfer fees in effect.

(9) The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must be a registered or co-registered owner or lessee or co-lessee of the vehicle for which a free veteran license is granted.

(10) When a vehicle with a free veteran license is sold or otherwise disposed of, the special license plate must be removed and the registration period for the vehicle is expired.

[Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-046, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-046, filed 1/2/92, effective 2/2/92. 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 may receive a set of special license plates pursuant to RCW 46.16.305.

(1) Applications for the special license plates shall include:

(a) A certification of eligibility from a Washington state chapter of the Pearl Harbor Survivors Association; and

(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.

(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 applicant shall include:

(a) A certified copy of the Pearl Harbor survivor's death certificate; and

(b) 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 on which the special license plates will be used.

[Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-056, filed 3/11/97, effective 4/11/97. 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 46.01.100, 46.16.276 and 1987 c 44. 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

**WAC 308-96A-057 Purple Heart license plates.** Any military person that has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots may be issued a set of special vehicle license plates indicating the recipient was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005(2).

(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 United States Armed Forces; and

(d) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate will be used.

(2) Applications for the special license plates shall include the following supplemental documents:

(a) A photocopy of the applicant's form DD-214 or similar document issued by a branch of the United States Armed Forces which awarded the Purple Heart medal to the applicant and the date of award; and

(b) 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 two plated motor vehicle. The plates may not be issued for motorcycles or nonmotor vehicles including campers and travel trailers.

(4) Purple Heart special license plates issued to any qualifying person may be retained by the surviving spouse of the demised qualifying person. The surviving spouse shall be afforded all rights and privileges of the qualified person so long as the surviving spouse:

(a) Was the legally recognized spouse of the qualifying person at the time of the demise of the qualifying person;

(b) Is a resident of the state of Washington;

(c) Is an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and

(d) Doesn't remarry. If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

[Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-057, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-057, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-057, filed 7/8/91, effective 8/8/91.]

**WAC 308-96A-072 Square dancer license plates.**

(1) The registered owner or lessee of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of a dancer.

(2) Square dancer license plates may be issued pursuant to RCW 46.16.233 for vehicles required to display two license plates. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) A special license plate fee of thirty-five dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued through December 31, 1997. The special license plate fee is forty dollars effective with square dancer license plates issued January 1, 1998, and thereafter.

[Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-072, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-072, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-072, filed 6/30/93, effective 7/31/93.]

**WAC 308-96A-073 Vehicles over forty years old—Horseless carriage plates.** (1) Any motor vehicle which is at least forty years old and is owned and operated primarily as a collector vehicle 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 "horseless carriage" series.

[Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-073, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 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 and is owned and operated primarily as a collector vehicle 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 "collector vehicle" series.

[Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-074, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.]

**WAC 308-96A-075 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-96A-136 Mopeds—License plates.** (1) Applicants registering a moped pursuant to RCW 46.16.630 shall be issued motorcycle series license plates. The number on the license plates shall serve as the moped's registration number.

(2) License plates issued for mopeds shall be displayed as provided in RCW 46.16.240 for motorcycles.

(3) Moped registrations shall be renewed annually as provided in chapter 46.16 RCW for motor vehicles. Upon renewal of registration, the applicant shall be issued license number tabs which shall be displayed on the license plates in the manner provided in WAC 308-96A-295 for motorcycles.

(4) Upon the loss, defacement, or destruction of a license plate issued for the moped, the owner shall make application for replacement license plates and pay a fee as provided in RCW 46.16.630 for an original decal or other identifying device.

[Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-136, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-136, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-136, filed 5/28/87.]

**WAC 308-96A-161 Regular fleet registration.** Any owner of a fleet of fifteen or more vehicles, excluding trailing units issued a permanent license plate pursuant to RCW 46.16.068, may apply for and be issued a regular fleet identifier code by the department. The owner may have any vehicle with a certificate of ownership in the exact same owner name registered using the regular fleet identifier code. Regular vehicle license plate month and year tabs shall be issued. Monthly gross weight license may be purchased for individual vehicles.

Any vehicle with an expired registration will be removed from the regular fleet. Failure of the owner to maintain a minimum of fifteen vehicles with current registrations under the owner's fleet identification code shall automatically cause cancellation of their fleet identification code and removal of all of the owner's vehicles from the regular fleet designation.

[Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-161, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-161, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-161, filed 7/8/91, effective 8/8/91.]

**WAC 308-96A-162 Permanent fleet registration.** (1) Any owner of a fleet of one hundred or more vehicles, excluding trailing units issued a permanent license plate pursuant to RCW 46.16.068, used for commercial purposes may apply for and be issued a permanent fleet identifier code by the department. Permanent fleets that were issued identifier codes prior to April 1986 may continue to use the permanent fleet code issued without satisfying the one hundred or more vehicle requirement set forth in this section. The owner may have any vehicle used for commercial purposes, with a certificate of ownership in the exact same owner name registered using the permanent fleet identifier code. Permanent license plate tabs and registration documents shall be issued. Annual gross weight license must be purchased for each applicable vehicle.

(2) Any vehicle with an expired registration will be removed from the fleet. Failure of the owner to maintain a minimum of one hundred vehicles with current registrations under the owner's fleet identifier code, except as provided in subsection (1) of this section shall automatically cause cancellation of their permanent fleet identifier code and removal of all of the owner's vehicles from the permanent fleet designation.

[Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-162, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-162, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-162, filed 7/8/91, effective 8/8/91.]

**WAC 308-96A-315 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-96A-415 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-96A-420 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-96A-550 Vehicle special collegiate license plates.** (1) The department shall approve an application for special collegiate license plate series pursuant to RCW 46.16.301 (1)(d), as it existed before amendment by section 5, chapter 291, Laws of 1997, from an institution of higher education after determining the following criteria is satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. A license plate shall not be approved that may carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(b) The special collegiate license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration or in lieu of any other special, personalized or exempt license plate.

(c) The special collegiate license plate may be issued to all applicants regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

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

(3) When ownership of a vehicle, issued collegiate license plates, is sold, traded, or otherwise transferred, the owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1). If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate shall be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund shall not be made for the unexpended registration period.

(4) Upon the loss, defacement, or destruction of one or both collegiate license plates the owner shall make application for new collegiate or other license plate and pay the fees pursuant to RCW 46.16.270. New collegiate license plates

shall be issued bearing the next available license plate number.

[Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-550, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-550, filed 5/10/95, effective 6/10/95. 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 for continued issuance.** Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324 the department may discontinue issuing special vehicle license plates after determining that less than five hundred special license plates in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period.

[Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-560, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-560, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-560, filed 6/30/93, effective 7/31/93; 91-03-091, § 308-96A-560, filed 1/18/91, effective 2/18/91.]

**Chapter 308-124 WAC**

**REAL ESTATE BROKERS AND SALESMEN**

**WAC**

- 308-124-021 Definitions.
- 308-124-025 Application of brief adjudicative proceedings.
- 308-124-035 Preliminary record in brief adjudicative proceedings.
- 308-124-045 Conduct of brief adjudicative proceedings.

**WAC 308-124-021 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, incorporated associate brokers, and/or branch managers employed by a real estate

broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-021, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124-021, filed 11/15/90, effective 12/16/90; 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

**WAC 308-124-025 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a real estate broker or real estate salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether to deny or withdraw approval of any real estate clock hour courses, school approval, or instructor approval;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal;

(5) Whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed education loan or service-conditional scholarship; and

(6) Whether a cease and desist order issued to an unlicensed person for acting as a real estate broker or salesperson was properly issued.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-025, filed 12/17/97, effective 1/17/98.]

**WAC 308-124-035 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associate documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed education loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-035, filed 12/17/97, effective 1/17/98.]

**WAC 308-124-045 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-045, filed 12/17/97, effective 1/17/98.]

## Chapter 308-124A WAC

### REAL ESTATE—LICENSING AND EXAMINATION

#### WAC

308-124A-120	Application for license—Interim license.
308-124A-200	Corporate or copartnership applicants for licenses— Proof required.
308-124A-205	Corporate license renewal—Proof required.

**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, limited liability companies, limited liability partnerships or partnerships, 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, limited liability companies, limited liability partnerships 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. 98-01-107, § 308-124A-120, filed 12/17/97, effective 1/17/98; 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-200 Corporate or copartnership applicants for licenses—Proof required.** The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, managers or members and principal owners of the corporation or limited liability company directly involved in the company's Washington real estate activity and, in the case of a partnership or limited liability partnership, the general partners and all principal owners. A new credit rating is not required if one has been filed with the department within the preceding eighteen months.

(3) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(4) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

(5) If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations, limited liability companies, limited liability partnerships or partnerships under this chapter.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124A-200, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124A-200, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

**WAC 308-124A-205 Corporate license renewal—Proof required.** Applicants for renewal of a corporate, limited liability company or limited liability partnership license shall furnish proof of current master license renewed by authority of secretary of state.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124A-205, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124A-205, filed 10/7/87.]

## Chapter 308-124C WAC

### REAL ESTATE—RECORDS AND RESPONSIBILITIES

#### WAC

308-124C-030 Accuracy and accessibility of records.

**WAC 308-124C-030 Accuracy and accessibility of records.** All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate, limited liability company, limited liability partnership or partnership brokerage firm, the responsibility imposed by this section shall apply to both the corporation, limited liability company, limited liability partnership or partnership and the natural person designated and licensed to act as broker for the corporation, limited liability company, limited liability partnership or partnership. Prior to issuing a new license indicating a change of designated broker for a corporate, limited liability company, limited liability partnership or partnership licensee, the

licensee must submit evidence that the requirements have been satisfied.

A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124C-030, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124C-030, filed 10/7/87; 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.]

### Chapter 308-124D WAC

#### REAL ESTATE—OPERATIONAL PROCEDURES

##### WAC

308-124D-061 Broker supervision of affiliated licensees.

**WAC 308-124D-061 Broker supervision of affiliated licensees.** (1) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company, limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(2) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124D-061, filed 12/17/97, effective 1/17/98; 90-01-044, § 308-124D-061, filed 12/14/89, effective 1/14/90.]

### Chapter 308-124F WAC

#### REAL ESTATE—MISCELLANEOUS PROVISIONS

##### WAC

308-124F-040 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124F-040 Standards for professional associations and educational organizations. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124F-040, filed 10/11/85.] Repealed by 98-01-107, filed 12/17/97, effective 1/17/98. Statutory Authority: RCW 18.85.040.

**WAC 308-124F-040 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 308-125 WAC

#### REAL ESTATE APPRAISERS

##### WAC

308-125-120 Fees and charges.

**WAC 308-125-120 Fees and charges.** The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$182.00
(2) Examination	[100.00**][75.00]
(3) Reexamination	[100.00**][75.00]
(4) Original certification	102.00*
(5) Certification renewal	284.00*
(6) Late renewal penalty	36.00
(7) Duplicate certificate	26.00
(8) Certification history record	25.00
(9) Application for reciprocity	182.00
(10) Original certification via reciprocity	102.00*
(11) Temporary practice	150.00

\* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

\*\* Charges for categories marked with a double asterisk are determined by contract with an outside testing service.]

[Statutory Authority: RCW 43.24.086. 97-21-077, § 308-125-120, filed 10/17/97, effective 1/1/98; 97-16-042, § 308-125-120, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-120, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-120, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-120, filed 2/5/91, effective 3/8/91.]

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

### Chapter 308-127 WAC

#### TIMESHARE

##### WAC

308-127-310 Application of brief adjudicative proceedings.  
308-127-320 Preliminary record in brief adjudicative proceedings.  
308-127-330 Conduct of brief adjudicative proceedings.

**WAC 308-127-310 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a timeshare project, timeshare promoter or timeshare salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-310, filed 5/1/97, effective 6/1/97.]

**WAC 308-127-320 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the registration holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-320, filed 5/1/97, effective 6/1/97.]

**WAC 308-127-330 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-330, filed 5/1/97, effective 6/1/97.]

## Chapter 308-330 WAC

### WASHINGTON MODEL TRAFFIC ORDINANCE

#### WAC

308-330-121	Repealed.
308-330-123	Repealed.
308-330-197	RCW sections adopted—Off-road and nonhighway vehicles.
308-330-200	RCW sections adopted—Snowmobiles.
308-330-300	RCW sections adopted—Certificates of ownership and registrations.
308-330-305	RCW sections adopted—Vehicle licenses.
308-330-307	RCW sections adopted—Driver licenses-identitcards.
308-330-316	RCW sections adopted—Vehicle lighting and other equipment.
308-330-322	RCW sections adopted—Transportation of hazardous materials.
308-330-329	Repealed.
308-330-370	Stolen and abandoned vehicles—Reports of— Recovery, report required, penalty—Disposition.
308-330-375	Repealed.
308-330-400	Provisions of chapter refer to vehicles upon highway— Exception.
308-330-406	RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators.
308-330-408	RCW sections adopted—Traffic laws, signs, signals, markings.
308-330-415	RCW sections adopted—Right of way.
308-330-421	RCW sections adopted—Starting and stopping.
308-330-425	RCW sections adopted—Reckless driving, vehicular homicide and assault.
308-330-436	Parking for certain purposes unlawful.
308-330-462	RCW sections adopted—Stopping, standing, and park- ing.
308-330-800	RCW sections adopted—Traffic control devices.
308-330-825	RCW sections adopted—Littering.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-330-121	Department. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-121, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-123	Director. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-123, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-329	RCW sections adopted—Rental car businesses. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-329, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-375	Disposition of abandoned junk motor vehicles. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-375,

filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.

**WAC 308-330-121 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-330-123 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-197, filed 5/5/97, effective 6/5/97; 94-23-029, § 308-330-197, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-197, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-200 RCW sections adopted—Snowmobiles.** The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.10.010, 46.10.020, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-200, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-200, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-300, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-300, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-300, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-300, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-300, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-305 RCW sections adopted—Vehicle licenses.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.316, 46.16.350, 46.16.381, 46.16.390, 46.16.500, 46.16.505,

46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-305, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-305, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-305, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-305, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-307 RCW sections adopted—Driver licenses-identificards.** The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.500, 46.20.510, 46.20.550, 46.20.720, 46.20.730, 46.20.740, 46.20.750, 46.20.3101, and sections 1 and 2, chapter 66, Laws of 1997.

[Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-307, filed 7/31/97 effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-307, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-307, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-307, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-307, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-307, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, and 46.37.630.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-316, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-316, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-316, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-316, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials.** The following section of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) pertaining to

transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170, 46.48.175 and 46.48.185 and chapter 446-50 WAC.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-322, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-322, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-329 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-330-370 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition.** It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a tow truck operator registered pursuant to chapter 46.55 RCW.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-370, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-370, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-375 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.530 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-400, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-400, filed 6/19/96, effective 7/20/96; 94-23-029, § 308-330-400, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-400, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators.** The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.025, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060,

46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, and 46.55.240.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-406, filed 5/5/97, effective 6/5/97; 95-23-042, § 308-330-406, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-406, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings.** The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, and 46.61.085.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-408, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-408, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-415 RCW sections adopted—Right of way.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.165, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-415, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-415, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-421 RCW sections adopted—Starting and stopping.** The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.371, 46.61.372, 46.61.375, 46.61.380, and 46.61.385.

[Statutory Authority: RCW 46.90.010, 97-10-068, § 308-330-421, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-421, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault.** The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are



hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.5057, 46.61.5058, 46.61.506, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.527, 46.61.530, 46.61.535, 46.61.540, and section 4, chapter 66, Laws of 1997.

[Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-425, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-425, filed 5/5/97, effective 6/5/97; 95-23-042, § 308-330-425, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-425, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-425, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-436 Parking for certain purposes unlawful.** (1) No person shall park any vehicle upon any highway for the principle purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-436, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-436, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-462, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-462, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-800 RCW sections adopted—Traffic control devices.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.180, 47.36.200, 47.36.210, 47.36.220, and 47.36.230.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-800, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-800, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-825 RCW sections adopted—Littering.** The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.030, 70.93.050, 70.93.060, and 70.93.097.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-825, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-825, filed 12/13/93, effective 7/1/94.]

### Chapter 308-420 WAC CAMPING RESORTS—CONTRACTS—RESALE, ETC.

#### WAC

308-420-250	Application of brief adjudicative proceedings.
308-420-260	Preliminary record in brief adjudicative proceedings.
308-420-270	Conduct of brief adjudicative proceedings.

**WAC 308-420-250 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a camping resort, camping resort operator or camping resort salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-250, filed 5/1/97, effective 6/1/97.]

**WAC 308-420-260 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the agency in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the agency regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the agency regarding compliance with the final order or agreement; and

(d) All documents relied upon by the agency showing that the registration holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-260, filed 5/1/97, effective 6/1/97.]

**WAC 308-420-270 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-270, filed 5/1/97, effective 6/1/97.]

## Title 315 WAC LOTTERY COMMISSION

### Chapters

- 315-06 General lottery rules.
- 315-10 Instant games—General rules.
- 315-11 Instant game rules—Specific rules.
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### Chapter 315-06 WAC GENERAL LOTTERY RULES

#### WAC

- 315-06-120 Payment of prizes—General provisions.
- 315-06-123 Voluntary assignment of prize pursuant to an appropriate judicial order.

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for

the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: *Provided*, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruc-