

Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

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Chapter 308-16

BARBERS, BARBER SHOPS, AND BARBER COLLEGES

308-16-010 Limitations on practice. [Order 1 (part), filed 2/7/68; Rule 15, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.
308-16-020 Barber shops—Use of premises. [Order 1 (part), filed 2/7/68; Rule 1, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-030 Barber shops—Water supply. [Rule 3, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-040 Barber shops—Discharge of waste water. [Rule 4, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-050 Barber shops—Lighting fixtures. [Rule 6, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-060 Barber shops—Ventilation. [Rule 7, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-070 Barber shops—Receptacle for soiled towels. [Rule 10, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-080 Barber shops—Waste receptacles. [Rule 11, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-090 Barber shops—Supervision and license. [Order 1 (part), filed 2/7/68; Rule 17, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-100 Barber shops—Posting of license. [Rule 16, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-110 Barber shops—General sanitation. [Rule 2, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

308-16-120	Barber shops—Sanitation of walls, furniture and fixtures. [Rule 5, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-220	Renewal of permits. [Order PL 203, § 308-16-220, filed 11/5/75; Order PL-147, § 308-16-220, filed 8/14/73; Order 1 (part), filed 2/7/68; Rule 21, filed 12/22/64; 8/13/63.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-16-130	Barber shops—Cabinets. [Rule 8, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-230	Revocation of permits. [Rule 23, filed 12/22/64.] Repealed by Order 1, filed 2/7/68.]
308-16-140	Barber shops—Sterilization of tools and implements. [Rule 9, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-240	Brush-up courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-240, filed 7/12/83; Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-150	Barber shops—Health of personnel. [Rule 12, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-250	Instructor examinations. [Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-160	Barber shops—Cleanliness of personnel. [Order PL-104, § 308-16-160, filed 8/3/71; Order 1 (part), filed 2/7/68; Rule 14, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-260	Theory classes. [Order 7, § 308-16-260, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-170	Restricted services. [Order 1 (part), filed 2/7/68; Rule 13, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-270	Minimum weekly theory hours. [Order 7, § 308-16-270, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-180	Use of certain materials restricted. [Rule 18, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-280	Waivers, maximum and minimum months of attendance. [Order 7, § 308-16-280, filed 9/9/68.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-16-190	Inspection. [Rule 20, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-290	Finishing services by instructors. [Order 7, § 308-16-290, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-200	Barber colleges—Hours. [Order 7, § 308-16-200, filed 9/9/68; Rule 19, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-300	Defining "use" of instructor's license. [Order 7, § 308-16-300, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-205	Required haircut for performance examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-205, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-310	Demonstrations and short courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-310, filed 7/12/83; Order PL-147, § 308-16-310, filed 8/14/73; Order 7, § 308-16-310, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-210	Examinations. [Rule 22, filed 12/4/63.] Repealed by Order 1, filed 2/7/68.	308-16-320	Time for applications. [Order 12, § 308-16-320, filed 9/12/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-21001	Required haircut for performance examination. [Order PL 193, § 308-16-210 (codified as WAC 308-16-21001), filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.	308-16-350	Textbook(s) used for barber examination. [Statutory Authority: RCW 18.15.110 and 18.15.240. 80-02-079 (Order PL 333), § 308-16-350, filed 1/18/80; Order PL-147, § 308-16-350, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-211	Scoring for practical examination—Permit. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-211, filed 1/9/81; Order PL 193, § 308-16-211, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.	308-16-360	Examination for men's hairstyling certificate. [Order PL-154, § 308-16-360, filed 12/10/73; Order PL-147, § 308-16-360, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-212	Scoring for practical examination—Journeyman. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-212, filed 1/9/81; Order PL 193, § 308-16-212, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.	308-16-370	Permit barber training. [Order PL-154, § 308-16-370, filed 12/10/73.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-16-213	Practical examination—Length of examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-213, filed 7/12/83; Order PL 193, § 308-16-213, filed 6/12/75.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-380	Definition of the words "chemical" or "chemicals." [Order PL-154, § 308-16-380, filed 12/10/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-214	Scoring for practical examination—Barber. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-214, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-390	Barber student curriculum. [Order PL 172, § 308-16-390, filed 6/20/74; Order PL 160, § 308-16-390, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-215	Reexaminations. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-215, filed 1/9/81; Order 12, § 308-16-215, filed 9/12/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-400	Men's hairstyling curriculum, instructors and schools. [Order 283, § 308-16-400, filed 12/29/77; Order PL 160, § 308-16-400, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-216	Partial written reexaminations. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-216, filed 1/9/81; Order 14, § 308-16-216, filed 3/14/69.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-410	License renewal fee. [Order PL 163, § 308-16-410, filed 3/18/74.] Repealed by Order PL 203, filed 11/5/75. Later promulgation, see WAC 308-16-420.
308-16-217	Permittees—Partial examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-217, filed 1/9/81; Order 14, § 308-16-217, filed 3/14/69.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.	308-16-420	Barber—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-16-420, filed 9/25/80; Order PL 203, § 308-16-420, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-16-500.
308-16-218	Applications for examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-218, filed 1/9/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-16-430	Renewal of licenses. [Order PL 262, § 308-16-430, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
		308-16-440	Catalog or brochure. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-440, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

- 308-16-450 Minimum cancellation and refund policy. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-450, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-460 Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-460, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-470 Bonding. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-470, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-500 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-16-500, filed 11/2/83; 83-17-031 (Order PL 442), § 308-16-500, filed 8/10/83. Formerly WAC 308-16-420.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- Chapter 308-21**
ATHLETE AGENT REGISTRATION
- 308-21-010 Definitions. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-010, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-100 Certificate of registration. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-100, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-200 Application. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-200, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-300 Registration renewal—Penalties. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-300, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-400 Disclosure statement. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-400, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-500 Public viewing of disclosure statement. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-500, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- 308-21-600 Fees. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-600, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.
- Chapter 308-24**
BEAUTY CULTURE
- 308-24-005 Definitions. [Order PL 105, § 308-24-005, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-010 Licensing out-of-state applicants—Equivalency. [Rules (part), filed 3/23/60.] Repealed by Order PL 105, filed 2/11/71.
- 308-24-020 Licensing out-of-state applicants—Temporary permits are not granted. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-030 Licensing out-of-state applicants—With two years experience. [Order PL 105, § 308-24-030, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-040 Licensing out-of-state applicants—With less than two years experience. [Order PL 105, § 308-24-040, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-050 Licensing of foreign beauticians. [Order PL 105, § 308-24-050, filed 2/11/71; Rules, filed 6/14/66; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-100 Posting of rules, licenses and inspection reports. [Order PL 105, § 308-24-100, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-110 Inspections. [Order PL 105, § 308-24-110, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-120 Standard requirements for maintenance and operation. [Order PL 105, § 308-24-120, filed 2/11/71; § 308-24-120, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-130 Disinfection and sanitization of implements. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-140 Operator and employees. [Order PL 105, § 308-24-140, filed 2/11/71; § 308-24-140, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-150 Badges for certain students. [Regulation, filed 7/8/66.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-160 Forfeiture of examination fee. [Order 3, filed 4/18/68.] Repealed by Order PL 105, filed 2/11/71. Later promulgation, see WAC 308-24-180.
- 308-24-170 Equivalent high school education. [Order PL 105, § 308-24-170, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-180 Applications, examinations and renewals. [Order PL 105, § 308-24-180, filed 2/11/71; WAC 308-24-160 (part).] Repealed by Order PL 152, filed 10/11/73.
- 308-24-190 Trainee students. [Order PL 105, § 308-24-190, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-200 Recording student hours. [Order PL 105, § 308-24-200, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-210 Post graduate training for instructors. [Order PL 105, § 308-24-210, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-220 School equipment and facilities. [Order PL 105, § 308-24-220, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-300 Definitions. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-300, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-300, filed 11/8/79; Order PL 279, § 308-24-300, filed 12/19/77; Order PL 152, § 308-24-300, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.
- 308-24-305 Demonstrations and contests. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-305, filed 1/9/81; Order PL 279, § 308-24-305, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-310 Trainee students. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-310, filed 11/8/79; Order PL 152, § 308-24-310, filed 10/11/73.] Repealed by 82-21-036 (Order PL 409), filed 10/15/82. Statutory Authority: RCW 18.18.020.
- 308-24-315 Equivalent high school education. [Order PL 152, § 308-24-315, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-320 Recording student hours. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-320, filed 10/15/82; 81-03-016 (Order PL 366), § 308-24-320, filed 1/9/81; Order PL 279, § 308-24-320, filed 12/19/77; Order PL 152, § 308-24-320, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-330 Credit allowed on transfer of training. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-330, filed 10/15/82; Order PL 152, § 308-24-330, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-335 State correctional institutions. [Statutory Authority: RCW 18.18.020. 79-02-012 (Order PL-298), § 308-24-335, filed 1/11/79.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-340 Student restrictions. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-340, filed 10/15/82; Order PL 279, § 308-24-340, filed 12/19/77; Order PL 152, § 308-24-340, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-345 Curriculum for cadet instructors. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-345, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

- 308-24-350 Eligibility requirements for licensing as a manicurist. [Order PL 279, § 308-24-350, filed 12/19/77; Order PL 152, § 308-24-350, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-355 Curriculum for cosmetology operator course of instruction. [Order PL 279, § 308-24-355, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-360 Curriculum for manicurist course of instruction. [Order PL 152, § 308-24-360, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-370 Application and examinations. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-370, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-370, filed 11/8/79; Order PL 279, § 308-24-370, filed 12/19/77; Order PL 152, § 308-24-370, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-380 Examination for licensing. [Order PL 279, § 308-24-380, filed 12/19/77; Order PL 212, § 308-24-380, filed 11/5/75; Order PL 152, § 308-24-380, filed 10/11/73.] Repealed by 81-09-031 (Order PL 376), filed 4/13/81. Statutory Authority: RCW 18.18.020.
- 308-24-382 Examination for licensing. [Statutory Authority: RCW 18.18.020. 81-09-031 (Order PL 376), § 308-24-382, filed 4/13/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-384 Scope of examinations. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-384, filed 10/15/82; 81-09-031 (Order PL 376), § 308-24-384, filed 4/13/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-390 Time limitation for licensing. [Order PL 152, § 308-24-390, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-395 Instructor examination for licensing. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-395, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-400 Licensing out-of-state applicants—Temporary permits are not granted. [Order PL 152, § 308-24-400, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-403 Licensing out-of-state applicants without examination. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-403, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-403, filed 11/8/79; Order PL 279, § 308-24-403, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-404 Licensing out-of-state applicants with examination. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-404, filed 1/9/81; Order PL 279, § 308-24-404, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-405 Licensing out-of-state applicants—With two years experience. [Order PL 152, § 308-24-405, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-410 Licensing out-of-state applicants—With less than two years experience. [Order PL 152, § 308-24-410, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-415 Licensing of foreign applicants. [Order PL 152, § 308-24-415, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-420 Post graduate training for instructors. [Order PL 279, § 308-24-420, filed 12/19/77; Order PL 152, § 308-24-420, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-430 Standard requirements for maintenance and operation of licensed shops or schools. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-430, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-430, filed 11/8/79; Order PL 279, § 308-24-430, filed 12/19/77; Order PL 152, § 308-24-430, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-440 Licensees and employees. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-440, filed 11/8/79; Order PL 279, § 308-24-440, filed 12/19/77; Order PL 152, § 308-24-440, filed 10/11/73.]
- 308-24-450 Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-460 School equipment and facilities. [Order PL 152, § 308-24-460, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-470 Posting of rules, licenses and inspection reports. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-460, filed 11/8/79; Order PL 152, § 308-24-460, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-480 Inspections. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-470, filed 12/19/77; Order PL 152, § 308-24-470, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-485 License renewal fee. [Order PL 163, § 308-24-480, filed 3/18/74.] Repealed by Order PL 212, filed 11/5/75. Later promulgation, see WAC 308-24-490.
- 308-24-485 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-24-485, filed 11/2/83; 83-17-031 (Order PL 442), § 308-24-485, filed 8/10/83. Formerly WAC 308-24-490.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-490 Cosmetology—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-24-490, filed 9/25/80. Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-490, filed 11/8/79; Order PL 212, § 308-24-490, filed 11/5/75. Formerly WAC 308-24-480(part).] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-24-485.
- 308-24-500 Renewal of licenses. [Order PL 262, § 308-24-500, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-510 Catalog or brochure. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-510, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-520 Minimum cancellation and refund policy. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-520, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-530 Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-530, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-540 Bonding. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-540, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

Chapter 308-25 DENTAL HYGIENISTS

- 308-25-010 Application for examination. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-11-068 (Order PL 398), § 308-25-010, filed 5/14/82; 82-06-043 (Order 672), § 308-25-010, filed 3/2/82.] Repealed by 90-23-011 (Order 098), filed 11/13/90, effective 12/14/90. Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130.
- 308-25-011 Dental hygiene examination eligibility. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-011, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-020.
- 308-25-013 Education requirements for licensure applicants. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-013, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-030.
- 308-25-015 Examination. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-015, filed 11/13/90, effective 12/14/90. Statutory Authority: RCW 18.29.031. 86-09-014 (Order PL 585), § 308-25-015, filed 4/7/86.] Decodified by 91-02-049 (Order 121),

- 308-25-020 filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-050.
The examination. [Statutory Authority: RCW 43.24.020 and 43.24.024. 83-07-051 (Order PL 430), § 308-25-020, filed 3/18/83; 82-11-068 (Order PL 398), § 308-25-020, filed 5/14/82; 82-06-043 (Order 672), § 308-25-020, filed 3/2/82.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
- 308-25-025 The examination. [Statutory Authority: RCW 18.29.031. 84-10-063 (Order PL 466), § 308-25-025, filed 5/2/84; 84-04-088 (Order PL 459), § 308-25-025, filed 2/1/84.] Repealed by 86-09-014 (Order PL 585), filed 4/7/86. Statutory Authority: RCW 18.29.031.
- 308-25-030 Examination results. [Statutory Authority: RCW 18.29.031. 85-10-026 (Order PL 528), § 308-25-030, filed 4/24/85; 84-04-088 (Order PL 459), § 308-25-030, filed 2/1/84. Statutory Authority: RCW 43.24.020 and 43.24.024. 82-11-068 (Order PL 398), § 308-25-030, filed 5/14/82; 82-06-043 (Order 672), § 308-25-030, filed 3/2/82.] Repealed by 86-09-014 (Order PL 585), filed 4/7/86. Statutory Authority: RCW 18.29.031.
- 308-25-035 Examination results. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-035, filed 11/13/90, effective 12/14/90. Statutory Authority: RCW 18.29.031. 86-09-014 (Order PL 585), § 308-25-035, filed 4/7/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-070.
- 308-25-037 Written examination review procedures. [Statutory Authority: RCW 18.29.120(5). 90-12-068 (Order 064), § 308-25-037, filed 6/1/90, effective 7/2/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-080.
- 308-25-038 Practical examination review procedures. [Statutory Authority: RCW 18.29.120(5). 90-12-068 (Order 064), § 308-25-038, filed 6/1/90, effective 7/2/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-090.
- 308-25-040 Examination review procedures. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-11-068 (Order PL 398), § 308-25-040, filed 5/14/82; 82-06-043 (Order 672), § 308-25-040, filed 3/2/82.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
- 308-25-041 Licensure by interstate endorsement of credentials. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-041, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-100.
- 308-25-050 Renewal of licenses. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-050, filed 3/2/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-150.
- 308-25-060 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-060, filed 3/2/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-25-065.
- 308-25-065 Dental hygiene fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-25-065, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-25-065, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-25-065, filed 8/10/83. Formerly WAC 308-25-060.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-990.
- 308-25-070 Dismissal from examination. [Statutory Authority: RCW 18.29.031. 84-04-088 (Order PL 459), § 308-25-070, filed 2/1/84. Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-070, filed 3/2/82.] Decodified by 91-02-049 (Order 121),
- 308-25-072 Application procedures for approval of dental hygiene expanded functions education programs. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-072, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-110.
- 308-25-073 Standards required for approval of dental hygiene expanded functions education programs. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-073, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-120.
- 308-25-074 Curriculum requirements for expanded functions dental hygiene education programs approval. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), § 308-25-074, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-130.
- 308-25-080 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-170.
- 308-25-090 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-180.
- 308-25-100 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-100, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-190.
- 308-25-110 Dental hygienist associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-110, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-200.
- 308-25-120 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-210.
- 308-25-130 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-220.
- 308-25-140 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-230.
- 308-25-150 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-150, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-240.
- 308-25-160 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-160, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-250.
- 308-25-170 Standards of dental hygiene conduct or practice. [Statutory Authority: RCW 18.29.076 and 18.130.050(12). 89-16-096 (Order PM 858), § 308-25-170, filed 8/2/89, effective 9/2/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-160.
- 308-25-180 Continuing education for dental hygienists. [Statutory Authority: Chapter 18.29 RCW, RCW 18.29.021, [18.29.]045 and [18.29.]130. 90-23-011 (Order 098), §

	308-25-180, filed 11/13/90, effective 12/14/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-140.		220, § 308-26-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-26-040.
308-25-200	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 29. 84-21-090 (Order PL 483), § 308-25-200, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-039 (Order PL 552), filed 9/12/85. Statutory Authority: RCW 18.29.075.	308-26-025	Examination appeal procedures. [Statutory Authority: RCW 43.24.060. 87-22-019 (Order PM 688), § 308-26-025, filed 10/27/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-070.
308-25-290	Intent. [Statutory Authority: RCW 18.130.175 and 18.32.534. 90-16-099 (Order 076), § 308-25-290, filed 8/1/90, effective 9/1/90.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-501.	308-26-030	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 32. 84-21-093 (Order PL 486), § 308-26-030, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-040 (Order PL 555), filed 9/12/85. Statutory Authority: RCW 18.34.135.
308-25-300	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-25-300, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-040.	308-26-040	Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-26-040, filed 8/10/83. Formerly WAC 308-26-020.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
308-25-310	Terms used in WAC 308-25-320 through 308-25-330. [Statutory Authority: RCW 18.130.175 and 18.32.534. 90-16-099 (Order 076), § 308-25-310, filed 8/1/90, effective 9/1/90.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-510.	308-26-045	Dispensing optician fees. [Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-990.
308-25-320	Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.130.175 and 18.32.534. 90-16-099 (Order 076), § 308-25-320, filed 8/1/90, effective 9/1/90.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-520.	308-26-055	General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-055, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-080.
308-25-330	Participation in approved substance abuse monitoring program. [Statutory Authority: RCW 18.130.175 and 18.32.534. 90-16-099 (Order 076), § 308-25-330, filed 8/1/90, effective 9/1/90.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-530.	308-26-065	Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-065, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-090.
	Chapter 308-26 DISPENSING OPTICIANS	308-26-075	Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-075, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-100.
308-26-005	Definitions. [Statutory Authority: RCW 18.04.040. 78-07-073 (Order PL-289), § 308-26-005, filed 6/30/78; Order PL-106, § 308-26-005, filed 2/2/71.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-010.	308-26-085	Dispensing optician associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-085, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-110.
308-26-010	Registration of apprentices. [Order PL 241, § 308-26-010, filed 2/26/76; Order PL-106, § 308-26-010, filed 2/2/71.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-020.	308-26-095	Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-095, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-120.
308-26-011	Comments. [Statutory Authority: RCW 18.04.040. 78-07-073 (Order PL-289), § 308-26-011, filed 6/30/78.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-030.	308-26-105	Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-105, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-130.
308-26-015	Application for examination. [Statutory Authority: RCW 18.34.040 and 18.34.080. 84-08-019 (Order PL 464), § 308-26-015, filed 3/27/84; Order PL-106, § 308-26-015, filed 2/2/71.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-040.	308-26-115	Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-115, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-140.
308-26-016	Approval of prescribed courses in opticianry. [Statutory Authority: RCW 18.34.040 and 18.34.070(5). 80-01-070 (Order 327), § 308-26-016, filed 12/21/79.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-050.	308-26-125	State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-125, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-150.
308-26-017	Dispensing optician examination. [Statutory Authority: RCW 18.34.040 and 18.34.080. 84-08-019 (Order PL 464), § 308-26-017, filed 3/27/84. Statutory Authority: RCW 18.34.080. 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-060.	308-26-135	Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-135, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-160.
308-26-020	Fees. [Statutory Authority: RCW 18.34.070. 82-21-035 (Order PL 408), § 308-26-020, filed 10/15/82; Order PL	308-26-200	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-26-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-170.

Chapter 308-27
CONTRACTOR CERTIFICATE OF REGISTRATION
RENEWALS—SECURITY—INSURANCE

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

Chapter 308-31
PODIATRY

- 308-31-001 Board officers. [Statutory Authority: RCW 18.22.015(8), 86-01-041 (Order PL 573), § 308-31-001, filed 12/13/85.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-020.
- 308-31-010 Examinations. [Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-010, filed 12/30/88. Statutory Authority: RCW 18.22.015(8), 88-11-034 (Order 733), § 308-31-010, filed 5/13/88. Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-010, filed 11/3/86. Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-010, filed 1/14/83; Order PL 250, § 308-31-010, filed 5/28/76; Order PL 128, § 308-31-010, filed 7/7/72.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-040.
- 308-31-015 Examinations required for licensure. [Statutory Authority: RCW 18.22.015, 87-04-050 (Order PM 638), § 308-31-015, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-015, filed 1/4/84.] Repealed by 88-11-034 (Order 733), filed 5/13/88. Statutory Authority: RCW 18.22.015(8).
- 308-31-020 Definitions. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-020, filed 1/4/84; Order PL 128, § 308-31-020, filed 7/7/72.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-010.
- 308-31-025 Scope of practice. [Statutory Authority: RCW 18.22.015, 87-09-045 (Order PM 643), § 308-31-025, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-025, filed 2/3/87.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-001.
- 308-31-030 Approved schools of podiatric medicine. [Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-030, filed 11/3/86. Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-030, filed 1/14/83.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-030.
- 308-31-040 Identification of licensees. [Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-040, filed 1/14/83.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-050.
- 308-31-050 Presumption of responsibility for advertisements. [Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-050, filed 1/14/83.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-060.
- 308-31-055 Podiatry fees. [Statutory Authority: RCW 43.70.250 and chapter 18.22 RCW, 90-16-057 (Order 072), § 308-31-055, filed 7/27/90, effective 8/27/90. Statutory Authority: RCW 43.24.086, 89-17-156, § 308-31-055, filed 8/23/89, effective 9/23/89; 87-18-031 (Order PM 667), § 308-31-055, filed 8/27/87. Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-31-055, filed 11/2/83; 83-17-031 (Order PL 442), § 308-31-055, filed 8/10/83. Formerly WAC 308-31-310.]

- 308-31-057 Decodified by 91-05-029 (Order 134), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-922-990.
- 308-31-057 AIDS prevention and information education requirements. [Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-057, filed 12/30/88.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-070.
- 308-31-060 Advertisements prior to licensure prohibited. [Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-060, filed 1/14/83.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-080.
- 308-31-100 Delegation of acts to unlicensed persons. [Statutory Authority: RCW 18.22.015, 87-04-050 (Order PM 638), § 308-31-100, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-100, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-090.
- 308-31-110 Acts that may be delegated to an unlicensed person. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-110, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-100.
- 308-31-120 Acts that may not be performed by unlicensed persons. [Statutory Authority: RCW 18.22.015, 87-04-050 (Order PM 638), § 308-31-120, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-120, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-110.
- 308-31-200 Uniform Disciplinary Act. [Statutory Authority: RCW 18.22.017, 85-04-028 (Order PL 510), § 308-31-200, filed 1/31/85.] Repealed by 85-15-058 (Order PL 535), filed 7/17/85. Statutory Authority: RCW 18.22.015(8).
- 308-31-210 General provisions. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-210, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-120.
- 308-31-220 Mandatory reporting. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-220, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-130.
- 308-31-230 Health care institutions. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-230, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-140.
- 308-31-240 Podiatric medical associations or societies. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-240, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-150.
- 308-31-250 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-250, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-160.
- 308-31-260 State and federal agencies. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-260, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-170.
- 308-31-270 Professional review organizations. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-270, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-180.

- 308-31-280 Malpractice suit reporting. [Statutory Authority: RCW 18.130.170 and chapter 18.22 RCW, 90-12-013 (Order 060), § 308-31-280, filed 5/30/90, effective 6/30/90.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-190.
- 308-31-300 License renewal fee. [Order PL-163, § 308-31-300, filed 3/18/74.] Repealed by Order PL 226, filed 11/5/75.
- 308-31-310 Podiatry—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-31-310, filed 9/25/80; Order PL 226, § 308-31-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-31-055.
- 308-31-500 Professional and ethical standards. [Statutory Authority: RCW 18.22.015, 87-09-045 (Order PM 643), § 308-31-500, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-500, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-500, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-200.
- 308-31-510 Patient abandonment. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-510, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-210.
- 308-31-520 Exercise of professional judgment and skills. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-520, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-220.
- 308-31-530 Prohibited transactions. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-530, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-230.
- 308-31-540 Soliciting patients. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-540, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-240.
- 308-31-550 Excessive fees. [Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-550, filed 11/3/86. Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-550, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-250.
- 308-31-560 Maintenance of patient records. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-560, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-260.
- 308-31-570 Inventory of legend drugs and controlled substances. [Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-570, filed 1/4/84.] Decodified by 91-03-095 (Order 118B), filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 18.22.015. Recodified as WAC 246-922-270.
- Chapter 308-32**
DEBT ADJUSTERS
- 308-32-010 Nonparticipating creditors. [Order 2, § 308-32-010, filed 3/13/68.] Repealed by Order 5, filed 8/20/68, effective 10/1/68.
- 308-32-015 Nonparticipating creditors—Terms to be included in contract. [Statutory Authority: RCW 18.28.170, 79-08-062 (Order 307), § 308-32-015, filed 7/23/79; Order 5, § 308-32-015, filed 8/20/68, effective 10/1/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-020 Blind advertising. [Order 2, § 308-32-020, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-030 Deceptive advertising. [Order 2, § 308-32-030, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-040 Advertising—Rates of charge. [Order 2, § 308-32-040, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-050 Maintenance of advertising copy. [Order 2, § 308-32-050, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-060 Return of license. [Order 2, § 308-32-060, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-070 Application—Fingerprints required. [Order 2, § 308-32-070, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-080 Application and fees. [Statutory Authority: RCW 18.28.170, 87-21-011 (Order PM 686), § 308-32-080, filed 10/9/87; Order 5, § 308-32-080, filed 8/20/68, effective 10/1/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-090 Fees. [Statutory Authority: RCW 43.24.086, 90-06-052, § 308-32-090, filed 3/2/90, effective 4/2/90. Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-32-090, filed 11/2/83; 83-17-031 (Order PL 442), § 308-32-090, filed 8/10/83. Formerly WAC 308-32-310.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.
- 308-32-100 Application of brief adjudicative proceedings. [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.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01.
- 308-32-110 Preliminary record in brief adjudicative proceedings. [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.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01.
- 308-32-120 Conduct of brief adjudicative proceedings. [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.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01.
- 308-32-300 License renewal fee. [Order PL-163, § 308-32-300, filed 3/18/74.] Repealed by 79-08-062 (Order 307), filed 7/23/79. Statutory Authority: RCW 18.28.170.
- 308-32-310 Fees. [Statutory Authority: RCW 18.28.170, 79-08-062 (Order 307), § 308-32-310, filed 7/23/79; Order PL 211, § 308-32-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-32-090.
- Chapter 308-34**
NATUROPATHY
- 308-34-010 Definitions. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-010, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-020 Scope and purpose. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-020, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-030 Provisional approval. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-030, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-040 Full approval. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-040, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-050 Eligibility. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-050, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-060 Application procedure. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-060, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-070 Standards. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-070, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-080 Review procedures. [Statutory Authority: RCW 18.36.040, 87-21-011 (Order PM 686), § 308-34-080, filed 10/9/87. Statutory Authority: RCW 18.36.040 and 43.24.020, 85-01-018 (Order PL 500), § 308-34-080, filed 12/10/84. Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-080, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).

- 308-34-090 Naturopathic physician fees. [Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-34-090, filed 8/27/87.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
- 308-34-100 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 34. 84-21-091 (Order PL 484), § 308-34-100, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-036 (Order PL 553), filed 9/12/85. Statutory Authority: RCW 18.36.135.
- 308-34-110 Eligibility for licensure examination. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-110, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-020.
- 308-34-120 Licensure examination. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-120, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-030.
- 308-34-130 Release of examination results. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-130, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-040.
- 308-34-140 Reexaminations. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-140, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-050.
- 308-34-150 Examination appeals. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-150, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-060.
- 308-34-160 Renewal of licenses. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-160, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-070.
- 308-34-170 Naturopathic physician licensing fees. [Statutory Authority: RCW 43.70.250. 90-13-084 (Order 066), § 308-34-170, filed 6/20/90, effective 7/21/90; 90-04-094 (Order 029), § 308-34-170, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-34-170, filed 10/5/88. Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-170, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-990.
- 308-34-180 Continuing competency program. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-180, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-080.
- 308-34-190 License reinstatement. [Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-190, filed 6/24/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-090.
- 308-34-310 Applicants educated and/or licensed in another country. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-310, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-100.
- 308-34-320 Licensing by endorsement. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-320, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-110.
- 308-34-330 Reciprocity or waiver of examination requirements. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-330, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-120.
- 308-34-410 Approval of colleges of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-410, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-130.
- 308-34-420 Provisional approval of colleges of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-420, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-140.
- 308-34-430 Full approval of colleges of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-430, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-150.
- 308-34-440 Unapproved college of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-440, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-160.
- 308-34-450 Appeal of director's decisions. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-450, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-170.
- 308-34-460 Standards for approval of colleges of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-460, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-180.
- 308-34-470 Postgraduate hours in the study of mechanotherapy. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-470, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-190.
- 308-34-480 Site review procedures for approval of college of naturopathic medicine. [Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-480, filed 1/3/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-200.

Chapter 308-36 DENTAL HYGIENISTS

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

- 5/10/74; Order PL 112, § 308-36-060, filed 6/25/71; Order, § 308-36-060, filed 12/3/69; Rules 7 and 12, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-065 Examination review procedures. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-36-065, filed 11/24/80; 80-05-063 (Order PL 342), § 308-36-065, filed 4/22/80.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-070 Renewal of licenses. [Order PL 170, § 308-36-070, filed 5/21/74.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-080 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-36-080, filed 9/25/80; Order PL 218, § 308-36-080, filed 11/5/75.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

Chapter 308-37

DENTISTRY—LICENSE DISPLAY—REPORTS—RECORDS—INVENTORY REQUIREMENTS—PRESCRIBING PRACTICES

- 308-37-100 Display of licenses. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-100, filed 2/20/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-020.
- 308-37-110 Maintenance and retention of patient records. [Statutory Authority: RCW 18.32.640. 82-07-043 (Order PL 392), § 308-37-110, filed 3/17/82; 81-06-013 (Order PL 373), § 308-37-110, filed 2/20/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-030.
- 308-37-120 Report of patient injury or mortality. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-120, filed 2/20/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-040.
- 308-37-130 Recording requirements for all prescription drugs. [Statutory Authority: RCW 18.32.640(1). 83-04-050 (Order PL 423), § 308-37-130, filed 2/1/83; 81-06-013 (Order PL 373), § 308-37-130, filed 2/20/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-050.
- 308-37-135 Recording requirement for scheduled drugs. [Statutory Authority: RCW 18.32.640(1). 83-04-050 (Order PL 423), § 308-37-135, filed 2/1/83.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-060.
- 308-37-140 Prescribing, dispensing or distributing drugs. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-140, filed 2/20/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-070.
- 308-37-150 Patient abandonment. [Statutory Authority: RCW 18.32.640(1). 84-21-072 (Order PL 490), § 308-37-150, filed 10/17/84; 84-05-070 (Order PL 460), § 308-37-150, filed 2/22/84.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-080.
- 308-37-160 Representation of care, fees, and records. [Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-160, filed 2/19/85.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-090.
- 308-37-170 Disclosure of provider services. [Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-170, filed 2/19/85.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-100.
- 308-37-180 Disclosure of membership affiliation. [Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-180, filed 2/19/85.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-110.

- 308-37-190 Specialty representation. [Statutory Authority: RCW 18.32.640. 89-08-095 (Order PM 826), § 308-37-190, filed 4/5/89. Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-190, filed 2/19/85.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-120.

Chapter 308-38

GUIDELINES FOR DELEGATION OF DUTIES TO PERSONS NOT LICENSED AS DENTISTS

- 308-38-100 Purpose. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-100, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-201.
- 308-38-110 Definitions. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-110, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-210.
- 308-38-120 Acts that may be performed by unlicensed persons. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-120, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-220.
- 308-38-130 Acts that may not be performed by unlicensed persons. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-130, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-230.
- 308-38-140 Acts that may be performed by licensed dental hygienists under general supervision. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-140, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-240.
- 308-38-150 Acts that may be performed by licensed dental hygienists under close supervision. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-150, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-250.
- 308-38-160 Acts that may not be performed by dental hygienists. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-160, filed 8/18/81.] Decodedified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-260.

Chapter 308-39

GUIDELINES FOR SAFE ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES

- 308-39-100 Purpose. [Statutory Authority: RCW 18.32.640. 90-18-042 (Order 088), § 308-39-100, filed 8/29/90, effective 10/1/90; 81-06-013 (Order PL 373), § 308-39-100, filed 2/20/81.] Decodedified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-301.
- 308-39-110 Definitions. [Statutory Authority: RCW 18.32.640. 90-18-042 (Order 088), § 308-39-110, filed 8/29/90, effective 10/1/90. Statutory Authority: RCW 18.32.640(1). 82-16-087 (Order PL 403), § 308-39-110, filed 8/4/82. Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-110, filed 2/20/81.] Decodedified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-310.
- 308-39-120 Standards for dental administration of anesthesia. [Statutory Authority: RCW 18.32.640(1). 82-16-087 (Order PL 403), § 308-39-120, filed 8/4/82. Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-120, filed 2/20/81.] Repealed by 90-18-041 (Order 087), filed 8/29/90, effective 10/1/90. Statutory Authority: RCW 18.32.640.
- 308-39-125 Basic life support requirements. [Statutory Authority: RCW 18.32.640. 90-18-042 (Order 088), § 308-39-125, filed 8/29/90, effective 10/1/90.] Decodedified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91.

<p>308-39-130</p> <p>308-39-140</p> <p>308-39-150</p> <p>308-39-160</p> <p>308-39-170</p> <p>308-39-180</p> <p>308-39-190</p> <p>308-39-200</p> <p>308-39-210</p> <p>308-39-220</p>	<p>Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-320.</p> <p>Local anesthesia. [Statutory Authority: RCW 18.32.640. 90-18-042 (Order 088), § 308-39-130, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-330.</p> <p>Nitrous oxide/oxygen sedation. [Statutory Authority: RCW 18.32.640. 90-18-042 (Order 088), § 308-39-140, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-340.</p> <p>Conscious sedation with an oral agent. [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-150, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-350.</p> <p>Conscious sedation with parenteral or multiple oral agents. [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-160, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-360.</p> <p>General anesthesia (including deep sedation). [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-170, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-370.</p> <p>Mandatory reporting of death or significant complication. [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-180, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-380.</p> <p>Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation). [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-190, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-390.</p> <p>Application of chapter 18.130 RCW. [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-200, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-400.</p> <p>Effective date. [Statutory Authority: RCW 18.32.640. 90-18-041 (Order 087), § 308-39-210, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-410.</p> <p>Dental anesthesia permit fees. [Statutory Authority: RCW 43.70.250. 90-18-040 (Order 086), § 308-39-220, filed 8/29/90, effective 10/1/90.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-816-990.</p>	<p>308-40-100</p> <p>308-40-101</p> <p>308-40-102</p> <p>308-40-103</p> <p>308-40-104</p> <p>308-40-105</p> <p>308-40-106</p> <p>308-40-107</p> <p>308-40-110</p>	<p>12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-150.</p> <p>Examination for a dental license. [Order PL 277, § 308-40-100, filed 11/17/77; Order PL 266, § 308-40-100, filed 3/24/77; Order PL 237, § 308-40-100, filed 2/18/76; Order PL 151, § 308-40-100, filed 10/3/73; Order PL-108, § 308-40-100, filed 6/25/71; Order, § 308-40-100, filed 12/3/69; § 308-40-100, filed 4/14/67; Examination rule, filed 6/30/64.] Repealed by 79-04-011 (Order 295, Resolution No. 295), filed 3/13/79. Statutory Authority: RCW 18.32.040.</p> <p>Examination eligibility and application. [Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-101, filed 6/22/88. Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-101, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 81-08-043 (Order PL 374), § 308-40-101, filed 3/31/81; 80-05-063 (Order PL 342), § 308-40-101, filed 4/22/80. Statutory Authority: RCW 18.32.040. 79-04-011 (Order 295, Resolution No. 295), § 308-40-101, filed 3/13/79.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-020.</p> <p>Examination content. [Statutory Authority: RCW 18.32.040(4) and 18.32.120. 89-06-075 (Order PM 819), § 308-40-102, filed 3/1/89. Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-102, filed 6/22/88. Statutory Authority: RCW 18.32.040. 87-09-097 (Order PM 649), § 308-40-102, filed 4/22/87; 86-08-046 (Order PL 583), § 308-40-102, filed 3/27/86; 84-07-050 (Order PL 462), § 308-40-102, filed 3/21/84; 83-08-021 (Order PL 431), § 308-40-102, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-102, filed 1/26/82; 79-04-011 (Order 295, Resolution No. 295), § 308-40-102, filed 3/13/79.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-030.</p> <p>Dismissal from examination. [Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-103, filed 6/22/88. Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-103, filed 1/26/82.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-040.</p> <p>Examination results. [Statutory Authority: RCW 18.32.640. 89-01-083 (Order PM 809), § 308-40-104, filed 12/20/88. Statutory Authority: RCW 18.32.040. 85-16-113 (Order PL 547), § 308-40-104, filed 8/7/85; 84-11-025 (Order PL 467), § 308-40-104, filed 5/11/84; 82-04-024 (Order PL 391), § 308-40-104, filed 1/26/82.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-050.</p> <p>Practical examination review procedures. [Statutory Authority: RCW 18.32.040 and 18.32.120. 89-13-052 (Order PM 834), § 308-40-105, filed 6/19/89. Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-105, filed 6/22/88. Statutory Authority: RCW 18.32.040. 87-09-097 (Order PM 649), § 308-40-105, filed 4/22/87; 82-04-024 (Order PL 391), § 308-40-105, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-40-105, filed 11/24/80; 80-05-063 (Order PL 342), § 308-40-105, filed 4/22/80.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-060.</p> <p>Written examination review procedures. [Statutory Authority: RCW 18.32.040 and 18.32.120. 89-13-052 (Order PM 834), § 308-40-106, filed 6/19/89.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-070.</p> <p>Application for licensure—AIDS education requirements. [Statutory Authority: RCW 70.24.270. 90-08-011, § 308-40-107, filed 3/26/90, effective 4/26/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-080.</p> <p>Graduates of nonaccredited schools. [Statutory Authority: RCW 18.32.040. 84-23-062 (Order PL 496), § 308-</p>
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**Chapter 308-40
DENTISTRY**

- 40-110, filed 11/21/84; 83-08-021 (Order PL 431), § 308-40-110, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-110, filed 1/26/82; Order PL 253, § 308-40-110, filed 7/13/76; Order PL 194, § 308-40-110, filed 7/2/75.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-090.
- 308-40-111 Preclinical exam waiver. [Statutory Authority: RCW 18.32.040. 79-04-011 (Order 295, Resolution No. 295), § 308-40-111, filed 3/13/79.] Repealed by 85-07-046 (Order PL 524), filed 3/19/85. Statutory Authority: RCW 18.32.040.
- 308-40-115 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions. [Statutory Authority: RCW 18.32.035 and 18.32.195. 90-11-083 (Order 057), § 308-40-115, filed 5/17/90, effective 6/17/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-100.
- 308-40-120 Dentistry—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-40-120, filed 9/25/80; Order PL 218, § 308-40-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-40-125.
- 308-40-125 Dentist fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-40-125, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-40-125, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-40-125, filed 8/10/83. Formerly WAC 308-40-120.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-818-990.
- 308-40-130 Renewal of licenses. [Order PL 262, § 308-40-130, filed 1/13/77.] Repealed by 90-05-039 (Order 036), filed 2/14/90, effective 3/1/90. Statutory Authority: 1989 c 202 § 22.
- 308-40-135 Renewal of licenses. [Statutory Authority: 1989 c 202 § 22. 90-05-039 (Order 036), § 308-40-135, filed 2/14/90, effective 3/1/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-150.
- 308-40-140 AIDS prevention and information education requirements. [Statutory Authority: 1988 c 206 § 604. 89-11-053 (Order PM 837), § 308-40-140, filed 5/17/89.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-110.
- 308-40-150 Licensure without examination for dentists—Eligibility. [Statutory Authority: RCW 18.32.035. 90-18-038 (Order 085), § 308-40-150, filed 8/28/90, effective 9/28/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-120.
- 308-40-151 Licensure without examination for dentists—Application procedure. [Statutory Authority: RCW 18.32.035. 90-18-038 (Order 085), § 308-40-151, filed 8/28/90, effective 9/28/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-130.
- 308-40-152 Licensure without examination for dentists—Licensing examination standards. [Statutory Authority: RCW 18.32.035. 90-18-038 (Order 085), § 308-40-152, filed 8/28/90, effective 9/28/90.] Decodified by 91-01-007 (Order 101B), filed 12/6/90, effective 1/31/91. Statutory Authority: RCW 18.32.035. Recodified as WAC 246-818-140.

Chapter 308-41

LICENSING UNDER THE DRUGLESS THERAPEUTICS LAW

- 308-41-010 License renewal fee. [Order PL 166, § 308-41-010, filed 4/2/74.] Repealed by Order PL 225, filed 11/5/75. Later promulgation, see WAC 308-41-020.
- 308-41-020 Drugless therapist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-41-020, filed 9/25/80; Order PL 225, § 308-41-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-41-025.
- 308-41-025 Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-41-025, filed 8/10/83. Formerly WAC 308-41-020.] Repealed by 90-17-088 (Order 078), filed 8/17/90, effective 9/17/90. Statutory Authority: RCW 43.70.250.

Chapter 308-42

PHYSICAL THERAPISTS

- 308-42-010 Definitions. [Statutory Authority: RCW 18.74.023(3). 89-21-007, § 308-42-010, filed 10/6/89, effective 11/6/89; 88-23-014 (Order PM 789), § 308-42-010, filed 11/7/88. Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-010, filed 6/19/84; Order PL 191, § 308-42-010, filed 5/29/75; Order 704207, § 308-42-010, filed 8/7/70, effective 9/15/70.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-010.
- 308-42-020 Registration certificates—Signed by examining committee. [Order 704207, § 308-42-020, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-025 Application for registration—Process. [Order PL 191, § 308-42-025, filed 5/29/75.] Repealed by 83-05-032 (Order PL 426), filed 2/10/83. Statutory Authority: RCW 18.74.020.
- 308-42-030 Examining committee—Chairman to be designated. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-030, filed 2/10/83; Order 704207, § 308-42-030, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-035 Examination committee—Meetings. [Statutory Authority: RCW 18.74.020. 79-05-035 (Order PL 302), § 308-42-035, filed 4/24/79; Order PL 191, § 308-42-035, filed 5/29/75.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-040 Examinations—When held. [Statutory Authority: RCW 18.74.023. 87-08-065 (Order PM 644), § 308-42-040, filed 4/1/87; 84-03-055 (Order PL 455), § 308-42-040, filed 1/18/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-040, filed 2/10/83; 79-05-035 (Order PL 302), § 308-42-040, filed 4/24/79; Order PL 191, § 308-42-040, filed 5/29/75; Order 704207, § 308-42-040, filed 8/7/70, effective 9/15/70.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-020.
- 308-42-045 Examination. [Statutory Authority: Chapter 18.74 RCW. 90-16-070 (Order 074), § 308-42-045, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.74.023. 86-19-063 (Order PM 619), § 308-42-045, filed 9/16/86; 84-17-032 (Order PL 477), § 308-42-045, filed 8/8/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-045, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-045, filed 9/15/81; Order PL 191, § 308-42-045, filed 5/29/75.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-030.
- 308-42-050 Probationary certificates—Foreign trained applicants. [Order PL 191, § 308-42-050, filed 5/29/75; Order 704207, § 308-42-050, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-055 Probationary certificates—Domestic trained applicants. [Statutory Authority: RCW 18.74.020. 80-14-011 (Order PL-354), § 308-42-055, filed 9/22/80.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-060 Reciprocity—Requirements for licensure. [Statutory Authority: Chapter 18.74 RCW. 90-16-070 (Order 074), § 308-42-060, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.74.023. 86-19-063 (Order PM 619), § 308-42-060, filed 9/16/86; 84-17-032 (Order PL 477), § 308-42-060, filed 8/8/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-060, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-060, filed 9/15/81; Order PL 191, § 308-42-060, filed 5/29/75; Order 704207, § 308-42-060, filed 8/7/70, effective 9/15/70.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91.

- Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-040.
- 308-42-070 Reinstatement. [Statutory Authority: RCW 18.74.023, 84-03-055 (Order PL 455), § 308-42-070, filed 1/18/84. Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-070, filed 2/10/83.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-050.
- 308-42-075 Physical therapy fees. [Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-42-075, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-42-075, filed 8/10/83. Formerly WAC 308-42-100.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-915-990.
- 308-42-080 Registration renewal fee. [Order PL 149, § 308-42-080, filed 9/18/73.] Repealed by Order PL 219, filed 11/5/75. Later promulgation, see WAC 308-42-100.
- 308-42-090 Applications. [Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-090, filed 11/7/88.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-060.
- 308-42-100 Physical therapist—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-42-100, filed 9/25/80; Order PL 219, § 308-42-100, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-42-075.
- 308-42-110 Application due date. [Statutory Authority: RCW 18.74.020, 79-05-035 (Order PL 302), § 308-42-110, filed 4/24/79.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-070.
- 308-42-120 Renewal of license. [Statutory Authority: RCW 18.74.023(3), 89-21-008, § 308-42-120, filed 10/6/89, effective 11/6/89; 88-23-014 (Order PM 789), § 308-42-120, filed 11/7/88. Statutory Authority: RCW 18.74.023, 84-03-055 (Order PL 455), § 308-42-120, filed 1/18/84. Statutory Authority: RCW 43.24.140, 80-04-057 (Order 337), § 308-42-120, filed 3/24/80.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-080.
- 308-42-121 Change of address or name—Notification of department. [Statutory Authority: RCW 18.74.023(3), 89-21-009, § 308-42-121, filed 10/6/89, effective 11/6/89.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-090.
- 308-42-122 Approved physical therapy schools. [Statutory Authority: RCW 18.74.023, 85-10-002 (Order PL 525), § 308-42-122, filed 4/18/85.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-100.
- 308-42-123 AIDS education and training. [Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-123, filed 11/7/88.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-110.
- 308-42-125 Applicants from unapproved schools. [Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-125, filed 6/19/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-120.
- 308-42-130 Initial evaluation—Referral—Nonreferral—Recommendations—Follow-up. [Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-130, filed 6/19/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-130.
- 308-42-135 Supportive personnel—Supervision. [Statutory Authority: RCW 18.74.023, 84-17-032 (Order PL 477), § 308-42-135, filed 8/8/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-140.
- 308-42-136 Physical therapist assistant supervision ratio. [Statutory Authority: RCW 18.74.023, 85-11-049 (Order PL 531), § 308-42-136, filed 5/16/85.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-150.
- 308-42-140 Supportive personnel identification. [Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-140, filed 6/19/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-160.
- 308-42-145 Special requirements for physical therapist assistant utilization. [Statutory Authority: RCW 18.74.023(3), 89-19-007 (Order PM 859), § 308-42-145, filed 9/8/89, effective 10/9/89. Statutory Authority: RCW 18.74.023, 84-17-032 (Order PL 477), § 308-42-145, filed 8/8/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-170.
- 308-42-150 Professional conduct principles. [Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-150, filed 6/19/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-180.
- 308-42-155 Division of fees—Rebating—Financial interest—Endorsement. [Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-155, filed 6/19/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-190.
- 308-42-160 Physical therapy records. [Statutory Authority: RCW 18.74.023, 84-17-032 (Order PL 477), § 308-42-160, filed 8/8/84.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-200.
- 308-42-200 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 43, 84-17-031 (Order PL 476), § 308-42-200, filed 8/8/84.] Repealed by 85-18-087 (Order PL 549), filed 9/4/85. Statutory Authority: RCW 18.74.028.
- 308-42-210 General provisions. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-210, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-210.
- 308-42-220 Mandatory reporting. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-220, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-220.
- 308-42-230 Health care institutions. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-230, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-230.
- 308-42-240 Physical therapy associations or societies. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-240, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-240.
- 308-42-250 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-250, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-250.
- 308-42-260 Professional liability carriers. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-260, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-260.
- 308-42-270 Courts. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-270, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-270.
- 308-42-280 State and federal agencies. [Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-280, filed 8/28/87.] Decodified by 91-02-011 (Order 103B), filed 12/21/90, effective 1/31/91. Statutory Authority: RCW 18.74.023. Recodified as WAC 246-915-280.

Chapter 308-50
REGULATION AND PRACTICE OF
HEARING AID FITTERS AND DISPENSERS

308-50-010	Examinations. [Statutory Authority: RCW 18.35.161(4). 89-08-096 (Order PM 828), § 308-50-010, filed 4/5/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-010, filed 6/26/87. Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-010, filed 4/4/84; Order PL 190, § 308-50-010, filed 5/23/75; Order PL 159, § 308-50-010, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-020.	308-50-130	5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-090. Minimal standards of practice. [Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-130, filed 1/23/89; 84-19-018 (Order PL 478), § 308-50-130, filed 9/12/84; Order PL 159, § 308-50-130, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-100.
308-50-020	Reexaminations. [Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-020, filed 1/23/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-020, filed 6/26/87. Statutory Authority: RCW 18.35.161. 84-19-019 (Order PL 479), § 308-50-020, filed 9/12/84; Order PL 222, § 308-50-020, filed 11/5/75; Order PL 159, § 308-50-020, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-030.	308-50-140	Bait advertising. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-140, filed 7/3/84; Order PL 159, § 308-50-140, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-110.
308-50-030	Failure to appear at examination. [Order PL 159, § 308-50-030, filed 2/8/74.] Repealed by Order PL 190, filed 5/23/75.	308-50-150	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts. [Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-150, filed 9/12/84; Order PL 159, § 308-50-150, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-120.
308-50-035	Examination review and appeal procedures. [Statutory Authority: RCW 18.35.161. 89-14-007 (Order PM 848), § 308-50-035, filed 6/22/89; 89-04-017 (Order PM 818), § 308-50-035, filed 1/23/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-035, filed 6/26/87.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-040.	308-50-160	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-160, filed 7/3/84; Order PL 159, § 308-50-160, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-130.
308-50-040	Refunds on examination fee. [Order PL 159, § 308-50-040, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-050.	308-50-170	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-170, filed 7/3/84; Order PL 159, § 308-50-170, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-140.
308-50-050	Failure to renew license. [Order PL 222, § 308-50-050, filed 11/5/75; Order PL 159, § 308-50-050, filed 2/8/74.] Repealed by 84-08-062 (Order PL 463), filed 4/4/84. Statutory Authority: RCW 18.35.161.	308-50-180	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-180, filed 7/3/84; Order PL 159, § 308-50-180, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-150.
308-50-055	Medical certification. [Order PL 190, § 308-50-055, filed 5/23/75.] Repealed by 81-09-030 (Order PL 375), filed 4/13/81. Statutory Authority: RCW 18.35.140.	308-50-190	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-190, filed 7/3/84; Order PL 261, § 308-50-190, filed 12/21/76; Order PL 190, § 308-50-190, filed 5/23/75; Order PL 159, § 308-50-190, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-160.
308-50-060	Place(s) of business in Washington. [Order PL 159, § 308-50-060, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.	308-50-200	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-200, filed 7/3/84; Order PL 159, § 308-50-200, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-170.
308-50-070	Mobile hearing aid dispensing units. [Order PL 159, § 308-50-070, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.	308-50-210	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to batteries. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-210, filed 7/3/84; Order PL 159, § 308-50-210, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-180.
308-50-080	Temporary or itinerant activities prohibited. [Statutory Authority: RCW 18.35.140. 81-09-030 (Order PL 375), § 308-50-080, filed 4/13/81; Order PL 159, § 308-50-080, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.	308-50-220	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products. [Statutory Authority: RCW 18.35.161. 84-14-100 (Order PL 469), § 308-50-220, filed 7/3/84; Order PL 159, § 308-50-220, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-190.
308-50-090	Trainees. [Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-090, filed 9/12/84; Order PL 159, § 308-50-090, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-060.	308-50-230	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting business establishment. [Statutory Authority: RCW
308-50-100	Termination of trainee sponsorship. [Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-100, filed 4/4/84; Order PL 159, § 308-50-100, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-070.		
308-50-110	Minimum standards of equipment. [Statutory Authority: RCW 18.35.161. 84-19-019 (Order PL 479), § 308-50-110, filed 9/12/84; Order PL 159, § 308-50-110, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-080.		
308-50-120	Standards for equipment calibration. [Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-120, filed 4/4/84; Order PL 159, § 308-50-120, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed		

- 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-230, filed 7/3/84; Order PL 159, § 308-50-230, filed 2/8/74.] Repealed by 86-09-064 (Order PL 586), filed 4/17/86. Statutory Authority: RCW 18.35.161.
- 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-240, filed 7/3/84; Order PL 159, § 308-50-240, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-200.
- 308-50-250 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Endorsements, etc. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-250, filed 7/3/84; Order PL 159, § 308-50-250, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-210.
- 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-260, filed 7/3/84; Order PL 159, § 308-50-260, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-220.
- 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington. [Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-270, filed 2/13/85; Readopted by 84-14-100 (Order PL 469), § 308-50-270, filed 7/3/84; Order PL 159, § 308-50-270, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-230.
- 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-280, filed 7/3/84; Order PL 159, § 308-50-280, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-240.
- 308-50-290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-290, filed 7/3/84; Order PL 159, § 308-50-290, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-250.
- 308-50-295 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-295, filed 7/3/84; Order PL 190, § 308-50-295, filed 5/23/75.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-260.
- 308-50-300 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing. [Order PL 159, § 308-50-300, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
- 308-50-310 Personal disclosure. [Statutory Authority: RCW 18.35.161. 85-23-065 (Order PL 563), § 308-50-310, filed 11/19/85; Order PL 159, § 308-50-310, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-270.
- 308-50-320 Documentation of referrals. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-320, filed 4/24/85; Order PL 159, § 308-50-320, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-280.
- 308-50-330 Purchaser rescision rights. [Statutory Authority: RCW 18.35.161. 86-09-064 (Order PL 586), § 308-50-330, filed 4/17/86; Order PL 190, § 308-50-330, filed 5/23/75; Order PL 159, § 308-50-330, filed 2/8/74.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-290.
- 308-50-340 Fees. [Order PL 222, § 308-50-340, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-50-375.
- 308-50-350 Renewal of license. [Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-350, filed 1/23/89. Statutory Authority: 1983 c 39 § 7. 83-23-056 (Order PL 447), § 308-50-350, filed 11/15/83.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-300.
- 308-50-375 Fees. [Statutory Authority: RCW 43.24.086. 84-22-061 (Order PL 494), § 308-50-375, filed 8/10/83. Formerly WAC 308-50-340.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.
- 308-50-380 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or other material facts during telephone solicitations. [Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-380, filed 2/13/85.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-310.
- 308-50-390 Minimum standards for fitting and dispensing locations. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-390, filed 4/24/85.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-320.
- 308-50-400 Notice of availability and location of follow-up services. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-400, filed 4/24/85.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-330.
- 308-50-410 Surety bonding—Security in lieu of bonding. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-410, filed 4/24/85.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-340.
- 308-50-420 Reasonable cause for rescision. [Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-420, filed 1/23/89; 86-09-064 (Order PL 586), § 308-50-420, filed 4/17/86.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-350.
- 308-50-430 Procedure for declaratory ruling. [Statutory Authority: RCW 18.35.161. 86-09-064 (Order PL 586), § 308-50-430, filed 4/17/86.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-360.
- 308-50-440 Hearing aid fitter/dispenser fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-50-440, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.] Decodified by 91-11-030 (Order 139), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-828-990.
- 308-50-500 AIDS prevention and information education requirements. [Statutory Authority: 1988 c 206 § 604. 88-23-106 (Order PM 797), § 308-50-500, filed 11/22/88.] Decodified by 91-11-031 (Order 165B), filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-370.

Chapter 308-51

MESSAGE PRACTITIONERS

- 308-51-010 Applications. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-010, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-010, filed 12/13/84. Statutory Authority: RCW 18.108.020. 81-11-005 (Order PL 379), § 308-51-010, filed 5/11/81; Order PL 255, § 308-51-010, filed 8/20/76; Order PL 231, § 308-51-010, filed 10/30/75.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-020.
- 308-51-020 Licenses. [Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-020,

	filed 12/13/84; Order PL 255, § 308-51-020, filed 8/20/76; Order PL 231, § 308-51-020, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.	308-51-140	Special examination. [Statutory Authority: RCW 18.108.025. 88-19-048 (Order PM 770), § 308-51-140, filed 9/14/88; 88-11-011 (Order PM 725), § 308-51-140, filed 5/10/88; Order PL 248, § 308-51-140, filed 5/25/76.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-260.
308-51-021	Reciprocity. [Statutory Authority: RCW 18.108.025. 88-19-048 (Order PM 770), § 308-51-021, filed 9/14/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-030.	308-51-150	Massage business licensee reports. [Order PL 255, § 308-51-150, filed 8/20/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
308-51-030	Massage licensing—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-51-030, filed 9/25/80; Order PL 255, § 308-51-030, filed 8/20/76; Order PL 231, § 308-51-030, filed 10/30/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-51-200.	308-51-190	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 48. 84-21-092 (Order PL 485), § 308-51-190, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-037 (Order PL 554), filed 9/12/85. Statutory Authority: RCW 18.108.075.
308-51-040	Denial, suspension or revocation of license. [Order PL 231, § 308-51-040, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.	308-51-200	Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-51-200, filed 11/2/83; 83-17-031 (Order PL 442), § 308-51-200, filed 8/10/83. Formerly WAC 308-51-030.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.
308-51-050	Equipment and sanitation. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-050, filed 5/10/88; Order PL 231, § 308-51-050, filed 10/30/75.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-040.	308-51-210	Massage fees. [Statutory Authority: RCW 43.24.086. 88-24-042 (Order PM 788), § 308-51-210, filed 12/6/88; 87-18-031 (Order PM 667), § 308-51-210, filed 8/27/87.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-990.
308-51-060	Facility standards. [Order PL 231, § 308-51-060, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.	308-51-220	Reexamination for assurance of competency. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-220, filed 5/10/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-270.
308-51-070	Communicable disease control. [Order PL 231, § 308-51-070, filed 10/30/75.] Repealed by 88-14-097 (Order PM 743), filed 7/6/88. Statutory Authority: RCW 18.108.025.	308-51-230	General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-230, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-610.
308-51-080	Inspection of massage premises. [Order PL 238, § 308-51-080, filed 2/9/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.	308-51-240	Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-240, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-620.
308-51-100	Scope of examination. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-100, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-100, filed 12/13/84. Statutory Authority: RCW 18.108.020. 80-01-018 (Order PL 329, Resolution No. 12/79), § 308-51-100, filed 12/13/79; Order PL 248, § 308-51-100, filed 5/25/76.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-201.	308-51-250	Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-250, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-630.
308-51-110	Grading of examinations. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-110, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-110, filed 12/13/84. Statutory Authority: RCW 18.108.020. 79-10-042 (Order 314, Resolution No. 9/79), § 308-51-110, filed 9/13/79; Order PL 248, § 308-51-110, filed 5/25/76.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-220.	308-51-260	Massage practitioner associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-260, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-640.
308-51-120	Frequency and location of examinations. [Statutory Authority: RCW 18.108.025. 90-13-005 (Order 053), § 308-51-120, filed 6/7/90, effective 7/8/90. Statutory Authority: RCW 18.108.020. 83-23-077 (Order PL 448), § 308-51-120, filed 11/18/83; 80-01-017 (Order PL 330, Resolution No. 12/79), § 308-51-120, filed 12/13/79; Order PL 248, § 308-51-120, filed 5/25/76.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-230.	308-51-270	Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-270, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-650.
308-51-125	Examination appeal procedures. [Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-125, filed 5/10/88. Statutory Authority: RCW 18.108.020. 87-21-049 (Order PM 685), § 308-51-125, filed 10/15/87.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-240.	308-51-280	Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-280, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-660.
308-51-130	Reexamination. [Statutory Authority: RCW 18.108.025. 90-13-005 (Order 053), § 308-51-130, filed 6/7/90, effective 7/8/90. Statutory Authority: RCW 18.108.020. 80-04-012 (Order PL 336), § 308-51-130, filed 3/10/80; Order PL 248, § 308-51-130, filed 5/25/76.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-250.	308-51-290	Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-290, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-670.
		308-51-300	State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-300, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-680.
		308-51-310	Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-310, filed 6/30/89.] Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-690.
		308-51-320	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-51-320, filed 11/2/88.]

- Decodified by 91-02-049 (Order 121), file 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-830-050.
- Chapter 308-51A
EDUCATION**
- 308-51A-010 Definitions. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-010, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-410.
- 308-51A-020 Approval of school, program, or apprenticeship program. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-020, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-420.
- 308-51A-030 Scope and purpose. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-030, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-401.
- 308-51A-040 Training. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-040, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-430.
- 308-51A-050 Curriculum—Academic standards—Faculty—Student clinic. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-050, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-440.
- 308-51A-060 Health, sanitation, and facility standards. [Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-060, filed 6/9/88.] Decodified by 91-01-077 (Order 102B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.108.025. Recodified as WAC 246-830-450.
- Chapter 308-52
MEDICAL EXAMINERS**
- 308-52-010 Board meetings. [Order PL 136, § 308-52-010, filed 11/16/72; Rules (part), filed 12/18/63.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-020.
- 308-52-020 Requirement for processing reciprocal applications. [Rules (part), filed 12/18/63.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
- 308-52-030 Examinations. [Order PL 136, § 308-52-030, filed 11/16/72; Rules (part), filed 12/18/63.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-080.
- 308-52-040 Foreign medical graduates. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-040, filed 1/21/81; Order PL 240, § 308-52-040, filed 2/19/76; Order PL 183, § 308-52-040, filed 2/10/75; Order PL 136, § 308-52-040, filed 11/16/72; Rules (part), filed 12/18/63.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-050.
- 308-52-050 Failure in more than one subject. [Order PL 136, § 308-52-050, filed 11/16/72; Rules (part), filed 12/18/63.] Repealed by 78-04-028 (Order PL 284, Resolution No. 78-139), filed 3/14/78. Statutory Authority: RCW 18.71.017.
- 308-52-100 Applications for examination. [Statutory Authority: RCW 18.71.017 and 18.72.070. 90-05-001 (Order 031), § 308-52-100, filed 2/8/90, effective 3/11/90. Statutory Authority: RCW 18.71.017. 84-15-068 (Order PL 473), § 308-52-100, filed 7/18/84; Order PL 136, § 308-52-100, filed 11/16/72; Rules (part), filed 1/12/65.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-090.
- 308-52-110 Reciprocity or waiver applications for license. [Order PL 136, § 308-52-110, filed 11/16/72; Rules (part), filed 1/12/65.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
- 308-52-120 Approved United States and Canadian medical schools. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-120, filed 1/21/81; Order PL 278, § 308-52-120, filed 11/16/77.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-030.
- 308-52-130 Physicians' assistants. [Order PL 275, § 308-52-130, filed 10/12/77; Order PL 180, § 308-52-130, filed 12/3/74; Order PL 167, § 308-52-130, filed 4/17/74; Order PL 114, § 308-52-130, filed 10/13/71.] Repealed by 79-06-055 (Order PL 301), filed 5/22/79. Statutory Authority: RCW 18.71A.020.
- 308-52-132 Emergency narcotic administration. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-132, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-040.
- 308-52-135 Physician assistant prescriptions. [Statutory Authority: RCW 18.71A.020. 86-12-031 (Order PM 599), § 308-52-135, filed 5/29/86; 83-07-014 (Order PL 428), § 308-52-135, filed 3/10/83; 82-03-022 (Order PL 390), § 308-52-135, filed 1/14/82; 79-10-041 (Order PL 317), § 308-52-135, filed 9/13/79; Order PL 264, § 308-52-135, filed 3/15/77.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-030.
- 308-52-136 Physicians' assistants—Scope of jurisdiction. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-136, filed 3/14/78.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-020.
- 308-52-137 Physicians' assistants—Classification. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-137, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
- 308-52-138 Physician assistants—Program approval. [Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-138, filed 2/23/88; 85-03-083 (Order PL 507), § 308-52-138, filed 1/18/85; 83-03-031 (Order PL 421), § 308-52-138, filed 1/14/83; 81-03-078 (Order PL 368), § 308-52-138, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-138, filed 3/14/78.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-060.
- 308-52-139 Physician assistant—Registration. [Statutory Authority: RCW 18.71A.020. 89-06-077 (Order PM 822), § 308-52-139, filed 3/1/89. Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-139, filed 10/13/88. Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-139, filed 2/23/88; 86-12-031 (Order PM 599), § 308-52-139, filed 5/29/86; 82-24-013 (Order PL 412), § 308-52-139, filed 11/19/82; 81-03-078 (Order PL 368), § 308-52-139, filed 1/21/81; 80-15-031 (Order PL-353), § 308-52-139, filed 10/8/80; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-139, filed 3/14/78.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-080.
- 308-52-140 Physician assistant—Utilization. [Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-140, filed 2/23/88; 86-16-054 (Order PM 609), § 308-52-140, filed 8/1/86; 86-12-031 (Order PM 599), § 308-52-140, filed 5/29/86; 83-07-014 (Order PL 428), § 308-52-140, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-140, filed 11/19/82; 82-03-022 (Order PL 390), § 308-52-140, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-140, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-140, filed 3/14/78.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-090.
- 308-52-141 Physician assistants—Responsibility of supervising physician. [Statutory Authority: RCW 18.71A.020. 86-12-031 (Order PM 599), § 308-52-141, filed 5/29/86; 81-03-078 (Order PL 368), § 308-52-141, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-141, filed 3/14/78.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statu-

- 308-52-142 tory Authority: RCW 18.71.017. Recodified as WAC 246-918-100. Physicians' assistants—Registration fee. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-142, filed 3/14/78.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
- 308-52-143 Physicians' assistants—Reregistration fee. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-143, filed 3/14/78.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
- 308-52-144 Physicians' assistants—Simultaneous registration of Type C assistants. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-144, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
- 308-52-145 Birthday renewal registration implementation. [Statutory Authority: RCW 18.71A.020. 80-15-031 (Order PL 353), § 308-52-145, filed 10/8/80.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
- 308-52-146 Termination of supervision. [Statutory Authority: RCW 18.71A.020. 86-24-068 (Order PM 627), § 308-52-146, filed 12/3/86.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-110.
- 308-52-147 Remote site—Utilization—Limitations, geographic. [Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-147, filed 2/23/88.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-120.
- 308-52-148 Noncertified physician assistants. [Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-148, filed 2/23/88.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-130.
- 308-52-149 Certified physician assistants. [Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-149, filed 2/23/88.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-140.
- 308-52-150 Assistance or consultation with other physicians. [Statutory Authority: RCW 18.71A.020. 83-03-031 (Order PL 421), § 308-52-150, filed 1/14/83.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-150.
- 308-52-160 Physician assistant applications—Denial. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-160, filed 11/19/82.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-160.
- 308-52-165 Physician assistant qualifications effective January 1, 1990. [Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-165, filed 9/27/89, effective 10/28/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-050.
- 308-52-190 Physician assistant AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 89-08-063 (Order PM 831), § 308-52-190, filed 4/3/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-170.
- 308-52-200 Definitions. [Order PL 110, § 308-52-200, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
- 308-52-201 General continuing medical education requirements. [Statutory Authority: RCW 18.71A.020. 82-03-022 (Order PL 390), § 308-52-201, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-201, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-180.
- 308-52-205 Categories of creditable continuing medical education activities. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-205, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91,
- 308-52-210 effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-190. National board of medical examiners. [Order PL 110, § 308-52-210, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
- 308-52-211 Continuing medical education clock hour credit requirement. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-211, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-200.
- 308-52-215 Prior activity approval not required. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-215, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-210.
- 308-52-220 State board reciprocity. [Order PL 110, § 308-52-220, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
- 308-52-221 Certification of compliance. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-221, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-220.
- 308-52-230 Washington state basic science examination. [Order 146, § 308-52-230, filed 8/16/73; Order PL 110, § 308-52-230, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
- 308-52-240 Applications filed prior to January 1, 1970. [Order PL 110, § 308-52-240, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
- 308-52-250 Internship defined. [Order 146, § 308-52-250, filed 8/16/73.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
- 308-52-255 Postgraduate medical training defined. [Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-255, filed 6/5/89; 85-11-048 (Order PL 530), § 308-52-255, filed 5/16/85; 84-19-021 (Order PL 481), § 308-52-255, filed 9/12/84; 84-15-068 (Order PL 473), § 308-52-255, filed 7/18/84; 81-03-079 (Order PL 369), § 308-52-255, filed 1/21/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-040.
- 308-52-260 Examination scores. [Statutory Authority: RCW 18.71.017 and 18.17.070 [18.71.070]. 90-18-009 (Order 083), § 308-52-260, filed 8/24/90, effective 9/24/90. Statutory Authority: RCW 18.71.017. 89-06-077 (Order PM 822), § 308-52-260, filed 3/1/89; 85-03-084 (Order PL 508), § 308-52-260, filed 1/18/85; 79-06-063 (Order PL 304), § 308-52-260, filed 5/23/79; 78-04-028 (Order PL 284, Resolution No. 78-139), § 308-52-260, filed 3/14/78; Order PL 240, § 308-52-260, filed 2/19/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-100.
- 308-52-265 FLEX examination standards. [Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-265, filed 6/5/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-110.
- 308-52-270 Examinations accepted for reciprocity or waiver. [Statutory Authority: RCW 18.71.017. 86-03-056 (Order PL 577), § 308-52-270, filed 1/15/86; 85-03-084 (Order PL 508), § 308-52-270, filed 1/18/85; 78-04-028 (Order PL 284, Resolution No. 78-139), § 308-52-270, filed 3/14/78; Order PL 268, § 308-52-270, filed 5/11/77; Order PL 240, § 308-52-270, filed 2/19/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-120.
- 308-52-300 License renewal registration fee. [Order PL 163, § 308-52-300, filed 3/18/74.] Repealed by Order PL 209, filed 11/5/75.
- 308-52-310 Physician—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-52-310, filed 9/25/80; Order PL 209, § 308-52-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83.

- Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-52-315.
- 308-52-315 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-52-315, filed 11/2/83; 83-17-031 (Order PL 442), § 308-52-315, filed 8/10/83. Formerly WAC 308-52-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-52-320 License renewal registration date and fee. [Order PL 242, § 308-52-320, filed 3/15/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-130.
- 308-52-400 Scope. [Order PL 247, § 308-52-400, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-140.
- 308-52-405 General requirements. [Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-405, filed 6/5/89. Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-405, filed 11/18/85. Statutory Authority: RCW 18.71.017. 79-06-063 (Order PL 304), § 308-52-405, filed 5/23/79; Order PL 247, § 308-52-405, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-150.
- 308-52-406 CME requirements during cycle revision. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-406, filed 11/18/85. Statutory Authority: RCW 18.71.080. 81-23-051 (Order PL 386), § 308-52-406, filed 11/18/81.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-160.
- 308-52-410 Categories of creditable continuing medical education activities. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-410, filed 11/18/85; Order PL 247, § 308-52-410, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-170.
- 308-52-415 Continuing medical education requirement. [Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-415, filed 6/5/89. Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-415, filed 11/18/85; Order PL 247, § 308-52-415, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-180.
- 308-52-420 Approval not required. [Order PL 247, § 308-52-420, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-190.
- 308-52-425 Certification of compliance. [Order PL 247, § 308-52-425, filed 5/17/76.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-200.
- 308-52-500 Acupuncture assistant education. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-500, filed 11/18/85. Statutory Authority: RCW 18.71A.020. 83-07-014 (Order PL 428), § 308-52-500, filed 3/10/83; 79-06-055 (Order PL 301), § 308-52-500, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-290.
- 308-52-502 Acupuncture—Program approval. [Statutory Authority: RCW 18.71A.020. 86-16-054 (Order PM 609), § 308-52-502, filed 8/1/86; 83-07-014 (Order PL 428), § 308-52-502, filed 3/10/83.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-300.
- 308-52-504 Acupuncture—Definition. [Statutory Authority: RCW 18.71A.020. 83-07-014 (Order PL 428), § 308-52-504, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-504, filed 11/19/82.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-310.
- 308-52-510 Acupuncture equivalency examination. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-510, filed 11/18/85. Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-510, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-320.
- 308-52-515 Acupuncture examination review procedures. [Statutory Authority: RCW 18.71A.020. 86-16-054 (Order PM 609), § 308-52-515, filed 8/1/86.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-330.
- 308-52-520 Acupuncture experience. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-520, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-530 Investigation. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-530, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-340.
- 308-52-540 English fluency. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-540, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-350.
- 308-52-550 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-550, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-560 Acupuncture assistant utilization. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-560, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-570 X-rays and laboratory tests. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-570, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-570, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-360.
- 308-52-580 Ethical considerations. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-580, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-580, filed 5/22/79.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-370.
- 308-52-590 Physician and surgeon fees. [Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-52-590, filed 8/29/90, effective 9/29/90. Statutory Authority: RCW 18.72.306 as amended by 1989 c 119. 89-18-037 (Order PM 854), § 308-52-590, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 416 § 2. 87-19-130 (Order PM 680), § 308-52-590, filed 9/22/87. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-52-590, filed 5/1/87.] Repealed by 91-06-027 (Order 131), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 43.70.040.
- 308-52-600 Credentialing of physician and surgeons. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-600, filed 10/13/88.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-070.
- 308-52-610 Credentialing of physician assistants. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-610, filed 10/13/88.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-070.
- 308-52-620 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 89-06-076 (Order PM 821), § 308-52-620, filed 3/1/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-917-060.
- 308-52-630 Practice of medicine—Surgical procedures. [Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-630, filed 6/8/89, effective 9/30/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91,

- effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-230.
- 308-52-640 Noncertified physician assistant-surgical assistant. [Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-640, filed 6/8/89, effective 9/30/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-240.
- 308-52-650 Basic surgical assistant duties. [Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-650, filed 6/8/89, effective 9/30/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-250.
- 308-52-660 Surgical assistant—Utilization and supervision. [Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-660, filed 6/8/89, effective 9/30/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-260.
- 308-52-670 Surgical assistant qualifications effective January 1, 1990. [Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-670, filed 6/8/89, effective 9/30/89.] Repealed by 89-20-023, filed 9/27/89, effective 10/28/89. Statutory Authority: RCW 18.71A.020.
- 308-52-680 Major surgical procedures. [Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-680, filed 9/27/89, effective 10/28/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-270.
- 308-52-690 Surgical assistant program requirements reconsideration. [Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-690, filed 9/27/89, effective 10/28/89.] Decodified by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-280.
- Chapter 308-53**
OPTOMETRY—ANNUAL LICENSE OR
REGISTRATION RENEWAL FEE
- 308-53-010 Renewal of licenses. [Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-010, filed 3/11/88; Order PL 239, § 308-53-010, filed 3/3/76; Order 228, § 308-53-010, filed 11/6/75; Order PL 173, § 308-53-010, filed 8/22/74.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-020.
- 308-53-020 Optometry fees. [Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-53-020, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-53-020, filed 8/10/83. Formerly WAC 308-53-310.] Decodified by 91-06-028 (Order 137), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-851-990.
- 308-53-030 Temporary permit policy recommendation. [Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-030, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-030, filed 4/18/84; 78-02-030 (Order PL 281), § 308-53-030, filed 1/17/78.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-030.
- 308-53-070 Approval of schools and colleges of optometry. [Statutory Authority: RCW 18.54.070. 86-13-009 (Resolution No. PM 597), § 308-53-070, filed 6/5/86. Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-070, filed 1/17/78.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-040.
- 308-53-075 Examination eligibility. [Statutory Authority: RCW 18.54.070. 90-11-080 (Order 056), § 308-53-075, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 18.54.070(5). 86-13-008 (Order PM 598), § 308-53-075, filed 6/5/86.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-050.
- 308-53-080 Examination subjects. [Statutory Authority: RCW 18.54.070(5). 83-10-052 (Order PL 433), § 308-53-080, filed 5/3/83; 82-12-077 (Order PL 399), § 308-53-080, filed 6/2/82; 80-01-088 (Order PL 326), § 308-53-080, filed 12/28/79.] Repealed by 86-13-008 (Order PM 598), filed 6/5/86. Statutory Authority: RCW 18.54.070(5).
- 308-53-084 Examination subjects. [Statutory Authority: RCW 18.54.070. 90-11-080 (Order 056), § 308-53-084, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 18.54.070(5). 87-09-046 (Order PM 646), § 308-53-084, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-084, filed 6/5/86.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-060.
- 308-53-085 Grading examinations. [Statutory Authority: RCW 18.54.070. 90-11-080 (Order 056), § 308-53-085, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 18.54.070(5). 87-09-046 (Order PM 646), § 308-53-085, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-085, filed 6/5/86; 84-09-082 (Order PL 465), § 308-53-085, filed 4/18/84; 83-10-052 (Order PL 433), § 308-53-085, filed 5/3/83; 82-12-077 (Order PL 399), § 308-53-085, filed 6/2/82.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-070.
- 308-53-100 Continuing education requirement. [Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-100, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-100, filed 12/28/79; Order PL 239, § 308-53-100, filed 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-090.
- 308-53-110 Credit hour defined. [Order PL 239, § 308-53-110, filed 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-100.
- 308-53-120 Courses presumed to qualify for credit. [Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-120, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-120, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-120, filed 4/18/84; Order PL 239, § 308-53-120, filed 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-110.
- 308-53-123 Credit for classes. [Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-123, filed 4/27/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-120.
- 308-53-125 Post-graduate educational program. [Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-125, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-125, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-130.
- 308-53-130 Courses not presumed to qualify. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-130, filed 2/20/81; Order PL 239, § 308-53-130, filed 3/3/76.] Repealed by 89-10-030 (Order PM 839), filed 4/27/89. Statutory Authority: RCW 18.54.070(2).
- 308-53-135 Credit for admission to optometric organizations and participation in patient care reviews. [Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-135, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-135, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-140.
- 308-53-140 Credit for individual study, publications, and small-group study. [Order PL 239, § 308-53-140, filed 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-150.
- 308-53-145 Credit for reports. [Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-145, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-145, filed 3/11/88. Statutory Authority: RCW 18.54.070(5).

- 80-04-054 (Order PL 331), § 308-53-145, filed 3/21/80.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-160.
- 308-53-146 Credit for preprogrammed educational materials. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-146, filed 4/27/89. Statutory Authority: RCW 18.54.070(5), 80-04-054 (Order PL 331), § 308-53-146, filed 3/21/80.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-170.
- 308-53-150 Credit for lecturing. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-150, filed 4/27/89; Order PL 239, § 308-53-150, filed 3/31/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-180.
- 308-53-151 Credit for CPR training. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-151, filed 4/27/89. Statutory Authority: RCW 18.54.070(5), 82-12-077 (Order PL 399), § 308-53-151, filed 6/2/82.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-190.
- 308-53-155 Dual acceptance of continuing education credits. [Order PL 256, § 308-53-155, filed 9/13/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-200.
- 308-53-160 Recordation of credit. [Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-160, filed 1/17/78; Order PL 239, § 308-53-160, filed 3/31/76.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.
- 308-53-165 Certification for continuing education courses. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-165, filed 4/27/89. Statutory Authority: RCW 18.54.070(5) and 18.54.075, 85-16-054 (Order PL 545), § 308-53-165, filed 7/31/85. Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-165, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-210.
- 308-53-170 Surplus credit hours. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-170, filed 4/27/89. Statutory Authority: RCW 18.54.070, 88-07-047 (Order PM 710), § 308-53-170, filed 3/11/88; Order PL 239, § 308-53-170, filed 3/31/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-220.
- 308-53-175 Credits for practice management. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-175, filed 4/27/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-230.
- 308-53-180 Discretionary exception for emergency situation. [Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-180, filed 4/27/89; Order PL 239, § 308-53-180, filed 3/31/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-240.
- 308-53-190 Exemption of retired doctors of optometry from continuing education requirement. [Order PL-271, § 308-53-190, filed 7/25/77.] Repealed by 84-09-082 (Order PL 465), filed 4/18/84. Statutory Authority: RCW 18.54.070(5).
- 308-53-200 Minimum equipment requirements. [Statutory Authority: RCW 18.54.070, 89-01-087 (Order 812), § 308-53-200, filed 12/21/88, effective 1/1/90; Order PL 256, § 308-53-200, filed 9/13/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-250.
- 308-53-205 Mobile optometric units. [Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-205, filed 1/17/78.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-260.
- 308-53-210 Retention of minimum contact lens records. [Order PL 256, § 308-53-210, filed 9/13/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-270.
- 308-53-211 Minimum contact lens prescription. [Statutory Authority: RCW 18.54.070(5), 84-16-087 (Order PL 475), § 308-53-211, filed 8/1/84.] Repealed by 85-04-055 (Order PL 516), filed 2/5/85. Statutory Authority: RCW 18.54.070(5).
- 308-53-212 Minimum information for release of contact lens prescriptions. [Statutory Authority: RCW 18.54.070(5), 86-13-008 (Order PM 598), § 308-53-212, filed 6/5/86.] Repealed by 87-01-099 (Order PM 629), filed 12/22/86.
- 308-53-215 Contact lens advertising. [Statutory Authority: RCW 18.54.070(5), 81-06-012 (Order PL 367), § 308-53-215, filed 2/20/81.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-280.
- 308-53-220 Maintenance of records. [Order PL 256, § 308-53-220, filed 9/13/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-290.
- 308-53-230 Renting space from and practicing on premises of commercial (mercantile) concern. [Statutory Authority: RCW 18.54.070(5), 81-06-012 (Order PL 367), § 308-53-230, filed 2/20/81; 78-02-030 (Order PL 281), § 308-53-230, filed 1/17/78; Order PL-271, § 308-53-230, filed 7/25/77.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-300.
- 308-53-235 Proper identification of licensees. [Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-235, filed 1/17/78.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-310.
- 308-53-240 Doctor of optometry presumed responsible for advertisements. [Order PL-271, § 308-53-240, filed 7/25/77.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-320.
- 308-53-245 Misleading titles or degrees. [Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-245, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-330.
- 308-53-250 Transmittal of patient information and records. [Order PL-271, § 308-53-250, filed 7/25/77.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-340.
- 308-53-260 Improper professional relationship. [Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-260, filed 1/17/78.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-350.
- 308-53-265 Required identification on prescriptions. [Statutory Authority: RCW 18.54.070(5), 86-13-008 (Order PM 598), § 308-53-265, filed 6/5/86.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-360.
- 308-53-270 Employed doctors of optometry, franchises and equipment use agreements. [Statutory Authority: RCW 18.54.070(5) and 18.54.075, 85-16-054 (Order PL 545), § 308-53-270, filed 7/31/85. Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-270, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-370.
- 308-53-275 Practice under another optometrist's name. [Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-275, filed 12/28/79.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-380.
- 308-53-280 Practice under trade name. [Statutory Authority: RCW 18.54.070(5), 80-04-054 (Order PL 331), § 308-53-280, filed 3/21/80.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-390.

- 308-53-290 Uniform Disciplinary Act. [Statutory Authority: RCW 18.54.075 and 18.54.070(5). 85-05-009 (Order PL 519), § 308-53-290, filed 2/11/85.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.
- 308-53-300 Registration renewal fee. [Order PL-163, § 308-53-300, filed 3/18/74.] Repealed by Order PL 228, filed 11/6/75.
- 308-53-310 Optometry—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-53-310, filed 9/25/80; Order PL 228, § 308-53-310, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-53-020.
- 308-53-320 Examination appeal procedures. [Statutory Authority: RCW 18.54.070. 87-17-020 (Order PM 666), § 308-53-320, filed 8/12/87.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-080.
- 308-53-330 Certification required for use of pharmaceutical agents. [Statutory Authority: RCW 18.53.010. 89-17-040 (Order PM 853), § 308-53-330, filed 8/11/89, effective 9/11/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-400.
- 308-53-340 Drug formulary. [Statutory Authority: RCW 18.53.010. 89-17-040 (Order PM 853), § 308-53-340, filed 8/11/89, effective 9/11/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-410.
- 308-53-350 Optometrist with prescriptive authorization. [Statutory Authority: RCW 18.54.070. 89-22-102, § 308-53-350, filed 11/1/89, effective 12/2/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-420.
- 308-53-400 AIDS prevention and information education requirements. [Statutory Authority: 1988 c 206 § 604. 89-09-027 (Order 833), § 308-53-400, filed 4/13/89.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-430.
- Chapter 308-54**
NURSING HOME ADMINISTRATOR
- 308-54-010 Source of authority—Title. [Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-010, filed 1/6/78; Order PL 107, § 308-54-010, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-001.
- 308-54-020 General definitions. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-020, filed 12/29/86; Order PL 107, § 308-54-020, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-010.
- 308-54-030 Board of examiners—Meetings. [Order PL 107, § 308-54-030, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-030.
- 308-54-040 Board of examiners—General powers and responsibilities. [Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-040, filed 1/6/78; Order PL 107, § 308-54-040, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-040.
- 308-54-050 Board of examiners—Officers and duties. [Order PL 107, § 308-54-050, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-050.
- 308-54-060 Executive secretary—Hiring and duties. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-060, filed 12/29/86; Order PL 126, § 308-54-060, filed 6/1/72; Order PL 107, § 308-54-060, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-060.
- 308-54-070 Scheduling of examinations and reexaminations. [Order PL 107, § 308-54-070, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91.
- 308-54-080 Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-070.
- 308-54-090 Application for examination. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-080, filed 12/29/86; Order PL 107, § 308-54-080, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-080.
- 308-54-095 Preexamination requirements. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-090, filed 12/29/86; Order PL 260, § 308-54-090, filed 12/10/76; Order PL 164, § 308-54-090, filed 3/27/74, effective 1/1/75; Order PL 107, § 308-54-090, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-090.
- 308-54-100 Preceptors for administrator-in-training programs. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-095, filed 12/29/86. Statutory Authority: RCW 18.52.100 (2) and (14). 78-02-009 (Order PL 282), § 308-54-095, filed 1/6/78.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-095.
- 308-54-110 Disqualification—Reexamination. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-100, filed 12/29/86; Order PL 215, § 308-54-100, filed 11/5/75; Order PL 107, § 308-54-100, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-100.
- 308-54-120 Subjects for examination. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-110, filed 12/29/86; Order PL 107, § 308-54-110, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-110.
- 308-54-125 Grading examinations. [Statutory Authority: RCW 18.52.100. 81-14-037 (Order PL 381), § 308-54-120, filed 6/29/81; Order PL 107, § 308-54-120, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-120.
- 308-54-130 Continuing education credit for preceptors for administrators-in-training programs. [Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-125, filed 12/20/79.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-125.
- 308-54-140 Courses of study. [Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-130, filed 11/9/88. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed 3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-130.
- 308-54-150 Approval of courses of study. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-140, filed 12/29/86. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-140, filed 3/21/84; 82-20-092 (Order PL 407), § 308-54-140, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-140, filed 12/20/79; Order PL 260, § 308-54-140, filed 12/10/76; Order PL 186, § 308-54-140, filed 3/19/75; Order PL 107, § 308-54-140, filed 3/3/71.] Repealed by 88-23-038 (Order PM 791), filed 11/9/88. Statutory Authority: RCW 18.52.100(11).
- 308-54-155 Continuing education requirements to meet the conditions of reregistration for license. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-150, filed 3/21/84. Statutory Authority: RCW 18.52.110. 80-04-069 (Order 338), § 308-54-150, filed 3/26/80; Order PL 260, § 308-54-150, filed 12/10/76; Order PL 107, § 308-54-150, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-150.

- 308-54-155 Certification of compliance. [Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-155, filed 12/20/79.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-155.
- 308-54-160 Licenses. [Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-160, filed 7/1/80. Statutory Authority: RCW 18.52.070, 18.52.080 and 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-160, filed 1/6/78; Order PL 107, § 308-54-160, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-160.
- 308-54-162 AIDS prevention and information education requirements. [Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-162, filed 11/9/88.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-162.
- 308-54-170 Temporary permits. [Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-170, filed 11/9/88. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-170, filed 7/1/80. Statutory Authority: RCW 18.52.100 (10) and (14). 78-02-009 (Order PL 282), § 308-54-170, filed 1/6/78; Order PL 107, § 308-54-170, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-170.
- 308-54-180 Registration of licenses. [Statutory Authority: RCW 18.52.100(14). 86-01-086 (Order PL 576), § 308-54-180, filed 12/18/85. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-180, filed 7/1/80; Order PL 260, § 308-54-180, filed 12/10/76; Order PL 107, § 308-54-180, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-180.
- 308-54-190 Withdrawal from active practice. [Order PL 107, § 308-54-190, filed 3/3/71.] Repealed by 80-08-066 (Order 348), filed 7/1/80. Statutory Authority: RCW 18.52.100.
- 308-54-200 Standards of suitability and character. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-200, filed 12/29/86. Statutory Authority: RCW 18.52.100 (1) and (14). 78-02-009 (Order PL 282), § 308-54-200, filed 1/6/78; Order PL 107, § 308-54-200, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-200.
- 308-54-205 Standards of conduct. [Order PL 164, § 308-54-205, filed 3/27/74.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-205.
- 308-54-210 Refusal, suspension, and revocation of licenses. [Order PL 107, § 308-54-210, filed 3/3/71.] Repealed by 78-02-009 (Order PL 282), filed 1/6/78. Statutory Authority: RCW 18.52.100(14).
- 308-54-220 Complaints and hearing procedures. [Statutory Authority: RCW 18.52.090(2), 18.52.150, 18.52.100 (4), (5), (6) and (14). 78-02-009 (Order PL 282), § 308-54-220, filed 1/6/78; Order PL 107, § 308-54-220, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-220.
- 308-54-225 Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panel not in session. [Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-225, filed 7/1/80. Statutory Authority: RCW 18.52.155. 78-02-009 (Order PL 282), § 308-54-225, filed 1/6/78.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-225.
- 308-54-230 Reciprocity. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-230, filed 12/29/86; Order PL 107, § 308-54-230, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-230.
- 308-54-240 Restoration and reinstatement of licenses. [Statutory Authority: RCW 18.52.100(14) and 18.52.120. 78-02-009 (Order PL 282), § 308-54-240, filed 1/6/78; Order PL 107, § 308-54-240, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-240.
- 308-54-250 Duplicate licenses. [Order PL 107, § 308-54-250, filed 3/3/71.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-250.
- 308-54-300 License reregistration fee. [Order PL 163, § 308-54-300, filed 3/18/74.] Repealed by Order PL 215, filed 11/5/75. Later promulgation, see WAC 308-54-310.
- 308-54-310 Nursing home administrators—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-54-310, filed 9/25/80; Order PL 215, § 308-54-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-54-315.
- 308-54-315 Nursing home administrator fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-54-315, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-54-315, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.] Decodified by 91-06-058 (Order 138), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-843-990.
- 308-54-320 Renewal of licenses. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-320, filed 12/29/86. Statutory Authority: RCW 43.24.140. 80-04-057 (Order 337), § 308-54-320, filed 3/24/80.] Decodified by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-320.

Chapter 308-55

REGULATING THE PRACTICE OF OCULARISTS

- 308-55-005 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 39. 84-21-094 (Order PL 487), § 308-55-005, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-041 (Order PL 556), filed 9/12/85. Statutory Authority: RCW 18.55.065.
- 308-55-010 Fees. [Statutory Authority: RCW 43.24.085 and 1980 c 101 § 7. 80-08-003 (Order 344), § 308-55-010, filed 6/19/80.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-55-025.
- 308-55-025 Ocularist fees. [Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-55-025, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-55-025, filed 8/10/83. Formerly WAC 308-55-010.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-990.
- 308-55-035 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-035, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-020.
- 308-55-045 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-045, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-030.
- 308-55-055 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-055, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-040.
- 308-55-065 Ocularist associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-065, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-050.
- 308-55-075 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-075, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-060.
- 308-55-085 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-085, filed 6/30/89.] Decodified by 91-02-049 (Order

- 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-070.
- 308-55-095 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-095, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-080.
- 308-55-105 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-105, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-090.
- 308-55-115 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-115, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-100.
- 308-55-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-55-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-849-110.
- Chapter 308-56**
CERTIFICATE OF TITLE—MOTOR VEHICLES, ETC.
- 308-56-010 Certificates—Generally—Vehicles requiring. [§ 1(1), filed 11/5/63; § 1(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-020 Certificates—How to complete application for certificate of title—New vehicles not previously registered. [§ 1(2A), filed 11/5/63; § 1(2A), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-025 Additional rules for new vehicles—Manufacturer's statement of origin required. [Order MV-166, § 308-56-025, filed 5/7/73.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-030 Additional rules for new vehicles—Foreign vehicles not previously licensed in Washington—Additional requirements. [§ 1(2B), filed 11/5/63; § 1(2B), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-040 Additional rules for new vehicles—Vehicles purchased from United States government—Additional requirements. [§ 1(2C), filed 11/5/63; § 1(2C), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-050 Delivery of vehicle on dealer's temporary permit. [Order MV-171, § 308-56-050, filed 7/18/73; § 308-56-050, filed 6/29/67; § 1(2D), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-060 Dealer report of sale. [§ 308-56-060, filed 6/29/67; § 1(3), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-070 Dealer not required to obtain certificate of title in his own name before sale of vehicle. [§ 1(4), filed 11/5/63; § 1(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-080 Purchased from foreign dealer. [§ 308-56-080, filed 6/29/67; § 1(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-090 If foreign title is lost. [§ 1(6), filed 11/5/63; § 1(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-100 Foreign title lost by dealer. [§ 1(7), filed 11/5/63; § 1(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-110 Foreign vehicles. [§ 1(8), filed 11/5/63; § 1(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-120 Nonresident applying for certificate of title. [§ 1(9), filed 11/5/63; § 1(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-130 Foreign title assigned to dealer. [§ 1(10), filed 11/5/63; § 1(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-140 From states not issuing certificate of title. [§ 1(11 and 11-A), filed 11/5/63; § 1(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-150 Certificate of inspection. [§ 1(12), filed 11/5/63; § 1(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-160 No title issued. [§ 1(13), filed 11/5/63; § 1(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-170 Foreign title returned. [§ 1(14), filed 11/5/63; § 1(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-180 Certificate of title mailed to the lien holder. [§ 1(15), filed 11/5/63; § 1(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-190 Title purpose only. [§ 308-56-190, filed 6/29/67; § 1(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-200 Partnership or association not incorporated. [§ 1(17), filed 11/5/63; § 1(17), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-210 Vehicles registered by army personnel returning from foreign duty. [§ 1(18), filed 11/5/63; § 1(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-220 Four percent compensating tax et seq. [§ 1(19), filed 11/5/63; § 1(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-250 Transfer of certificate of title—Procedure. [§ 308-56-250, filed 6/29/67; § 2(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-260 Transfer of certificate of title—Purchaser must transfer. [§ 2(2), filed 11/5/63; § 2(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-270 Transfer of certificate of title—Penalty—Failure to transfer. [§ 2(3), filed 11/5/63; § 2(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-280 Transfer of certificate of title—Dealer not required to transfer title—Sale to second dealer. [§ 2(4), filed 11/5/63; § 2(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-290 Transfer of certificate of title—Repossession by dealer. [§ 308-56-290, filed 6/29/67; § 2(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-300 Transfer of certificate of title—Repossession by finance company or individual. [§ 308-56-300, filed 6/29/67; § 2(6), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-310 Transfer of certificate of title—Repossession by dealer when contract is assigned. [§ 308-56-310, filed 6/29/67; § 2(7), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-320 Transfer of certificate of title—Divorce proceedings. [§ 308-56-320, filed 6/29/67; § 2(8), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-330 Transfer of certificate of title—Acquired by will. [§ 2(9), filed 11/5/63; § 2(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-340 Transfer of certificate of title—Sale by administrator appointed by court—No will. [§ 308-56-340, filed 6/29/67; § 2(10), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-350 Transfer of certificate of title—Transfer to estate. [§ 2(11), filed 11/5/63; § 2(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-360 Transfer of certificate of title—Acquisition where deceased left no will or estate to be probated. [§ 2(12), filed 11/5/63; § 2(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-370 Transfer of certificate of title—Order of court. [§ 2(13), filed 11/5/63; § 2(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-380 Transfer of certificate of title—Community agreements. [§ 2(14), filed 11/5/63; § 2(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

- 308-56-390 Transfer of certificate of title—Transfer by process of law—Cancellation of certificate of title. [§ 2(15), filed 11/5/63; § 2(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-400 Transfer of certificate of title—When a vehicle has been sold and not transferred. [§ 2(16), filed 11/5/63; § 2(16), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-410 Transfer of certificate of title—Transfer when owner declared incompetent. [§ 308-56-410, filed 6/29/67; § 2(17), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-420 Transfer of certificate of title—Bankruptcy—Receiver appointed by court. [§ 2(18), filed 11/5/63; § 2(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-430 Transfer of certificate of title—Desertion. [§ 2(19), filed 11/5/63; § 2(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-440 Transfer of certificate of title—Sheriff's sale. [§ 2(20), filed 11/5/63; § 2(20), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-450 Transfer of certificate of title—Abandoned car—Left in garage. [§ 2(21), (22), (23), filed 11/5/63; § 2(21), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-460 Transfer of certificate of title—Abandoned vehicle—Left out in open. [§ 2(24), filed 11/5/63; § 2(22), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-470 Transfer of certificate of title—Advertised sale—Storage lien. [§ 2(25), filed 11/5/63; § 2(23), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-480 Transfer of certificate of title—Repairman's lien. [§ 2(24), filed 11/5/63; § 2(24), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-490 Transfer of certificate of title—Tax sale. [§ 2(25), filed 11/5/63; § 2(25), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-500 Transfer of certificate of title—Lien holder's interest. [§ 2(26), filed 11/5/63; § 2(26), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-510 Transfer of certificate of title—Transfer of exempt vehicles. [§ 2(27), filed 11/5/63; § 2(27), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-520 Transfer of certificate of title—Leased vehicles. [§ 2(28), filed 11/5/63; § 2(28), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-530 Transfer of certificate of title—Partnership changes. [§ 2(29), filed 11/5/63; § 2(29), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-540 Transfer of certificate of title—Compensating tax. [§ 2(30), filed 11/5/63; § 2(30), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-550 Transfer of certificate of title—Amateur radio operator's license plates. [§ 2(31), filed 11/5/63; § 2(31), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-560 Reissue of certificate of title—Application for reissue—Procedure. [§ 308-56-560, filed 6/29/67; § 3(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-570 Reissue of certificate of title—Placing of chattel mortgage. [§ 3(2), filed 11/5/63; § 3(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-580 Reissue of certificate of title—Filing second chattel mortgage. [§ 3(3), filed 11/5/63; § 3(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-590 Reissue of certificate of title—Release notice must be filed. [§ 3(4), filed 11/5/63; § 3(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-600 Reissue of certificate of title—Change in lien holder. [§ 3(5), filed 11/5/63; § 3(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-610 Reissue of certificate of title—Two lien holders. [§ 3(6), filed 11/5/63; § 3(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-620 Reissue of certificate of title—Change in corporate name. [§ 3(7), filed 11/5/63; § 3(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-630 Reissue of certificate of title—Incorrect endorsements or erasures. [§ 3(8), filed 11/5/63; § 3(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-640 Reissue of certificate of title—Correction of certificate of title. [§ 3(9), filed 11/5/63; § 3(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-650 Reissue of certificate of title—Change of name by legal court action. [§ 3(10), filed 11/5/63; § 3(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-660 Reissue of certificate of title—Installation of new or used motor. [§ 308-56-660, filed 6/29/67; § 3(11), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-670 Reissue of certificate of title—Motor installed by dealer. [§ 3(12), filed 11/5/63; § 3(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-680 Reissue of certificate of title—Identification number. [§ 308-56-680, filed 6/29/67; § 3(13), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-690 Reissue of certificate of title—Mutilated number. [§ 3(14), filed 11/5/63; § 3(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-700 Reissue of certificate of title—Notice of destruction. [§ 3(15), filed 11/5/63; § 3(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-710 Reissue of certificate of title—Assembled vehicles. [§ 308-56-710, filed 6/29/67; § 3(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-720 Certificate of title endorsements and signatures on applications—Endorsements required on reverse side of certificate of title when transferring vehicle. [§ 4(1), filed 11/5/63; § 4(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-730 Certificate of title endorsements and signatures on applications—Two or more owners. [§ 4(2), filed 11/5/63; § 4(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-740 Certificate of title endorsements and signatures on applications—Release of lien holder. [§ 4(3), filed 11/5/63; § 4(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-750 Certificate of title endorsements and signatures on applications—Operation of law. [§ 4(4), filed 11/5/63; § 4(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-760 Certificate of title endorsements and signatures on applications—Signature on applications for certificate of title. [§ 4(5), filed 11/5/63; § 4(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-770 Certificate of title endorsements and signatures on applications—Minor owners. [§ 4(6), filed 11/5/63; § 4(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-780 Certificate of title endorsements and signatures on applications—Reissue application to record a chattel mortgage. [§ 4(7), filed 11/5/63; § 4(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-790 Certificate of title endorsements and signatures on applications—Duplicate certificate of title. [§ 4(8), filed 11/5/63; § 4(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-800 Certificate of title endorsements and signatures on applications—Miscellaneous applications. [§ 4(9), filed 11/5/63; § 4(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

- 308-56-810 Certificate of title endorsements and signatures on applications—Partnership. [§ 4(10), filed 11/5/63; § 4(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-820 Duplicate certificate of title. [§ 5, filed 11/5/63; § 5, filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- Chapter 308-58**
REPORTING DESTROYED VEHICLES
- 308-58-010 Definitions. [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.] Repealed by 00-06-025, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.070.
- 308-58-020 Method of reporting destruction. [Statutory Authority: RCW 46.01.110. 92-15-022, § 308-58-020, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-58-020, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 88-23-037 (Order TL/RG 46), § 308-58-020, filed 11/9/88; Order MV 142, § 308-58-020, filed 8/28/72.] Repealed by 00-06-025, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.070.
- 308-58-030 Sale of salvage. [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.] Repealed by 00-06-025, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.070.
- 308-58-040 Salvage vehicles rebuilt. [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.] Repealed by 00-06-025, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.070.
- 308-58-050 Destroyed vehicle retitled. [Statutory Authority: RCW 46.01.110 and 46.12.075. 97-11-049, § 308-58-050, 5/19/97, effective 6/19/97.] Repealed by 00-06-025, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.070.
- Chapter 308-60**
DISPOSITION OF ABANDONED VEHICLES—REGISTRATION OF TOW TRUCK OPERATORS AND GARAGE KEEPERS
- 308-60-010, through 308-60-060. [Order 69-2, filed 9/3/69.] Repealed by Order MV-174, filed 10/19/73.
- Chapter 308-62**
PROCEDURE FOR TAKING CUSTODY OF UNAUTHORIZED VEHICLES
- 308-62-010 Definitions. [Order 473-DOL, § 308-62-010, filed 12/30/77.] Repealed by 94-08-025, filed 3/29/94, effective 4/29/94.
- 308-62-020 Specifications and standards for approved signs. [Order 473-DOL, § 308-62-020, filed 12/30/77.] Repealed by 94-08-025, filed 3/29/94, effective 4/29/94.
- 308-62-030 Filing of fee schedules with department. [Order 473-DOL, § 308-62-030, filed 12/30/77.] Repealed by 94-08-025, filed 3/29/94, effective 4/29/94.
- Chapter 308-64**
MOTOR VEHICLE DEALERS
- 308-64-010, through 308-64-260. [Filed 11/5/63; filed 3/23/60.] Repealed by Order 2, filed 1/29/68. Later enactment, see chapter 308-66 WAC.
- Chapter 308-76**
MOTOR VEHICLE FUEL IMPORTER USE TAX
- 308-76-005 Practice and procedure. [See chapter 308-08 WAC.] Repealed by 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
- 308-76-010 Users of use fuel—Definitions. [Regulation I, § I, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-015 Users of use fuel—Imposition of tax. [Regulation I, § II, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-020 Users of use fuel—Monthly report required—Tax payable monthly. [Regulation I, § III, effective 9/1/65; Regulation II, § D, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-025 Users of use fuel—Use fuel tax permit and vehicle identification card. [Regulation I, § IV, effective 9/1/65; Regulations II, § A and II, § C, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-030 Users of use fuel—Cancellation or revocation of permit—Discontinuance of use of equipment. [Regulation I, § V, effective 9/1/65; Regulations II, § F, and II, § G, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-035 Users of use fuel—Permit required before registration of vehicle. [Regulation I, § VI, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-040 Users of use fuel—Security required. [Regulation I, § VII, effective 9/1/65; Regulation II, § B, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-045 Users of use fuel—Deficiency assessment—Default assessment—Reassessment of deficiency, and default assessments—Audit determination. [Regulation I, § VIII, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-050 Users of use fuel—Records to be maintained—Audit of records. [Regulation I, § IX, effective 9/1/65; Regulation II, § E, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-080 Users of use fuel—Display of permit. [Regulation II, § A effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-090 Users of use fuel—Security requirements. [Regulation II, § B (1) (2), effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-100 Sellers of use fuel—Seller's license. [Regulation II, § I, effective 9/1/65; Regulation II, § I, effective 9/1/63; Regulation I, § A, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-110 Sellers of use fuel—Security required. [Regulation II, § II, effective 9/1/65; Regulation II, § II, effective 9/1/63; Regulation I, § B, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-120 Sellers of use fuel—Vehicle identification card, permit, license to be displayed. [Regulation II, § III, effective 9/1/65; Regulation II, § III, effective 9/1/63; Regulation I, § C, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-130 Sellers of use fuel—Monthly report required. [Regulation II, § IV, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § D, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-140 Sellers of use fuel—Records—Liability of sellers. [Regulation II, § V, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § E, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-200 Noncommercial passenger vehicle users—Exemption from use fuel tax report permit, security and vehicle identification card. [Regulation III, effective 9/1/65; Regulation III, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
- 308-76-400 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.
- 308-76-500 Use fuel tax report forms. [Use Fuel Tax Regulation IV, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

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

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

Chapter 308-84**WRECKERS**

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

- 308-84-170 Wreckers—Subject to penalty. [§ 21(17), filed 6/21/65; § 21(12), filed 11/5/63; § 21(11), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-180 Wreckers—Periodic inspection. [§ 21(18), filed 6/21/65; § 21(13), filed 11/5/63; § 21(12), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-190 Wreckers—Change of address. [§ 21(19), filed 6/21/65; § 21(15), filed 11/5/63; § 21(14), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-200 Wreckers—Selling reconditioned vehicles. [§ 21(20), filed 6/21/65; § 21(16), filed 11/5/63; § 21(15), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-210 Wreckers—License plates. [§ 21(21), filed 6/21/65; § 21(17), filed 11/5/63; § 21(16), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-220 Wreckers—Display of license certificate. [§ 21(22), filed 6/21/65; § 21(18), filed 11/5/63; § 21 (part), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

Chapter 308-85**HULK HAULERS AND SCRAP PROCESSORS**

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

Chapter 308-86**ABANDONED JUNK MOTOR VEHICLES**

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

Chapter 308-92**RECIPROCITY**

- 308-92-010 Definitions—Reciprocity. [Section 24, subsection 1, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-020 Definitions—Resident. [Section 24, subsection 2, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-030 Definitions—Nonresident. [Section 24, subsection 3, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-040 Definitions—Military forces. [Section 24, subsection 4, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-050 Definitions—Temporary sojourning. [Section 24, subsection 5, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-060 Definitions—Interstate operation. [Section 24, subsection 7, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-070 Definitions—Intrastate operation. [Section 24, subsection 8, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-080 Proration. [Section 24, subsection 6, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-100 Application of rules numbered WAC 308-92-100 through 308-92-190. [Order MV-161, § 308-92-100, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-110 Vehicles. [Order MV-161, § 308-92-110, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-120 Resident. [Order MV-161, § 308-92-120, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-130 Exemptions. [Order MV-161, § 308-92-130, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-140 Basic agreement. [Order MV-161, § 308-92-140, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-150 Operation by a resident. [Order MV-161, § 308-92-150, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-160 Borrowed vehicle. [Order MV-161, § 308-92-160, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-170 Change of residence. [Order MV-161, § 308-92-170, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

- 308-92-180 Administration of rules and regulations. [Order MV-161, § 308-92-180, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-190 Interpretation. [Order MV-161, § 308-92-190, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-200 Applicability of rules to states other than Oregon or Idaho. [Order MV-161, § 308-92-200, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- Chapter 308-95
VEHICLE IMPOUND**
- 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.
- Chapter 308-96
VEHICLE LICENSES**
- 308-96-005 Certificate of registration—Display. [Order, § 308-96-005, filed 6/29/67; § 6(1), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-010 Certificate of registration—Duplicate. [§ 6(2), filed 11/5/63; § 6(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-015 Certificate of registration—Where "last issued" required in licensing. [§ 6(3), filed 11/5/63; § 6(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-020 Certificate of registration—Where not required in licensing. [§ 6(4), filed 11/5/63; § 6(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-025 Special motor number. [§ 7(1), filed 11/5/63; § 7(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-030 Special serial number. [§ 7(2), filed 11/5/63; § 7(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-035 Identification number. [§ 7(3), filed 11/5/63; § 7(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-040 Motor vehicle license for private passenger cars—Original application. [§ 8(1), filed 11/5/63; § 8(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-045 Motor vehicle license for private passenger cars—Manual renewal—Identification requirements. [Order 116 MV, § 308-96-045, filed 12/14/71; § 8(2), filed 11/5/63; § 8(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-050 Motor vehicle license for private passenger cars—Renewal reprints—County auditor. [§ 8(3), filed 11/5/63; § 8(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-055 Motor vehicle license for private passenger cars—Renewal—Manual form. [§ 8(4), filed 11/5/63; § 8(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-060 Motor vehicle license for private passenger cars—Members of armed forces. [§ 8(5), filed 11/5/63; § 8(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-065 Passenger cars used commercially. [Order, § 308-96-065, filed 6/29/67; § 8(6), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-070 Chevrolet Suburban, GMC, and International Carryalls. [§ 8(7), filed 11/5/63; § 8(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-075 "Drive yourself" or "u-drive" vehicles. [§ 8(8), filed 11/5/63; § 8(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-080 Hearses and ambulances. [§ 8(9), filed 11/5/63; § 8(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-085 Station wagons. [§ 8(10), filed 11/5/63; § 8(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-090 Reciprocity. [§ 8(11), filed 11/5/63; § 8(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-095 Foreign owner may retain plates. [§ 8(12), filed 11/5/63; § 8(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-100 Destroyed or wrecked vehicles. [§ 8(13), filed 11/5/63; § 8(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-1001 Mobile home identification tag fee refunds. [Order MV-167, § 308-96-1001, filed 5/7/73.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-105 Fees. [§ 8(14), filed 11/5/63; § 8(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-110 Licenses for amputee. [§ 8(15), filed 11/5/63; § 8(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-115 Special fees. [§ 8(16), filed 11/5/63; § 8(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-120 Antique cars—Horseless carriages, plates. [Order 109 MV, § 308-96-120, filed 9/23/71; § 8(17), filed 11/5/63; § 8(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-121 Antique cars—Restored vehicle plates. [Order 109 MV, § 308-96-121, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-122 Vehicles with horseless carriage or restored vehicle plates—Permissible uses. [Order 109 MV, § 308-96-122, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-125 Consular plates. [§ 8(18), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-130 Disabled operators. [§ 8(19), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-135 Cab and chassis. [§ 9(1), filed 11/5/63; § 9(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-140 Cab and chassis—Original application for truck license. [Order, § 308-96-140, filed 6/29/67; § 9(2), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-145 Cab and chassis—Method of obtaining renewal license. [§ 9(3), filed 11/5/63; § 9(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-150 Cab and chassis—Fixed load. [Order, § 308-96-150, filed 6/29/67; § 9(4), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-160 Cab and chassis—Sedans and coupes used as delivery vehicles. [Order, § 308-96-160, filed 6/29/67; § 9(5), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-170 Cab and chassis—Station wagons. [Order, § 308-96-170, filed 6/29/67; § 9(6), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-175 Cab and chassis—Diesel trucks. [§ 9(7), filed 11/5/63; § 9(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-180 Cab and chassis—Wreckers and service cars—Additional plates. [§ 9(8), filed 11/5/63; § 9(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-185 Cab and chassis—Fire trucks. [§ 9(9), filed 11/5/63; § 9(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-190 Cab and chassis—Trucks and trailers on closed and private roads or government reservations. [§ 9(10), filed

- 11/5/63; § 9(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-195 Cab and chassis—Road construction equipment. [§ 9(11), filed 11/5/63; § 9(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-200 Cab and chassis—Tractors. [Order, § 308-96-200, filed 6/29/67; § 9(12), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-205 Cab and chassis—Lettering on trucks and trailers. [§ 9(13), filed 11/5/63; § 9(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-210 Cab and chassis—Circus and carnival trucks. [§ 9(14), filed 11/5/63; § 9(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-220 Cab and chassis—Show trucks with fixed load. [§ 9(15), filed 11/5/63; § 9(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-225 Cab and chassis—Farm equipment. [§ 9(16), filed 11/5/63; § 9(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-230 Cab and chassis—Trailers used on farms or for transporting farm produce. [§ 9(17), filed 11/5/63; § 9(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-235 Cab and chassis—Excise tax on trucks and trailers. [§ 9(18), filed 11/5/63; § 9(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-240 Cab and chassis—Jeeps. [§ 9(19), filed 11/5/63; § 9(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-245 Cab and chassis—Private passenger car trailers. [§ 9(20), filed 11/5/63; § 9(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-250 Cab and chassis—Trucks carrying both freight and passengers for compensation. [§ 9(21), filed 11/5/63; § 9(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-255 Cab and chassis—Converter gear. [§ 9(22), filed 11/5/63; § 9(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-260 Cab and chassis—House moving dollies. [§ 9(23), filed 11/5/63; § 9(24), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-265 Truck and trailer tonnage—Gross weight. [§ 10(1), filed 11/5/63; § 10(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-270 Truck and trailer tonnage—License applications. [§ 10(2), filed 11/5/63; § 10(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-275 Truck and trailer tonnage—Completion of manual application for tonnage license. [§ 10(3), filed 11/5/63; § 10(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-280 Truck and trailer tonnage—Special fees. [§ 10(4), filed 11/5/63; § 10(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-285 Truck and trailer tonnage—Validation of load license. [§ 10(5), filed 11/5/63; § 10(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-290 Truck and trailer tonnage—House trucks. [§ 10(6), filed 11/5/63; § 10(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-295 Truck and trailer tonnage—Fixed load. [§ 10(7), filed 11/5/63; § 10(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-300 Truck and trailer tonnage—Circus and carnival trucks. [§ 10(8), filed 11/5/63; § 10(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-305 Truck and trailer tonnage—Farm trucks and trailers. [§ 10(9), filed 11/5/63; § 10(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-310 Truck and trailer tonnage—Converter gear. [§ 10(10), filed 11/5/63; § 10(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-315 Truck and trailer tonnage—Additional tonnage. [§ 10(11), filed 11/5/63; § 10(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-320 Truck and trailer tonnage—Quarterly reduction in fees. [§ 10(12), filed 11/5/63; § 10(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-325 Truck and trailer tonnage—Transfer of load license. [§ 10(13), filed 11/5/63; § 10(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-330 Truck and trailer tonnage—From vehicle out of commission. [§ 10(14), filed 11/5/63; § 10(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-335 Truck and trailer tonnage—Transfer of load license—One person to another. [§ 10(15), filed 11/5/63; § 10(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-340 Truck and trailer tonnage—More than one vehicle. [§ 10(16), filed 11/5/63; § 10(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-345 Truck and trailer tonnage—From one type to another. [§ 10(17), filed 11/5/63; § 10(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-350 Truck and trailer tonnage—Transfer of load license when class changes. [§ 10(18), filed 11/5/63; § 10(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-355 Truck and trailer tonnage—To reduce or increase load. [§ 10(19), filed 11/5/63; § 10(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-360 Truck and trailer tonnage—Repossession. [§ 10(20), filed 11/5/63; § 10(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-365 Truck and trailer tonnage—Vehicle transferred to another state. [§ 10(21), filed 11/5/63; § 10(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-370 Truck and trailer tonnage—Load license from estate of deceased owner. [§ 10(22), filed 11/5/63; § 10(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-375 Truck and trailer tonnage—Transfer to a farmer. [§ 10(23), filed 11/5/63; § 10(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-380 Truck and trailer tonnage—Transfer from a farmer. [§ 10(24), filed 11/5/63; § 10(24), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-385 Truck and trailer tonnage—Vehicle sold at sheriff sale. [§ 10(25), filed 11/5/63; § 10(25), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-390 Truck and trailer tonnage—Logging vehicles—Monthly tonnage. [§ 10(26), filed 11/5/63; § 10(26), filed 3/23/60.] Repealed by MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-395 Stage license. [§ 11(1), filed 11/5/63; § 11(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-400 For hire license. [§ 11(2), filed 11/5/63; § 11(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-405 Permit to operate vehicles transporting passengers for hire. [§ 11(3), filed 11/5/63; § 11(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-410 Taxicabs. [§ 11(4), filed 11/5/63; § 11(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-415 Foreign taxicabs. [§ 11(5), filed 11/5/63; § 11(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-420 Trackless trolleys. [§ 11(6), filed 11/5/63; § 11(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

- 308-96-425 Street car buses privately owned. [§ 11(7), filed 11/5/63; § 11(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-430 School buses. [§ 11(8), filed 11/5/63; § 11(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-435 Excise tax. [§ 11(9), filed 11/5/63; § 11(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-440 Quarterly reduction in fees. [§ 11(10), filed 11/5/63; § 11(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-445 License plates not transferable. [§ 11(11), filed 11/5/63; § 11(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-450 Penalty. [§ 11(12), filed 11/5/63; § 11(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-455 Compensating tax. [§ 11(13), filed 11/5/63; § 11(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-460 Special fee. [§ 11(14), filed 11/5/63; § 11(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-465 Private buses—Hotel. [§ 12(1), filed 11/5/63; § 12(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-470 Private buses—Athletic team—Show troupes, etc. [§ 12(2), filed 11/5/63; § 12(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-475 Private buses—Leased vehicles. [§ 12(3), filed 11/5/63; § 12(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-480 Private buses—School buses. [§ 12(4), filed 11/5/63; § 12(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-485 Private buses—Station wagons. [§ 12(5), filed 11/5/63; § 12(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-490 Private buses—Private army buses. [§ 12(6), filed 11/5/63; § 12(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-495 Private buses—Penalty. [§ 12(7), filed 11/5/63; § 12(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-500 Private buses—Excise tax. [§ 12(8), filed 11/5/63; § 12(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-505 Private buses—Compensating tax. [§ 12(9), filed 11/5/63; § 12(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-510 Private buses—Special fee. [§ 12(10), filed 11/5/63; § 12(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-515 Exempt licenses—State, districts, federal, and consular. [Order, § 308-96-515, filed 6/29/67; § 13(1), 11/5/63, filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-520 Exempt licenses—Street car buses—Trackless trolleys. [§ 13(2), filed 11/5/63; § 13(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-525 Exempt licenses—Leased vehicles. [§ 13(3), filed 11/5/63; § 13(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-530 Exempt licenses—School buses. [§ 13(4), filed 11/5/63; § 13(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-535 Exempt licenses—School buses—Leased—Under contract. [§ 13(5), filed 11/5/63; § 13(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-540 Exempt licenses—Sale of exempt vehicle—Removal of license plates. [§ 13(6), filed 11/5/63; § 13(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-545 Exempt licenses—License for leased cars. [§ 13(7), filed 11/5/63; § 13(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-550 Exempt licenses—Sale from one department to another. [§ 13(8), filed 11/5/63; § 13(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-555 Exempt licenses—Transfer from one federal department to another. [§ 13(9), filed 11/5/63; § 13(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-560 Exempt licenses—Department purchasing used vehicle. [§ 13(10), filed 11/5/63; § 13(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-565 Exempt licenses—Exempt fees. [§ 13(11), filed 11/5/63; § 13(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-570 Exempt licenses—Penalties. [§ 13(12), filed 11/5/63; § 13(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-575 Exempt licenses—Compensating tax. [§ 13(13), filed 11/5/63; § 13(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-580 Motorcycles—License. [§ 14(1), filed 11/5/63; § 14(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-585 Motorcycles—For hire. [§ 14(2), filed 11/5/63; § 14(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-590 Motorcycles—Scooters and motor bikes. [§ 14(3), filed 11/5/63; § 14(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-595 Motorcycles—Side cars. [§ 14(4), filed 11/5/63; § 14(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-600 Motorcycles—Motorcycle fees. [§ 14(5), filed 11/5/63; § 14(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-605 Motorcycles—Excise tax. [§ 14(6), filed 11/5/63; § 14(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-610 Motorcycles—Penalties. [§ 14(7), filed 11/5/63; § 14(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-615 Motorcycles—Compensating tax. [§ 14(8), filed 11/5/63; § 14(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-620 Motorcycles—Special fee. [§ 14(9), filed 11/5/63; § 14(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-625 Motorcycles—Commercial use. [§ 14(10), filed 11/5/63; § 14(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-630 Replacement plates and validation stickers—General. [§ 15(1), filed 11/5/63; § 15(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-635 Replacement plates and validation stickers—Fees. [§ 15(2), (3), (4), (5), (6), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-640 Replacement plates and validation stickers—Filing fees. [§ 15(7), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-645 Replacement plates and validation stickers—Surrender of plates. [§ 15(8), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-646 Personalized plates. [Order 110 MV, § 308-96-646, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-650 Transportation of vehicles with special permits—In transit permit. [§ 16(1), (2), filed 11/5/63; § 16(1), (2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-655 240 hour permit—Foreign licensed commercial vehicles for interstate operations only. [§ 16(3), filed 11/5/63; § 16(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-660 240 hour permit—Application. [§ 16(4), filed 11/5/63; § 16(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-665 Excise tax—All vehicles must be taxed—Exemptions. [§ 17(1), filed 11/5/63; § 17(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-670 Excise tax—Hearses and ambulances. [§ 17(2), filed 11/5/63; § 17(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-675 Excise tax—No exemptions for Indians. [§ 17(3), filed 11/5/63; § 17(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-680 Excise tax—Tax reduced monthly. [§ 17(4), filed 11/5/63; § 17(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-685 Excise tax—Exempt cars purchased by individuals. [§ 17(5), filed 11/5/63; § 17(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-690 Excise tax—Station wagons. [§ 17(6), filed 11/5/63; § 17(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-695 Excise tax—Buses and stages. [§ 17(7), filed 11/5/63; § 17(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-700 Excise tax—Dealer license. [§ 17(8), filed 11/5/63; § 17(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-705 Excise tax—Compensating tax. [§ 17(9), filed 11/5/63; § 17(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-710 Excise tax—House trailers—Excise tax and licensing. [§ 17(10), filed 11/5/63; § 17(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-715 Excise tax—Aircraft. [§ 17(12), filed 11/5/63; § 17(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-720 Excise tax—Converter gear. [§ 17(13), filed 11/5/63; § 17(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-725 Transfer of class—Change license plates. [§ 18(1), filed 11/5/63; § 18(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-730 Transfer of class—From exempt license issued on leased vehicle. [§ 18(2), filed 11/5/63; § 18(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-735 Transfer of class—No fee where incorrect plate issued. [§ 18(3), filed 11/5/63; § 18(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-740 Transfer of class—From one state department to another. [§ 18(4), filed 11/5/63; § 18(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-745 Destroyed vehicles—Notice of destruction. [§ 19(1), (2), filed 11/5/63; § 19(1), (2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-750 Destroyed vehicles—Wreckers. [§ 19(3), filed 11/5/63; § 19(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-755 Factory delivery—Application. [§ 20(1), filed 11/5/63; § 20(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-760 Factory delivery—Plates. [§ 20(2), filed 11/5/63; § 20(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-765 Factory delivery—For-hire taxicabs. [§ 20(3), filed 11/5/63; § 20(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-770 Factory delivery—For-hire buses or stages. [§ 20(4), filed 11/5/63; § 20(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-775 Factory delivery—Tonnage. [§ 20(5), filed 11/5/63; § 20(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-780 Mobile homes, travel trailers—License plates, place of display. [Order 691101, § 308-96-780, filed 11/26/69.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

**Chapter 308-98
SINGLE CAB CARDS**

308-98-010 Eligibility. [Order 2, § 308-98-010, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-020 Applications. [Order 2, § 308-98-020, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-030 Temporary single cab card permits. [Order 2, § 308-98-030, filed 11/4/68.] Repealed by 81-18-037 (Order DOL

639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-040 Denials and revocations. [Order 2, § 308-98-040, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-050 Procedure for reviewing denials and revocations. [Order 2, § 308-98-050, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-060 Return of canceled single cab cards. [Order 2, § 308-98-060, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-070 Duplicate single cab cards. [Order 2, § 308-98-070, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308-98-080 Photostatic copies invalid. [Order 2, § 308-98-080, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

**Chapter 308-115
MIDWIFERY**

308-115-010 Examinations for license to practice midwifery. [Order PL 269, § 308-115-010, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-020 Assignment of examination numbers to applicants. [Order PL 269, § 308-115-020, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-030 Minimum passing score. [Order PL 269, § 308-115-030, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-040 Midwives—Examination fee. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-115-040, filed 9/25/80; Order PL 269, § 308-115-040, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-050 Definitions. [Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-050, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-050, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-010.

308-115-060 Application for licensing examination. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-060, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-060.

308-115-065 Application for examination—Out-of-state education. [Statutory Authority: RCW 18.50.135. 89-16-037 (Order PM 856), § 308-115-065, filed 7/25/89, effective 8/25/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-065.

308-115-070 Release of examination results. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-070, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-070.

308-115-080 Failures. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-080, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-080.

308-115-090 Purpose of accreditation of midwifery educational programs. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-090, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-090.

308-115-100 Philosophy, purpose and objectives of an accredited midwifery educational program. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-100, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-100.

308-115-110 Advisory body. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-110, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed

	12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-110.	308-115-250	Legend drugs and devices. [Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-250, filed 5/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-250.
308-115-120	Learning sites. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-120, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-120.	308-115-260	General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-260, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-260.
308-115-130	Staffing and teacher qualifications. [Statutory Authority: RCW 18.50.045. 86-16-012 (Order PM 608), § 308-115-130, filed 7/25/86. Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-130, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-130.	308-115-270	Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-270, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-270.
308-115-140	Curriculum. [Statutory Authority: RCW 18.50.135. 87-21-011 (Order PM 686), § 308-115-140, filed 10/9/87; 85-23-044 (Order PL 566), § 308-115-140, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-140, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-140.	308-115-280	Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-280, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-280.
308-115-150	Students. [Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-150, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-150, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-150.	308-115-290	Midwifery associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-290, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-290.
308-115-160	Student midwife permit. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-160, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-160.	308-115-300	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 36. 84-21-095 (Order PL 488), § 308-115-300, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-038 (Order PL 557), filed 9/12/85. Statutory Authority: RCW 18.50.125.
308-115-170	Reports to the director of department of licensing by accredited midwifery educational programs. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-170, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-170.	308-115-310	Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-310, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-310.
308-115-180	Application for accreditation. [Statutory Authority: RCW 18.50.045. 86-16-012 (Order PM 608), § 308-115-180, filed 7/25/86. Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-180, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-180.	308-115-320	Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-320, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-320.
308-115-190	School survey visits. [Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-190, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-190, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-190.	308-115-330	Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-330, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-330.
308-115-200	Appeal of department of licensing decisions. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-200, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-200.	308-115-340	State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-340, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-340.
308-115-210	Closure of an accredited school of midwifery. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-210, filed 9/21/82.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-210.	308-115-350	Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-350, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-350.
308-115-220	Credit toward educational requirements for licensure. [Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-220, filed 5/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-220.	308-115-400	Fees. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-400, filed 9/21/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-115-405.
308-115-230	Preceptor for midwife-in-training program. [Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-230, filed 5/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-230.	308-115-405	Midwifery fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-115-405, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.50.135. 89-08-008 (Order PM 827), § 308-115-405, filed 3/24/89. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-115-405, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-115-405, filed 8/10/83. Formerly WAC 308-115-400.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-990.
308-115-240	Trainee permit for midwife-in-training program. [Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-240, filed 5/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-240.	308-115-500	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-115-500, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-834-500.

**Chapter 308-116
PRACTICAL NURSES**

308-116-005	Definitions. [Order PL 189, § 308-116-005, filed 5/23/75; Order PL-131, § 308-116-005, filed 9/1/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-010.	308-116-110	061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
308-116-010	Functions of a licensed practical nurse. [Order PL-131, § 308-116-010, filed 9/1/72; § 308-116-010, filed 8/3/66; Rule A (part), filed 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-020.	308-116-120	Selection of students and the student program. [Order PL-131, § 308-116-110, filed 9/1/72; § 308-116-110, filed 8/3/66; Rule E, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
308-116-020	Organization of a course in practical nursing. [Order PL 189, § 308-116-020, filed 5/23/75; Order PL-131, § 308-116-020, filed 9/1/72; § 308-116-020, filed 8/3/66; Rule B, filed 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-121	Tentative approval and approval of a course in practical nursing. [§ 308-116-120, filed 8/3/66; Rule F, filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.
308-116-024	Faculty. [Order PL 251, § 308-116-024, filed 6/7/76; Order PL 189, § 308-116-024, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-130	Approval of a program in practical nursing. [Order PL-131, § 308-116-121, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.
308-116-030	Length of the course. [§ 308-116-030, filed 8/3/66; Rule C (part), filed 8/30/63; Rules (part), filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.	308-116-150	Records and brochures. [Order PL-131, § 308-116-130, filed 9/1/72; § 308-116-130, filed 8/3/66; Rule G, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
308-116-031	Curriculum. [Order PL-131, § 308-116-031, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.	308-116-160	Short night school classes. [Rule 1, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
308-116-034	Classroom teaching facilities. [Order PL 189, § 308-116-034, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-160	Correspondence courses. [§ 308-116-160, filed 8/3/66; Rule 2, filed 3/23/60.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
308-116-038	Curriculum. [Order PL 189, § 308-116-038, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-170	Professional nurse training—Present equivalency clause. [§ 308-116-170, filed 8/3/66; Rule 3, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
308-116-040	Course content. [Order PL 189, § 308-116-040, filed 5/23/75; Order PL-131, § 308-116-040, filed 9/1/72; § 308-116-040, filed 8/3/66; Rule C (part), filed 5/14/65, 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-180	State board examinations. [Order PL-131, § 308-116-180, filed 9/1/72; § 308-116-180, filed 8/3/66; Rule 5, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
308-116-050	Physical facilities for classroom teaching. [Order PL-131, § 308-116-050, filed 9/1/72; § 308-116-050, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.	308-116-190	Certificate of moral character for candidates qualifying under equivalency clause or interstate registration. [Rule 6, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
308-116-052	Clinical practice areas. [Order PL 189, § 308-116-052, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-180.	308-116-200	Procedure regarding approval of new courses. [Rule 7, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.
308-116-058	Selection of students and the student program. [Order PL 189, § 308-116-058, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-230	Advisory committee to board of practical nurse examiners. [Rule 8, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.
308-116-060	Hospital orientation period. [Order PL-131, § 308-116-060, filed 9/1/72; § 308-116-060, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.	308-116-240	Minimum age of applicants to write state board examination. [Rule 9, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
308-116-070	Clinical practice areas. [Order PL-131, § 308-116-070, filed 9/1/72; § 308-116-070, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.	308-116-250	Candidates who have not completed the course when examination is given. [Rule 10, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
308-116-080	Periods of duty on hospital wards. [§ 308-116-080, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.	308-116-260	Readmissions, transfers, withdrawals. [Order PL-131, § 308-116-260, filed 9/1/72; § 308-116-260, filed 8/3/66; Rule 11, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
308-116-082	Records and brochures. [Order PL 189, § 308-116-082, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-270	Classwork or practical experience gained by applicant previous to enrollment in course in practical nursing. [§ 308-116-270, filed 8/3/66; Rule 12, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
308-116-090	Supervision of student practical nurse. [Order PL-131, § 308-116-090, filed 9/1/72; § 308-116-090, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.	308-116-280	Renewal of licenses. [Order 208, § 308-116-280, filed 11/5/75; Order 138, § 308-116-280, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-100.
308-116-092	State board licensing examination. [Order PL 189, § 308-116-092, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.	308-116-290	Examinations. [Order 139, § 308-116-290, filed 12/5/72.] Repealed by Order PL 189, filed 5/23/75.
308-116-098	Readmissions, transfers, withdrawals. [Order PL 189, § 308-116-098, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-170.	308-116-295	Licensure qualifications and procedures. [Statutory Authority: RCW 18.78.150. 83-05-033 (Order PL 427), § 308-116-295, filed 2/10/83; 78-10-049 (Order PL-290), § 308-116-295, filed 9/21/78; Order PL 189, § 308-116-295, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-030.
308-116-100	Faculty. [Order PL-131, § 308-116-100, filed 9/1/72; § 308-116-100, filed 8/3/66; Rule D, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.	308-116-300	Certification of licensure. [Order 139, § 308-116-300, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
308-116-102	Approval of program in practical nursing. [Order PL 189, § 308-116-102, filed 5/23/75.] Repealed by 84-01-	308-116-310	Licensed practical nurses—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-116-310, filed 9/25/80; Order 208, § 308-116-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-116-325.
		308-116-325	Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-116-325, filed 8/10/83. Formerly WAC 308-116-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

**Chapter 308-117
PRACTICAL NURSES**

Definitions. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225,

- 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-010, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-010, filed 12/19/83. Formerly WAC 308-116-005.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-010.
- 308-117-020 Functions of a licensed practical nurse. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-020, filed 12/19/83. Formerly WAC 308-116-010.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-020.
- 308-117-025 Standards of conduct for discipline for licensed practical nurses. [Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (2) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-025, filed 8/27/86. Statutory Authority: RCW 18.78.050. 86-01-084 (Order PL 574), § 308-117-025, filed 12/18/85.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-030.
- 308-117-030 Licensure qualifications. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-030, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-030, filed 8/25/88. Statutory Authority: 18.78.050, 18.78.060 and 18.130.050. 88-08-034 (Order PM 718), § 308-117-030, filed 4/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-030, filed 12/19/83. Formerly WAC 308-116-295.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-040.
- 308-117-040 Licensing examination and passing score. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-040, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-040, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-050.
- 308-117-050 Release of results of examination. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-050, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-050, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-060.
- 308-117-060 Filing of application for licensing examination. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-060, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-060, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-070.
- 308-117-070 Failures—Repeat examination. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-070, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-080.
- 308-117-080 Licensure of graduates of foreign schools of nursing. [Statutory Authority: RCW 18.78.050, 18.78.060, 18.78.070 and 18.130.050. 89-10-075 (Order PM 835), § 308-117-080, filed 5/3/89; 88-05-011 (Order PM 705), § 308-117-080, filed 2/9/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-080, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-090.
- 308-117-090 Licensure by interstate endorsement. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-090, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-090, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-090, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-100.
- 308-117-095 Documents which indicate authorization to practice practical nursing in Washington. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-095, filed 8/25/88.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-110.
- 308-117-100 Renewal of licenses. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-100, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-100, filed 8/25/88. Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (2) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-100, filed 8/27/86. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-100, filed 12/19/83. Formerly WAC 308-116-280.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-120.
- 308-117-105 Return to active status from inactive or lapsed status. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-105, filed 8/25/88.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-130.
- 308-117-110 Establishment of new practical nursing program. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-110, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-140.
- 308-117-120 Survey visits. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-120, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-150.
- 308-117-130 Board action following survey visits. [Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-130, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-130, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-160.
- 308-117-140 Termination of a suspension. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-140, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-170.
- 308-117-150 Student records. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-150, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-180.
- 308-117-160 Statement of completion of the course. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-160, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-190.
- 308-117-170 Readmissions, transfers. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-170, filed 12/19/83. Formerly WAC 308-116-098.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-200.
- 308-117-180 Clinical practice areas. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-180, filed 12/19/83. Formerly WAC 308-116-052.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-210.

- 308-117-190 Structure for curriculum implementation. [Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-210.]
- 308-117-200 Curriculum standards in an approved practical nursing program. [Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-200, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-200, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-220.
- 308-117-300 Curriculum content. [Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-300, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-300, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-240.
- 308-117-360 AIDS education and training. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-360, filed 12/1/88.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-250.
- 308-117-400 Standards/competencies. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-400, filed 12/19/83.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-260.
- 308-117-410 Criteria for approved refresher course. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-410, filed 8/25/88.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-270.
- 308-117-420 Scope of practice—Advisory opinions. [Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-420, filed 8/25/88.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-280.
- 308-117-460 Terms used in WAC 308-117-460 through 308-117-480. [Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-460, filed 3/3/89.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-290.
- 308-117-470 Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-470, filed 3/3/89.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-300.
- 308-117-480 Participation in approved substance abuse monitoring program. [Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-480, filed 3/3/89.] Decodified by 91-01-078 (Order 109B), filed 12/17/90, effective 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-310.
- 308-117-500 Practical nurse fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-117-500, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-117-500, filed 10/5/88; 87-10-028 (Order PM 650), § 308-117-500, filed 5/1/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-838-990.
- Chapter 308-120
REGISTERED NURSES**
- 308-120-010 Definitions. [Order 5, § 308-120-010, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-012 Responsibilities—Employer, school of nursing, and nursing aide. [Order 5, § 308-120-012, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-015 Interpretation of terms appearing in RCW 18.88.280 (Professional nurse practice act). [Order 5, § 308-120-015, filed 5/1/68; Rules (part), filed 1/8/63.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-020 Policy regarding psychiatric nursing requirement of graduates of out-of-state schools of nursing. [Rules (part), filed 1/8/63; Rule I, filed 3/13/61.] Repealed by Order 120-70-1, filed 8/19/70.
- 308-120-021 Reciprocity, declaration of policy. [Order 120-70-1, § 308-120-021, filed 8/19/70.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-025 Applications by foreign nurses. [Order 120-70-1, § 308-120-025, filed 8/19/70; Order 5, § 308-120-025, filed 5/1/68; Rule II, filed 3/13/61.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-030 Policy regarding licensing of graduates of U. S. naval hospital corps schools. [Rule III, filed 3/13/61.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-040 Policy regarding qualification for hospitals used for clinical facilities. [Order 5, § 308-120-040, filed 5/1/68; Rules, filed 1/20/66.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-050 Accreditation of a school of professional nursing. [Order 5, § 308-120-050, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-060 High school equivalency. [Order 5, § 308-120-060, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-070 Examinations. [Order PL-109, § 308-120-070, filed 6/4/71; Order 5, § 308-120-070, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-080 Documents which indicate authorization to practice professional nursing in Washington. [Order 5, § 308-120-080, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-100 Definitions. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-100, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-100, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-100, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-100, filed 3/27/80; Order PL-124, § 308-120-100, filed 5/26/72.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-010.
- 308-120-110 Reciprocity, declaration of policy. [Order PL-124, § 308-120-110, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-115 Applications by foreign nurses. [Order PL-124, § 308-120-115, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-120 Policy regarding licensing of graduates of U.S. naval hospital corps schools. [Order PL-124, § 308-120-120, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.
- 308-120-130 Minimum standards for accredited schools of nursing. [Order PL-124, § 308-120-130, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.
- 308-120-140 Procedures for accreditation of schools of nursing. [Order PL-124, § 308-120-140, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.
- 308-120-150 High school equivalency. [Order PL-124, § 308-120-150, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-160 Licensure qualifications and requirements—Examinations. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-160, filed 5/2/78; Order PL 196, § 308-120-160, filed 7/25/75; Order PL 153, § 308-120-160, filed 11/26/73; Order PL 124, § 308-120-160, filed 5/26/72.] Repealed

- by 81-04-007 (Order PL 370), filed 1/27/81. Statutory Authority: RCW 18.88.080.
- 308-120-161 Qualification/eligibility to write the licensing examination. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-161, filed 11/9/88. Statutory Authority: RCW 18.88.080. 82-01-012 (Order PL 387), § 308-120-161, filed 12/7/81; 81-04-007 (Order PL 370), § 308-120-161, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-030.
- 308-120-162 Filing of application for licensing examination. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-162, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-162, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-040.
- 308-120-163 Licensing examination. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-163, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-163, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-050.
- 308-120-164 Release of results of examination. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-164, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-164, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-060.
- 308-120-165 Failures—Repeat examination. [Statutory Authority: RCW 18.88.080. 90-04-059, § 308-120-165, filed 2/2/90, effective 3/5/90. Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-165, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-165, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-070.
- 308-120-166 Applicants previously licensed in a foreign country. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-166, filed 11/9/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-166, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-166, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-080.
- 308-120-168 Licensure by interstate endorsement. [Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].130, [18.88].140, [18.88].150, 18.130.050 and 70.24.270. 89-12-032 (Order PM 846), § 308-120-168, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-168, filed 11/9/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-168, filed 1/27/81.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-090.
- 308-120-170 Documents which indicate authorization to practice registered nursing in Washington. [Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-170, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-170, filed 7/28/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-170, filed 11/26/85; 81-10-026 (Order PL 377), § 308-120-170, filed 4/28/81; Order PL 196, § 308-120-170, filed 7/25/75; Order PL 124, § 308-120-170, filed 5/26/72.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-020.
- 308-120-180 Renewal of licenses. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-180, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-180, filed 7/28/88. Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-180, filed 12/2/83; Order PL 216, § 308-120-180, filed 11/5/75; Order PL-134, § 308-120-180, filed 10/13/72.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-110.
- 308-120-18001 Temporary retirement. [Order PL 153, § 308-120-18001, filed 11/26/73.] Repealed by Order PL 252, filed 7/9/76. Later promulgation, see WAC 308-120-185.
- 308-120-185 Return to active status from inactive or lapsed status. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-185, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-120.
- 308-120-186 Criteria for approved refresher course. [Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-05-010 (Order PM 704), § 308-120-186, filed 2/9/88. Statutory Authority: RCW 18.88.080. 79-06-025 (Order PL-305), § 308-120-186, filed 5/15/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-130.
- 308-120-190 Advanced registered nurse application requirements. [Order PL 258, § 308-120-190, filed 12/7/76; Order PL 252, § 308-120-190, filed 7/9/76; Order PL 182, § 308-120-190, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-191 Advanced registered nurse program of study criteria. [Order PL 252, § 308-120-191, filed 7/9/76.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-192 Alternative satisfaction of program of study requirement. [Order PL 258, § 308-120-192, filed 12/7/76.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-200 Advanced registered nurse authorized practice. [Order PL 182, § 308-120-200, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-210 Specialized registered nurse application requirements. [Order PL 252, § 308-120-210, filed 7/9/76; Order PL 182, § 308-120-210, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-220 Specialized registered nurse authorized practice. [Order PL 182, § 308-120-220, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-230 ARN/SRN registration. [Order PL 182, § 308-120-230, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-240 ARN/SRN renewal. [Order PL 258, § 308-120-240, filed 12/7/76; Order PL 182, § 308-120-240, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

- 308-120-250 ARN/SRN violations. [Order PL 182, § 308-120-250, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-260 Registered nurse—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-120-260, filed 9/25/80. Statutory Authority: RCW 18.88.160 and 43.24.085. 79-11-087 (Order PL 291), § 308-120-260, filed 10/24/79. Statutory Authority: RCW 43.24.085. 78-10-050 (Order PL-291), § 308-120-260, filed 9/21/78; Order PL 216, § 308-120-260, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-120-275.
- 308-120-270 Provision for continuity of drug therapy for residents. [Statutory Authority: RCW 18.88.080. 83-12-026 (Order PL 436), § 308-120-270, filed 5/25/83.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-810.
- 308-120-275 Registered nurse fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-120-275, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-120-275, filed 10/5/88; 87-10-028 (Order PM 650), § 308-120-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-120-275, filed 8/10/83. Formerly WAC 308-120-260.] Decodified by 91-07-048 (Order 132), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-839-990.
- 308-120-300 Advanced registered nurse practitioner. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-300, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-300, filed 11/3/82; Order PL 270, § 308-120-300, filed 6/16/77.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-300.
- 308-120-305 Use of nomenclature. [Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-305, filed 6/1/89. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-305, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-305, filed 11/3/82; Order PL 270, § 308-120-305, filed 6/16/77.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-310.
- 308-120-310 Certification programs approved by the board. [Order PL 270, § 308-120-310, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-315 Certification and certification program. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-315, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-315, filed 11/3/82.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-320.
- 308-120-320 Scope of practice of certified registered nurse. [Order PL 270, § 308-120-320, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-325 Board approval of certification programs. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-325, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-325, filed 11/3/82.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-330.
- 308-120-330 ARN/SRN registration expiration. [Order PL 270, § 308-120-330, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-335 Application requirements for ARNP. [Statutory Authority: RCW 18.88.030(2), 18.88.080, 18.88.086, 18.88.140 and 18.130.050. 88-07-049 (Order PM 717), § 308-120-335, filed 3/14/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-335, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-335, filed 11/3/82.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-340.
- 308-120-338 Application requirements for ARNP interim permit. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-338, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-350.
- 308-120-340 CRN approved associations and/or certifying boards. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-340, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-345 Renewal of ARNP designation. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-345, filed 11/26/85. Statutory Authority: RCW 18.88.030 and 18.88.080. 83-04-051 (Order PL 424), § 308-120-345, filed 2/1/83.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-360.
- 308-120-350 CRN certification program. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-350, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-355 Termination of certification by the certification program. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-355, filed 11/3/82.] Repealed by 85-24-027 (Order PL 569), filed 11/26/85. Statutory Authority: RCW 18.88.080.
- 308-120-360 Termination of ARNP designation by the board. [Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-18-082 (Order PM 760), § 308-120-360, filed 9/6/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-360, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-360, filed 11/3/82.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-370.
- 308-120-365 CRN recognition at effective date. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-365, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-365, filed 11/3/82.] Repealed by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91.
- 308-120-400 ARNP with prescriptive authorization. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-400, filed 11/26/85; 83-16-065 (Order PL 441), § 308-120-400, filed 8/2/83. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-400, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-400, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-400.
- 308-120-410 Application requirements for ARNP with prescriptive authority. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-410, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-410, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-410, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-410, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-410.
- 308-120-420 Authorized prescriptions by the ARNP with prescriptive authority. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-420, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-420, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-

- 04-007 (Order PL 370), § 308-120-420, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-420, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-420.
- 308-120-430 Termination of ARNP prescriptive authorization. [Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-430, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-430, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-430, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-430.
- 308-120-440 Prescriptive authorization period. [Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-440, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-440, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-440, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-440.
- 308-120-450 Renewal. [Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-450, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-450, filed 11/3/82. Statutory Authority: RCW 18.88.080, 79-09-038 (Order PL-310), § 308-120-450, filed 8/17/79.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-450.
- 308-120-505 Philosophy governing approval of nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211, 88-16-034 (Order PM 751), § 308-120-505, filed 7/28/88. Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-505, filed 3/27/80.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-505.
- 308-120-506 Purposes of board approval of nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211, 88-16-034 (Order PM 751), § 308-120-506, filed 7/28/88. Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-506, filed 3/27/80.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-506.
- 308-120-507 Purpose, philosophy and objectives for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-507, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-508 Organization and administration for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-508, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-509 Resources, facilities and services for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 81-04-007 (Order PL 370), § 308-120-509, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-509, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-510 Nurse administrator for approved school of nursing. [Statutory Authority: RCW 18.88.080, 81-10-026 (Order PL 377), § 308-120-510, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-510, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-511 Faculty for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180, 87-23-050 (Order PM 691), § 308-120-511, filed 11/18/87. Statutory Authority: RCW 18.88.080, 81-10-026 (Order PL 377), § 308-120-511, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-511, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-512 Curriculum for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-512, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-513 Students in approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-513, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-514 Program evaluation by approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-514, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-515 Reports to the board of nursing by approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-515, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-516 Survey visits. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-516, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-517 Board action following survey visits. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-517, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-518 Restoration of approval. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-518, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-519 Appeal of board decisions. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-519, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-520 Consultation services. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-520, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-521 Closure of an approved school of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-521, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.

- 308-120-522 Establishment of a new school of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-522, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-525 Approval of nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-525, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-525.
- 308-120-530 Denial, conditional approval or withdrawal of approval. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-530, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-530.
- 308-120-535 Reinstatement of approval. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-535, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-535.
- 308-120-540 Appeal of board decisions. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-540, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-540.
- 308-120-545 Closing of an approved nursing education program. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-545, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-545.
- 308-120-550 Purpose, philosophy, and objectives for approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-550, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-550.
- 308-120-555 Organization and administration for approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-555, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-555.
- 308-120-560 Resources, facilities, and services for approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-560, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-560.
- 308-120-565 Students in approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-565, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-565.
- 308-120-570 Faculty in approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-570, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-570.
- 308-120-575 Curriculum for approved nursing education programs. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-570, filed 7/28/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-570.
- 308-120-600 Purpose. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-600, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-601 Scope. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-601, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-602 General requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-602, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-603 License renewal requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-603, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-604 Acceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-604, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-605 Unacceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-605, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-606 Validation of educational programs. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-606, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-607 Contact hour. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-607, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-608 Waivers. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-608, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-610 AIDS education and training. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-610, filed 11/9/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 70.24.270. Recodified as WAC 246-839-100.
- 308-120-620 Provision for clean, intermittent catheterization in schools. [Statutory Authority: RCW 18.88.080. 90-04-059, § 308-120-620, filed 2/2/90, effective 3/5/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-820.
- 308-120-700 Standards of nursing conduct or practice. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-700, filed 11/18/87.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080 and 18.130.050. Recodified as WAC 246-839-700.
- 308-120-710 Violations of standards of nursing conduct or practice. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-710, filed 11/18/87.] Decodified by 91-07-049 (Order 116B), filed 3/18/91,

- effective 4/18/91. Statutory Authority: RCW 18.88.080 and 18.130.050. Recodified as WAC 246-839-710.
- 308-120-720 Mitigating circumstances. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-720, filed 11/18/87.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080 and 18.130.050. Recodified as WAC 246-839-720.
- 308-120-730 Mandatory reporting defined. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-730, filed 11/18/87.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080 and 18.130.050. Recodified as WAC 246-839-730.
- 308-120-740 Violations considered for disciplinary purposes only. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-740, filed 11/18/87.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080 and 18.130.050. Recodified as WAC 246-839-740.
- 308-120-750 Philosophy governing voluntary substance abuse monitoring programs. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-750, filed 11/9/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.130.050. Recodified as WAC 246-839-750.
- 308-120-760 Terms used in WAC 308-120-750 through 308-120-780. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-760, filed 11/9/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.130.050. Recodified as WAC 246-839-760.
- 308-120-770 Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-770, filed 11/9/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.130.050. Recodified as WAC 246-839-770.
- 308-120-780 Participation in approved substance abuse monitoring program. [Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-780, filed 11/9/88.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.130.050. Recodified as WAC 246-839-780.
- 308-120-800 Scope of practice—Advisory opinions. [Statutory Authority: RCW 18.88.080. 85-17-031 (Order PL 548), § 308-120-800, filed 8/14/85.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-800.
- 308-120-810 Determination and pronouncement of death. [Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-810, filed 6/1/89.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88.080. Recodified as WAC 246-839-830.
- Chapter 308-121**
NURSING ASSISTANTS
- 308-121-010 Nursing assistants employed in nursing homes on June 7, 1979 or within one year prior to this date—Requirements for obtaining certificate of completion of a nursing assistant training program. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-010, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270.
- 308-121-020 Nursing assistant certificate examination. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-020, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270.
- 308-121-030 Nursing assistant training program curriculum. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-030, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-030, filed 9/11/79.] Repealed by 90-17-043 (Order 080), effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-040 Nursing assistant training programs conducted by nursing homes. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-040, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-040, filed 9/11/79.] Repealed by 90-17-043 (Order 080), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-050 Nursing assistants trained in programs not specified in WAC 308-121-030 and 308-121-040. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-050, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-050, filed 9/11/79.] Repealed by 90-17-043 (Order 080), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-055 Nursing assistants trained in approved programs. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-055, filed 11/9/88.] Repealed by 90-17-043 (Order 080), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-060 Issuing verification of completion. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-060, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-060, filed 9/11/79.] Repealed by 90-17-043 (Order 080), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-070 Registration of nursing assistants. [Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-070, filed 11/9/88.] Repealed by 90-17-043 (Order 080), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.
- 308-121-110 Standards of practice and competencies of nursing assistants. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-110, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-100.
- 308-121-120 Purpose of review and approval of nursing assistant training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-120, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-110.
- 308-121-130 Requirements for nursing assistant training program approval. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-130, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-120.
- 308-121-140 Denial of approval or withdrawal of approval for programs for which the board is the approving authority. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-140, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-130.
- 308-121-145 Reinstatement of approval. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-145, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-140.
- 308-121-150 Appeal of board decisions. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-150, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-150.
- 308-121-155 Closing of an approved nursing assistant training program. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-155, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-160.

- 308-121-160 Program directors and instructors in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-160, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-170.
- 308-121-165 Students (trainees) in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-165, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-180.
- 308-121-170 Core curriculum in approved training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-170, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-190.
- 308-121-175 Physical resources for approved education programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-175, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-200.
- 308-121-180 Administrative procedures for approved nursing assistant training programs. [Statutory Authority: RCW 18.88.080. 90-17-042 (Order 079), § 308-121-180, filed 8/10/90, effective 9/10/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-842-210.
- Chapter 308-122**
LICENSING OF PSYCHOLOGISTS
- 308-122-001 Guidelines for the promulgation of administrative rules. [Statutory Authority: RCW 18.83.050(1). 86-19-061 (Order PM 616), § 308-122-001, filed 9/16/86.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-001.
- 308-122-005 Definitions. [Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-005, filed 11/15/88.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-010.
- 308-122-006 Applications for licensure. [Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-006, filed 11/15/88.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-020.
- 308-122-010 Registered sanitarians—License renewal fee. [Order PL 254, § 308-122-010, filed 8/17/76; Order PL 204, § 308-122-010, filed 11/5/75; Order PL 165, § 308-122-010, filed 4/2/74.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
- 308-122-020 Registered sanitarians—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-122-020, filed 9/25/80; Order PL 204, § 308-122-020, filed 11/5/75.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
- 308-122-030 Renewal of licenses. [Order PL 262, § 308-122-030, filed 1/13/77.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
- 308-122-040 Application for registration—Process. [Statutory Authority: RCW 18.90.020(2). 80-02-114 (Order PL 334, Resolution 1/80), § 308-122-040, filed 1/28/80.] Repealed by 81-01-082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).
- 308-122-050 Registered sanitarians—Written examination. [Statutory Authority: RCW 18.90.020(2). 80-02-114 (Order PL 334, Resolution 1/80), § 308-122-050, filed 1/28/80.] Repealed by 81-01-082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).
- 308-122-060 Guidelines for the employment and/or supervision of auxiliary staff. [Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-060, filed 2/5/86.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-030.
- 308-122-200 Psychologists—Education prerequisite to licensing. [Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-200, filed 4/15/88. Statutory Authority: RCW 18.83.050(2) and 18.83.070(2). 87-19-096 (Order PM 678), § 308-122-200, filed 9/17/87. Statutory Authority: Chapter 18.83 RCW. 78-12-046 (Order PL 293), § 308-122-200, filed 11/27/78; Order PL-245, § 308-122-200, filed 4/15/76.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-040.
- 308-122-210 Psychologists—Experience prerequisite to licensing. [Statutory Authority: Chapters 18.83 and 34.04 RCW. 78-12-046 (Order PL 293), § 308-122-210, filed 11/27/78; Order PL-245, § 308-122-210, filed 4/15/76.] Repealed by 85-06-043 (Order PL 521), filed 3/5/85. Statutory Authority: RCW 18.83.070(3).
- 308-122-211 Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978 to October 19, 1987. [Statutory Authority: RCW 18.83.050. 89-11-054 (Order PM 845), § 308-122-211, filed 5/17/89.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-050.
- 308-122-215 Psychologists—Experience prerequisite to licensing. [Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-215, filed 4/15/88. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-215, filed 2/5/86. Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-215, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-060.
- 308-122-220 Psychologists—Written examination. [Statutory Authority: RCW 18.83.050. 82-18-073 (Order PL 404), § 308-122-220, filed 9/1/82; 80-07-010 (Order PL 346), § 308-122-220, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-220, filed 7/9/79; Order PL-245, § 308-122-220, filed 4/15/76.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-070.
- 308-122-225 Psychology examination—Application submittal date. [Statutory Authority: RCW 18.83.030, 18.83.050 and 18.83.060. 79-08-008 (Order PL-308), § 308-122-225, filed 7/9/79.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-080.
- 308-122-230 Psychologists—Oral examination. [Statutory Authority: RCW 18.83.050. 79-08-009 (Order PL-309), § 308-122-230, filed 7/9/79; Order PL-245, § 308-122-230, filed 4/15/76.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-090.
- 308-122-235 Qualifications for granting of license by reciprocity. [Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-235, filed 4/15/88.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-100.
- 308-122-275 Psychology fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-122-275, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-122-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-122-275, filed 8/10/83. Formerly WAC 308-122-460.] Decodified by 91-05-028 (Order 133), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-924-990.
- 308-122-280 AIDS education and training. [Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-280, filed 11/15/88.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-110.
- 308-122-300 Psychologists—License renewal fee. [Order PL 163, § 308-122-300, filed 3/18/74.] Repealed by Order PL 277, filed 11/5/75. Later promulgation, see WAC 308-122-460.
- 308-122-350 Psychologists—Renewal of licenses. [Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), §

- 308-122-350, filed 11/15/88; Order PL 227, § 308-122-350, filed 11/5/75; Order PL 177, § 308-122-350, filed 10/15/74.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-120.
- 308-122-360 Certificates of qualification. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-360, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-360, filed 10/1/75.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-130.
- 308-122-370 Certificates of qualification—Title. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-370, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-370, filed 10/1/75.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-140.
- 308-122-380 Certificates of qualification—Educational requirements. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-380, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-380, filed 10/1/75.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-390 Certificates of qualification—Experience and training requirements. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-390, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-390, filed 10/1/75.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-400 Certificates of qualification—Psychological functions. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-400, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-400, filed 10/1/75.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-410 Certificates of qualification—Written examination. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-410, filed 9/19/89, effective 10/20/89. Statutory Authority: RCW 18.83.050. 80-07-010 (Order PL 346), § 308-122-410, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-410, filed 7/9/79; Order PL 202, § 308-122-410, filed 10/1/75.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-420 Certificates of qualification—Oral examination. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-420, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-420, filed 10/1/75.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-430 Certificates of qualification—Procedure for additional areas of function. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-430, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-430, filed 10/1/75.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-150.
- 308-122-440 Continued supervision of persons receiving certificates of qualification. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-440, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-440, filed 10/1/75.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-160.
- 308-122-450 Certificates of qualification—Representations to clients. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-450, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-450, filed 10/1/75.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-170.
- 308-122-460 Psychologist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-122-460, filed 9/25/80; Order PL 227, § 308-122-460, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-122-275.
- 308-122-500 Continuing education—Purpose and scope. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-500, filed 9/19/89, effective 10/20/89. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-500, filed 2/5/86; Order PL 276, § 308-122-500, filed 11/16/77.] Repealed by 91-04-021 (Order 129B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050.
- 308-122-503 Staggered effective periods for new continuing education rules, WAC 308-122-550 through 308-122-580. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-503, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-505 Continuing education—General requirements. [Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-505, filed 2/5/86; Order PL 276, § 308-122-505, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-200.
- 308-122-510 Continuing education—Categories of creditable activities. [Order PL 276, § 308-122-510, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-210.
- 308-122-515 Continuing education requirements. [Order PL 276, § 308-122-515, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-230.
- 308-122-520 Definition of categories of creditable CPE. [Order PL 276, § 308-122-520, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-240.
- 308-122-525 Continuing education—Special considerations. [Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-525, filed 2/5/86; Order PL 276, § 308-122-525, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-250.
- 308-122-530 Continuing education—Enforcement. [Order PL 276, § 308-122-530, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-260.
- 308-122-535 Continuing education—Exemptions. [Order PL 276, § 308-122-535, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-270.
- 308-122-540 Continuing education—Program or course approval. [Order PL 276, § 308-122-540, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-280.
- 308-122-545 Continuing education—Certification of compliance. [Order PL 276, § 308-122-545, filed 11/16/77.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-290.
- 308-122-550 Continuing education requirements. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-550, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-555 Definition of creditable CPE. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-555, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-560 Definition of acceptable documentation and proof of CPE. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-560, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-565 Continuing education—Special considerations. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-565, filed 9/19/89, effective 10/20/89.]

- Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-570 Continuing education—Enforcement. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-570, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-575 Continuing education—Exemptions. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-575, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-580 Continuing education—Program or course approval. [Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-580, filed 9/19/89, effective 10/20/89.] Repealed by 90-05-015 (Order 033), filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 18.83.090.
- 308-122-600 Code of ethics—General considerations. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-600, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-350.
- 308-122-610 Responsibility. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-610, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-360.
- 308-122-620 Competence. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-620, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-370.
- 308-122-630 Moral and legal standards. [Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-630, filed 2/5/86.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-380.
- 308-122-640 Public statements. [Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-640, filed 4/15/88. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-640, filed 2/5/86; 85-06-044 (Order PL 522), § 308-122-640, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-390.
- 308-122-650 Confidentiality. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-650, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-400.
- 308-122-660 Welfare of the consumer. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-660, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-410.
- 308-122-670 Professional relationships. [Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-670, filed 2/5/86.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-420.
- 308-122-680 Assessment techniques. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-680, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-430.
- 308-122-690 Research with human participants. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-690, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-440.
- 308-122-695 Care and use of animals. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-695, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-450.
- 308-122-700 Telephone directory listings. [Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-700, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-460.
- 308-122-710 License application fees—Failure to appear at examination session. [Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-710, filed 3/5/85.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-470.
- 308-122-720 Temporary permits. [Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-720, filed 4/15/88.] Decodified by 91-04-020 (Order 117B), filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 18.83.050. Recodified as WAC 246-924-480.

Chapter 308-124F

REAL ESTATE—MISCELLANEOUS PROVISIONS

- 308-124F-010 Real estate office in same building as residence requirements. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124F-010, filed 10/7/87; 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
- 308-124F-020 Discriminatory acts—Prohibition. [Statutory Authority: RCW 18.85.040. 92-21-035, § 308-124F-020, filed 10/15/92, effective 11/15/92; Order RE 114, § 308-124F-020, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
- 308-124F-030 Misuse of broker's license—Prohibited. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124F-030, filed 8/13/82; Order RE 114, § 308-124F-030, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
- 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.
- 308-124F-050 Subdivision advertising—Filing with director. [Order RE 114, § 308-124F-050, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.
- 308-124F-200 Summary revocation of licenses. [Order RE 114, § 308-124F-200, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

Chapter 308-124G

REAL ESTATE—EXAMINATION WAIVERS

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

Chapter 308-126

LAND DEVELOPMENT REGISTRATION

- 308-126-010 Definitions. [Order RE 109, § 308-126-010, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-020 Documents. [Order RE 109, § 308-126-020, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-030 Address of director. [Order RE 109, § 308-126-030, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-040 Exemptions—Waiver. [Order RE 109, § 308-126-040, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-050 Office of interstate land sales registration. [Order RE 109, § 308-126-050, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308-126-060	Statement of record and property report—Contents and filing. [Order RE 109, § 308-126-060, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-070	Statements and reports—Proper form. [Order RE 109, § 308-126-070, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.	308-126A-020	Exemption. [Order RE 123, § 308-126A-020, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-126-080	Statements and reports—Effective dates. [Order RE 109, § 308-126-080, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-090	Notice of deficiency—Rejection. [Order RE 109, § 308-126-090, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.	308-126A-030	Waiver. [Statutory Authority: RCW 58.19.250 and 59.19.040 [58.19.040]. 89-18-038, § 308-126A-030, filed 8/29/89, effective 9/29/89; Order RE 123, § 308-126A-030, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-126-100	Amendments—Consolidated registration. [Order RE 109, § 308-126-100, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-110	Filing fees. [Order RE 109, § 308-126-110, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.	308-126A-040	Office of interstate land sales registration. [Order RE 123, § 308-126A-040, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-126-120	Mortgages, liens or other encumbrances. [Order RE 109, § 308-126-120, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-130	Approval of out-of-state trustee or escrow depository. [Order RE 109, § 308-126-130, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-140	Escrow requirements. [Order RE 109, § 308-126-140, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-150	Duration of duty to escrow. [Order RE 109, § 308-126-150, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-160	Termination of developer's business. [Order RE 109, § 308-126-160, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-170	Instruments of sale. [Order RE 109, § 308-126-170, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-180	Improvements. [Order RE 109, § 308-126-180, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-190	Developers' duties. [Order RE 109, § 308-126-190, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-200	Reporting requirements. [Order RE 109, § 308-126-200, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-210	Withdrawal. [Order RE 109, § 308-126-210, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-220	Declaratory rulings—Advisory opinion. [Order RE 109, § 308-126-220, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-230	Officers to administer oaths and affirmations. [Order RE 109, § 308-126-230, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-240	Officers to issue subpoenas and institute discovery. [Order RE 109, § 308-126-240, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-250	Posting of notice of order. [Order RE 109, § 308-126-250, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-260	Service of process. [Order RE 109, § 308-126-260, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-270	Hearings. [Order RE 109, § 308-126-270, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-280	Orders—Receivership. [Order RE 109, § 308-126-280, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-290	Revocation. [Order RE 109, § 308-126-290, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-300	Litigation. [Order RE 109, § 308-126-300, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-310	Protection of purchasers. [Order RE 109, § 308-126-310, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-320	Advertising. [Order RE 109, § 308-126-320, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-330	Promotional activities. [Order RE 109, § 308-126-330, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-340	Presumptions. [Order RE 109, § 308-126-340, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
308-126-350	Rules effect. [Order RE 109, § 308-126-350, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.		
Chapter 308-126A			
LAND DEVELOPMENT REGISTRATION—JURISDICTION			
308-126A-010	Definitions. [Order RE 123, § 308-126A-010, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.	308-126B-010	Address of director. [Order RE 123, § 308-126B-010, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-020	Documents. [Order RE 123, § 308-126B-020, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-030	Statement of record and property report—Contents and filing. [Order RE 123, § 308-126B-030, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-040	Statements and reports—Proper form. [Order RE 123, § 308-126B-040, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-050	Statements and reports—Effective dates. [Order RE 123, § 308-126B-050, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-060	Mortgages, liens, or other encumbrances. [Order RE 123, § 308-126B-060, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-070	Instruments of sale. [Order RE 123, § 308-126B-070, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-080	Improvements. [Order RE 123, § 308-126B-080, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-090	Notice of deficiency—Rejection. [Order RE 123, § 308-126B-090, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-100	Amendments. [Order RE 123, § 308-126B-100, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-110	Consolidated registration. [Order RE 123, § 308-126B-110, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-126B-120	Withdrawal. [Order RE 123, § 308-126B-120, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.

- 308-126B-130 Reports—Registration. [Order RE 123, § 308-126B-130, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126B-140 Termination of developer's business. [Order RE 123, § 308-126B-140, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.

Chapter 308-126C**LAND DEVELOPMENT REGISTRATION—ADMINISTRATION**

- 308-126C-010 Declaratory rulings—Advisory opinion. [Order RE 123, § 308-126C-010, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-020 Officers to administer oaths and affirmations. [Order RE 123, § 308-126C-020, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-030 Officers to issue subpoenas and institute discovery. [Order RE 123, § 308-126C-030, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-040 Service of process. [Order RE 123, § 308-126C-040, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-050 Hearings. [Order RE 123, § 308-126C-050, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-060 Posting of notice of order. [Order RE 123, § 308-126C-060, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-070 Advertising. [Order RE 123, § 308-126C-070, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-080 Advertising presumptions. [Order RE 123, § 308-126C-080, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-090 Promotional activities. [Order RE 123, § 308-126C-090, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-100 Reports—Advertising and promotion. [Order RE 123, § 308-126C-100, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-126C-110 Rules effect. [Order RE 123, § 308-126C-110, filed 12/13/77.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.

Chapter 308-128A**ESCROW—ORGANIZATION AND ADMINISTRATION**

- 308-128A-010 Promulgation—Authority. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128A-010, filed 9/9/88; Order RE 122, § 308-128A-010, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128A-020 Organization. [Statutory Authority: RCW 18.44.320, 94-04-050, § 308-128A-020, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128A-020,

- filed 9/9/88; Order RE 122, § 308-128A-020, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128A-030 Meeting notice. [Statutory Authority: RCW 18.44.320, 94-04-050, § 308-128A-030, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128A-030, filed 9/9/88; Order RE 122, § 308-128A-030, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128A-040 Definitions. [Statutory Authority: RCW 18.44.320, 94-04-050, § 308-128A-040, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128A-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128A-040, filed 6/7/79; Order RE 122, § 308-128A-040, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680A WAC.

Chapter 308-128B**ESCROW—LICENSING AND EXAMINATION**

- 308-128B-010 Credit and character report. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-010, filed 9/9/88; Order RE 122, § 308-128B-010, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-020 Fingerprint identification. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-020, filed 9/9/88; Order RE 122, § 308-128B-020, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-030 Notice required of intention to take examination. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-030, filed 9/9/88; Order RE 122, § 308-128B-030, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-040 License expiration—Renewal. [Order RE 122, § 308-128B-040, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.
- 308-128B-050 Successful applicants must apply for license. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-050, filed 9/9/88; Order RE 122, § 308-128B-050, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-060 Inactive escrow officer license. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-060, filed 9/9/88; Order RE 122, § 308-128B-060, filed 9/21/77.] Repealed by 90-03-098, filed 1/24/90, effective 3/1/90. Statutory Authority: RCW 18.44.320.
- 308-128B-070 Misuse of escrow officer license prohibited. [Order RE 122, § 308-128B-070, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-080 Escrow officer and agent fees. [Statutory Authority: RCW 18.44.320, 91-11-066, § 308-128B-080, filed 5/16/91, effective 6/16/91. Statutory Authority: RCW 18.44.080 and 43.24.086, 90-03-099, § 308-128B-080, filed 1/24/90, effective 3/1/90. Statutory Authority: RCW 43.24.086, 87-18-032 (Order PM 668), § 308-128B-080, filed 8/27/87.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128B-090 Dishonored checks and insufficient payment of fees. [Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-090, filed 9/9/88.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680B WAC.

Chapter 308-128C**ESCROW—ESCROW AGENT OFFICE**

- 308-128C-010 Prevention of the same or deceptively similar escrow agent firm names. [Order RE 122, § 308-128C-010, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.
- 308-128C-020 Office identification. [Order RE 122, § 308-128C-020, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128C-030 Display of licenses. [Order RE 122, § 308-128C-030, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128C-040 Change of office location. [Statutory Authority: RCW 18.44.320, 94-04-050, § 308-128C-040, filed 1/31/94,

- effective 3/3/94; 88-19-016 (Order PM 763), § 308-128C-040, filed 9/9/88; Order RE 122, § 308-128C-040, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128C-050 Deceptive names prohibited. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128C-050, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128C-050, filed 9/9/88; Order RE 122, § 308-128C-050, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680C WAC.

Chapter 308-128D

ESCROW—RECORDS AND RESPONSIBILITIES

- 308-128D-010 Designated escrow officer responsibilities. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128D-010, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128D-010, filed 9/9/88; Order RE 122, § 308-128D-010, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-020 Required records. [Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-020, filed 11/14/88; 88-19-016 (Order PM 763), § 308-128D-020, filed 9/9/88; Order RE 122, § 308-128D-020, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-030 Accuracy and accessibility of records. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128D-030, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128D-030, filed 9/9/88; Order RE 122, § 308-128D-030, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-040 Agreements and closings. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128D-040, filed 1/31/94, effective 3/3/94; 88-23-049 (Order PM 790), § 308-128D-040, filed 11/14/88; Order RE 122, § 308-128D-040, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-050 Expedition performance. [Order RE 122, § 308-128D-050, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-060 Disbursement of funds. [Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-060, filed 11/14/88; Order RE 122, § 308-128D-060, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-070 Suit or complaint notification. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128D-070, filed 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128D-070, filed 9/9/88; Order RE 122, § 308-128D-070, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128D-080 Escrow licensee's responsibilities. [Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-080, filed 9/9/88.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680D WAC.

Chapter 308-128E

ESCROW—TRUST ACCOUNT PROCEDURES

- 308-128E-010 Administration of trust accounts. [Order RE 122, § 308-128E-010, filed 9/21/77.] Repealed by 89-07-077 (Order PM 825), filed 3/21/89, effective 6/1/89. Statutory Authority: RCW 18.44.320.
- 308-128E-011 Administration of funds held in trust. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128E-011, filed 1/31/94, effective 3/3/94; 89-07-077 (Order PM 825), § 308-128E-011, filed 3/21/89, effective 6/1/89.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680E WAC.

Chapter 308-128F

ESCROW—FINANCIAL RESPONSIBILITY

- 308-128F-010 Bond. [Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-010, filed 9/9/88; Order RE 122, § 308-128F-010, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128F-020 Errors and omissions policy. [Statutory Authority: RCW 18.44.320. 94-04-050, § 308-128F-020, filed

- 1/31/94, effective 3/3/94; 88-19-016 (Order PM 763), § 308-128F-020, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-020, filed 6/7/79. Statutory Authority: RCW 18.44.360. 78-08-027 (Order RE 124, Resolution No. RE 124), § 308-128F-020, filed 7/14/78; Order RE 122, § 308-128F-020, filed 9/21/77.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128F-030 Deductible amount. [Order RE 122, § 308-128F-030, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.
- 308-128F-040 Return of cash deposit or securities. [Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-040, filed 6/7/79.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128F-050 Claim on cash deposit or securities. [Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-050, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-050, filed 6/7/79.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128F-060 Cash deposit, securities—Full force and effect. [Statutory Authority: RCW 18.44.320. 79-07-009 (Order RE 126), § 308-128F-060, filed 6/7/79.] Decodified by letter, filed 2/12/96, effective 4/1/96.
- 308-128F-070 Cancellation of errors and omissions policy, new policy required. [Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-070, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-070, filed 6/7/79.] Decodified by letter, filed 2/12/96, effective 4/1/96.

Reviser's note: Later promulgation, see chapter 208-680F WAC.

Chapter 308-130 NATUROPATHS

- 308-130-320 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-320, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-320.
- 308-130-330 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-330, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-330.
- 308-130-340 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-340, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-340.
- 308-130-350 Naturopathic associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-350, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-350.
- 308-130-360 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-360, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-360.
- 308-130-370 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-370, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-370.
- 308-130-380 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-380, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-380.
- 308-130-390 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-390, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-390.
- 308-130-400 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-400, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-400.

- 308-130-410 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-130-410, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-836-410.
- Chapter 308-132**
SECURITIES ACT RULES
- 308-132-002, through 308-132-340. [Rule 1 through 51, filed 12/30/65, effective 20/10/60.] Repealed by Order 11, filed 3/3/72.
- Chapter 308-136**
VETERINARY CODE OF ETHICS
- Principles of veterinary medical ethics. [1960 published in Washington Administrative Code under chapter 308-136 WAC (sections unnumbered).] Repealed by Order PL-179, filed 11/27/74.
- 308-136-300 License renewal fee. [This section was repealed by Order PL-179, filed 11/27/74 before being published in the Washington Administrative Code.] See chapter 308-15 WAC Veterinary board of governor's—Veterinary code of ethics; and chapter 308-151 WAC Veterinary board of governors—Animal technicians.
- Chapter 308-137**
VETERINARY BOARD OF GOVERNORS—
CONTROLLED SUBSTANCES
- 308-137-010 Nonnarcotic Schedule II controlled substances—Prohibited. [Order PL-143, § 308-137-010, filed 2/16/73.] Repealed by Order PL-179, filed 11/27/74. See chapters 308-150 and 308-151 WAC.
- Chapter 308-138**
OSTEOPATHIC PHYSICIANS AND SURGEONS
- 308-138-010 Waiver of basic science certificate. [Order PL 119, § 308-138-010, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020.
- 308-138-020 Osteopathic physicians' assistants. [Order PL 223, § 308-138-020, filed 11/5/75; Order PL 120, § 308-138-020, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-020.
- 308-138-025 Osteopathic physician's assistant prescriptions. [Statutory Authority: RCW 18.57A.020, 79-12-067 (Order PL 325), § 308-138-025, filed 11/29/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-025.
- 308-138-050 License renewal fee. [Order PL 162, § 308-138-050, filed 3/15/74.] Repealed by Order PL 223, filed 11/5/75.
- 308-138-055 Osteopathic medicine and surgery examination. [Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-14-113 (Order 745), § 308-138-055, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138-055, filed 4/15/88. Statutory Authority: RCW 18.57.005, 85-10-025 (Order PL 527), § 308-138-055, filed 4/24/85. Statutory Authority: 1979 c 117 § 3(3), 79-12-068 (Order PL 321), § 308-138-055, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-020.
- 308-138-060 Osteopathic physician—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-138-060, filed 9/25/80; Order PL 223, § 308-138-060, filed 11/5/75. Formerly WAC 308-138-050.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-138-080.
- 308-138-065 Acceptable intern or residency programs. [Statutory Authority: 1979 c 117 § 3(3), 79-12-068 (Order PL 321), § 308-138-065, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-030.
- 308-138-070 Renewal of licenses. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138-070, filed 11/23/88; Order PL 262, § 308-138-070, filed 1/13/77.] Decodified by 90-24-055 (Order 100B), filed 12/3/90,
- 308-138-080 effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-040.
- Osteopathic fees. [Statutory Authority: RCW 43.70.250, 90-04-094 (Order 029), § 308-138-080, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-138-080, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-138-080, filed 8/10/83. Formerly WAC 308-138-060.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-853-990.
- 308-138-100 Education. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-100, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-100.
- 308-138-110 Equivalency examination. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-110, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-110.
- 308-138-120 Experience. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-120, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-120.
- 308-138-130 Investigation. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-130, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-130.
- 308-138-140 English fluency. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-140, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-140.
- 308-138-150 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-150, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-150.
- 308-138-160 Utilization. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-160, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-160.
- 308-138-170 X-rays and laboratory tests. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-170, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-170.
- 308-138-180 Ethical considerations. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-180, filed 1/11/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-050.
- 308-138-200 Continuing professional education required. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138-200, filed 2/7/84. Statutory Authority: 1979 c 117 s 3(4), 79-12-066 (Order 324), § 308-138-200, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-060.
- 308-138-210 Categories of creditable continuing professional education activities. [Statutory Authority: 1979 c 117 § 3(4), 79-12-066 (Order 324), § 308-138-210, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-070.
- 308-138-220 Certification of compliance. [Statutory Authority: 1979 c 117 § 3(4), 79-12-066 (Order 324), § 308-138-220, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-080.
- 308-138-230 Prior approval not required. [Statutory Authority: 1979 c 117 § 3(4), 79-12-066 (Order 324), § 308-138-230, filed 11/29/79.] Decodified by 90-24-055 (Order 100B),

- filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-090.
- 308-138-300 Prohibited publicity and advertising. [Statutory Authority: RCW 18.57.005, 85-22-016 (Order PL 562), § 308-138-300, filed 10/30/85. Statutory Authority: 1979 c 117 § 3(5), 79-12-064 (Order PL 322), § 308-138-300, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-100.
- 308-138-310 Permitted publicity and advertising. [Statutory Authority: 1979 c 117 § 3(5), 79-12-064 (Order PL 322), § 308-138-310, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-110.
- 308-138-320 Malpractice suit reporting. [Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138-320, filed 4/15/88. Statutory Authority: 1979 c 117 § 3(6), 79-12-065 (Order 323), § 308-138-320, filed 11/29/79.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-120.
- 308-138-321 General provisions for mandatory reporting rules. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-321, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-130.
- 308-138-322 Mandatory reporting. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-322, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-140.
- 308-138-323 Health care institutions. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-323, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-150.
- 308-138-324 Medical associations or societies. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-324, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-160.
- 308-138-325 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.270 [18.130.070], 88-01-104 (Order PM 698), § 308-138-325, filed 12/22/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-170.
- 308-138-326 Courts. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-326, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-180.
- 308-138-327 State and federal agencies. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-327, filed 5/20/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-190.
- 308-138-328 Professional review organizations. [Statutory Authority: RCW 18.130.270 [18.130.070], 88-01-104 (Order PM 698), § 308-138-328, filed 12/22/87.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-200.
- 308-138-330 License reinstatement after lapse of licensure for failure to renew. [Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-330, filed 5/20/87. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138-330, filed 8/5/82.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-210.
- 308-138-340 Use of drugs or autotransfusion to enhance athletic ability. [Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-21-081 (Order PM 780), § 308-138-340, filed 10/19/88; 88-14-113 (Order 745), § 308-138-340, filed 7/6/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-220.
- 308-138-350 AIDS education and training. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138-350, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-230.
- 308-138-360 Application for registration. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138-360, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-853-240.

Chapter 308-138A

OSTEOPATHIC PHYSICIANS' ASSISTANTS

- 308-138A-020 Osteopathic physicians' assistants program approval. [Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-020, filed 10/31/89, effective 12/1/89. Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-14-113 (Order 745), § 308-138A-020, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138A-020, filed 4/15/88. Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138A-020, filed 10/7/87. Statutory Authority: RCW 18.57.005, 87-13-004 (Order PM 655), § 308-138A-020, filed 6/4/87. Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138A-020, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138A-020, filed 8/5/82. Formerly WAC 308-138-020.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-020.
- 308-138A-025 Osteopathic physician's assistant prescriptions. [Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 89-23-067 (Order 018), § 308-138A-025, filed 11/15/89, effective 12/16/89; 88-09-030 (Order PM 723), § 308-138A-025, filed 4/15/88. Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138A-025, filed 10/7/87. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138A-025, filed 2/7/84. Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138A-025, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138A-025, filed 8/5/82. Formerly WAC 308-138-025.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-030.
- 308-138A-030 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability. [Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-21-081 (Order PM 780), § 308-138A-030, filed 10/19/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-040.
- 308-138A-040 AIDS education and training. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-040, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-050.
- 308-138A-050 Application for registration. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-050, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-060.
- 308-138A-060 Registration renewal requirement. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-060, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-070.
- 308-138A-070 Osteopathic physicians' assistants registration. [Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-070, filed 10/31/89, effective 12/1/89.] Decodified by 90-24-055 (Order 100B), filed

- 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-080.
- 308-138A-080 Osteopathic physicians' assistants utilization. [Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-080, filed 10/31/89, effective 12/1/89.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-090.
- 308-138A-090 Osteopathic physicians' assistants reregistration. [Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-090, filed 10/31/89, effective 12/1/89.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-854-100.
- Chapter 308-138B**
OSTEOPATHIC PHYSICIANS' ACUPUNCTURE ASSISTANTS
- 308-138B-100 Acupuncture assistant education. [Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138B-100, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-100, filed 8/5/82. Formerly WAC 308-138-100.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-020.
- 308-138B-105 Acupuncture—Program approval. [Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138B-105, filed 7/27/83.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-030.
- 308-138B-110 Osteopathic acupuncture physicians' assistant's examination. [Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-21-081 (Order PM 780), § 308-138B-110, filed 10/19/88. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-110, filed 8/5/82. Formerly WAC 308-138-110.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-040.
- 308-138B-120 Experience. [Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-120, filed 8/5/82. Formerly WAC 308-138-120.] Repealed by 84-05-011 (Order PL 457), filed 2/7/84. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070.]
- 308-138B-130 Investigation. [Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-130, filed 8/5/82. Formerly WAC 308-138-130.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-050.
- 308-138B-140 English fluency. [Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-140, filed 8/5/82. Formerly WAC 308-138-140.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-060.
- 308-138B-150 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-150, filed 8/5/82. Formerly WAC 308-138-150.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-070.
- 308-138B-160 Utilization. [Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-160, filed 8/5/82. Formerly WAC 308-138-160.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-080.
- 308-138B-165 Acupuncture—Definition. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138B-165, filed 2/7/84.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-010.
- 308-138B-170 Prohibited techniques and tests. [Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138B-170, filed 10/7/87. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138B-170, filed 2/7/84. Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138B-170, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-170, filed 8/5/82. Formerly WAC 308-138-170.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-090.
- 308-138B-180 AIDS education and training. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138B-180, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-100.
- 308-138B-190 Application for registration. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138B-190, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-110.
- 308-138B-200 Registration renewal requirement. [Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138B-200, filed 11/23/88.] Decodified by 90-24-055 (Order 100B), filed 12/3/90, effective 1/31/91. Statutory Authority: RCW 18.57.005. Recodified as WAC 246-855-120.
- Chapter 308-140**
CHARITABLE SOLICITATIONS
- 308-140-010 Definitions. [Statutory Authority: RCW 19.09.100, 83-01-112 (Order PL 417), § 308-140-010, filed 12/21/82; Order PL 274, § 308-140-010, filed 8/29/77; Order PL 161, § 308-140-010, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-020 Fees excluded from cost of solicitation. [Order PL 161, § 308-140-020, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-025 Cost of solicitation disclosure. [Order PL 161, § 308-140-025, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-030 Forms for all documents required to be filed. [Order PL 161, § 308-140-030, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-040 Official address of director and department. [Order PL 274, § 308-140-040, filed 8/29/77; Order PL 161, § 308-140-040, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-050 Thirty days advance filing of solicitation required. [Order PL 274, § 308-140-050, filed 8/29/77; Order PL 161, § 308-140-050, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-060 Satisfaction of financial statement filing requirements. [Order PL 161, § 308-140-060, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-070 Acceptable address designation for registration. [Order PL 161, § 308-140-070, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-080 Application fee refund. [Order PL 161, § 308-140-080, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-090 Duplicate registration certificate fee. [Order PL 161, § 308-140-090, filed 2/26/74.] Repealed by Order PL 210, filed 11/5/75. Later promulgation, see WAC 308-140-280.
- 308-140-100 Exemption not transferable. [Statutory Authority: RCW 19.09.100, 83-01-112 (Order PL 417), § 308-140-100, filed 12/21/82; Order PL 161, § 308-140-100, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-110 Solicitor identification card. [Order PL 161, § 308-140-110, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-120 Identification cards issued by or available from department. [Order PL 161, § 308-140-120, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-130 Short form report requirements. [Order PL 161, § 308-140-130, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-140 Advance notification of change of fiscal year. [Order PL 161, § 308-140-140, filed 2/26/74.] Repealed by 83-01-

- 112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-150 Annual report by department. [Statutory Authority: RCW 19.09.310, 80-15-059 (Order PL 357), § 308-140-150, filed 10/15/80; Order PL 161, § 308-140-150, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-160 Reporting procedure for incidental solicitations. [Order PL 161, § 308-140-160, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-170 Professional solicitor identification requirements. [Order PL 161, § 308-140-170, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-180 Telephone solicitors identification requirements. [Order PL 161, § 308-140-180, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-190 Material facts defined. [Order PL 161, § 308-140-190, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-200 Director's designee. [Order PL 274, § 308-140-200, filed 8/29/77; Order PL 161, § 308-140-200, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-210 Registration renewal procedures. [Statutory Authority: RCW 19.09.310, 80-15-059 (Order PL 357), § 308-140-210, filed 10/15/80; Order PL 274, § 308-140-210, filed 8/29/77; Order PL 161, § 308-140-210, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-230 Reporting requirements for organizations with chapters, branches or affiliates. [Order PL 161, § 308-140-230, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-240 Professional fund-raiser registration requirements—Personnel disclosure. [Statutory Authority: RCW 19.09.310, 80-15-059 (Order PL 357), § 308-140-240, filed 10/15/80; Order PL 161, § 308-140-240, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-250 Professional fund-raisers contracts filing requirement. [Order PL 161, § 308-140-250, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-260 Financial statements limited to in-state activities. [Order PL 161, § 308-140-260, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-270 Standards of advertising for solicitation purposes. [Order PL 274, § 308-140-270, filed 8/29/77; Order PL 161, § 308-140-270, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-280 Fees. [Order PL 274, § 308-140-280, filed 8/29/77; Order PL 210, § 308-140-280, filed 11/5/75.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-300 Waiver of percentage limitation. [Statutory Authority: RCW 19.09.100, 83-01-112 (Order PL 417), § 308-140-300, filed 12/21/82.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- Chapter 308-150**
VETERINARY BOARD OF GOVERNORS—
VETERINARY CODE OF PROFESSIONAL CONDUCT/ETHICS
- 308-150-005 Definitions. [Order PL 179, § 308-150-005, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-010.
- 308-150-006 Objectives. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-006, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-020.
- 308-150-007 Degree of skills. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-007, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-030.
- 308-150-008 Exercise of professional judgment and skills. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-008, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-040.
- 308-150-009 Emergency care of animals of unknown ownership. [Statutory Authority: RCW 18.92.030, 86-01-085 (Order PL 575), § 308-150-009, filed 12/18/85; 80-09-106 (Order PL 351), § 308-150-009, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-050.
- 308-150-010 Neglect of patients. [Order PL 179, § 308-150-010, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-011 Patient abandonment. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-011, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-060.
- 308-150-012 Provision of alternate veterinary services for clients. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-012, filed 7/23/80.] Repealed by 86-01-085 (Order PL 575), filed 12/18/85. Statutory Authority: RCW 18.92.030.
- 308-150-013 Emergency services. [Statutory Authority: RCW 18.92.030, 88-08-033 (Order PM 719), § 308-150-013, filed 4/1/88; 86-01-085 (Order PL 575), § 308-150-013, filed 12/18/85.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-070.
- 308-150-014 Honesty, integrity and fair dealing. [Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030, 89-10-076 (Order PM 836), § 308-150-014, filed 5/3/89. Statutory Authority: RCW 18.92.030, 86-01-085 (Order PL 575), § 308-150-014, filed 12/18/85.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-080.
- 308-150-015 Advertisement. [Order PL 179, § 308-150-015, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-020 Third party advertisement. [Order PL 179, § 308-150-020, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-025 Procuring or aiding unlicensed practice. [Order PL 179, § 308-150-025, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-030 Validation of health certificate. [Order PL 179, § 308-150-030, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-090.
- 308-150-035 Inspection of animals. [Order PL 179, § 308-150-035, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-100.
- 308-150-040 Testimonials. [Order PL 179, § 308-150-040, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-045 Drugs and controlled substances. [Order PL 179, § 308-150-045, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-110.
- 308-150-050 Nonnarcotic Schedule II controlled substances—Prohibited. [Order PL 179, § 308-150-050, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-120.
- 308-150-055 Minimum sanitary conditions. [Order PL 179, § 308-150-055, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-130.
- 308-150-060 Prohibited publicity and advertising. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-060, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-140.
- 308-150-061 Honoring of publicity and advertisements. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-061, filed 7/23/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statu-

- 308-150-062 Prohibited transactions. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-150.]
- 308-150-070 Cooperation with the board. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-160.]

Chapter 308-151**VETERINARY BOARD OF GOVERNORS—VETERINARY EDUCATION AND EXAMINATION REQUIREMENTS**

- 308-151-050 Approval of courses. [Order PL 179, § 308-151-050, filed 11/27/74.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-220.
- 308-151-060 Foreign trained veterinarians. [Order PL 232, § 308-151-060, filed 11/17/75.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-230.
- 308-151-070 Practical examination requirement. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-240.]
- 308-151-080 Examination procedures. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-250.]
- 308-151-090 Frequency and location of examinations. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-260.]
- 308-151-100 Examination results. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-270.]
- 308-151-110 Examination review procedures. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-280.]

Chapter 308-152
VETERINARY FEES

- 308-152-010 Veterinary—Fees. [Statutory Authority: RCW 43.24.085. Recodified as WAC 246-933-290.]
- 308-152-015 Fees. [Statutory Authority: RCW 43.24.085. Recodified as WAC 246-933-300.]
- 308-152-020 Renewal of licenses. [Order PL 262, § 308-152-020, filed 1/13/77.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-933-980.

- 308-152-030 Veterinary fees. [Statutory Authority: RCW 43.70.250. Recodified as WAC 246-933-310.]

Chapter 308-153**MINIMUM STANDARDS FOR VETERINARY MEDICAL FACILITIES AND PRACTICE MANAGEMENT**

- 308-153-010 Definitions. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-320.]
- 308-153-020 General requirements for all veterinary medical facilities. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-330.]
- 308-153-030 Minimum physical facilities. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-340.]
- 308-153-040 Minimum aseptic surgery facility. [Order PL-236, § 308-153-040, filed 6/18/86.] Repealed by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-350.
- 308-153-045 Practice management. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-360.]

Chapter 308-154
CONTINUING EDUCATION REQUIREMENTS FOR VETERINARIANS

- 308-154-010 Citation and purpose. [Order 233, § 308-154-010, filed 2/16/77.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-401.
- 308-154-020 Basic requirement—Amount. [Order 233, § 308-154-020, filed 2/16/77.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-420.
- 308-154-030 Effective date of requirement. [Order 233, § 308-154-030, filed 2/16/77.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-430.
- 308-154-040 Exceptions. [Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-440.]
- 308-154-050 Qualification of program for continuing education credit. [Order 233, § 308-154-050, filed 2/16/77.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-450.

- 308-154-060 Programs approved by the veterinary board. [Order 233, § 308-154-060, filed 2/16/77.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-460.
- 308-154-070 Reporting of continuing education requirement. [Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-070, filed 10/29/80; Order 233, § 308-154-070, filed 2/16/77.] Repealed by 86-13-070 (Order PM 600), filed 6/18/86. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139.
- 308-154-080 Continuing education—Certification of compliance. [Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-080, filed 10/29/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-470.
- 308-154-085 AIDS prevention and information education requirements. [Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030. 89-10-076 (Order PM 836), § 308-154-085, filed 5/3/89.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-480.
- Chapter 308-156**
REGISTRATION OF ANIMAL TECHNICIANS
- 308-156-010 Definitions. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-010, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-010, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-010.
- 308-156-020 Applications—Animal technicians. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-020, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-020, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-020.
- 308-156-030 Grounds for denial, suspension or revocation of registration. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-030, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-030, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-030.
- 308-156-040 Unrestricted animal health care services. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-040, filed 12/21/79.] Repealed by 83-19-055 (Order PL 445), filed 9/19/83. Statutory Authority: RCW 18.92.015 and 18.92.030.
- 308-156-045 Responsibilities of veterinarian supervising an animal technician or an unregistered assistant. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-045, filed 9/19/83.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-040.
- 308-156-050 Animal health care tasks. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-050, filed 9/19/83.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-050.
- 308-156-055 Approval of post high school courses. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-055, filed 9/19/83.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-060.
- 308-156-060 Examination for registration as animal technician. [Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-060, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-060, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91.
- 308-156-070 Grading of examinations. [Statutory Authority: RCW 18.92.030. 85-03-085 (Order PL 509), § 308-156-070, filed 1/18/85. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-070, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-070, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-080.
- 308-156-075 Examination review procedures. [Statutory Authority: RCW 18.92.030. 86-08-068 (Order PL 584), § 308-156-075, filed 4/1/86.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-090.
- 308-156-080 Reexamination. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-080, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-080, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-100.
- 308-156-090 Examination procedures. [Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-090, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-090, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-090, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-110.
- 308-156-100 Frequency and location of examination. [Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-100, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-100, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-100, filed 12/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-120.
- 308-156-200 AIDS prevention and information education requirements. [Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030. 89-10-076 (Order PM 836), § 308-156-200, filed 5/3/89.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-130.
- Chapter 308-157**
MISCELLANEOUS PROCEDURES AND REQUIREMENTS
- 308-157-010 Disciplinary reinstatement procedures. [Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-157-010, filed 12/27/88.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-140.
- Chapter 308-158**
SUBSTANCE ABUSE MONITORING PROGRAMS FOR VETERINARIANS
- 308-158-010 Intent. [Statutory Authority: RCW 18.130.175. 90-21-029 (Order 93), § 308-158-010, filed 10/9/90, effective 11/10/90.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-601.
- 308-158-020 Definitions. [Statutory Authority: RCW 18.130.175. 90-21-029 (Order 93), § 308-158-020, filed 10/9/90, effective 11/10/90.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-610.
- 308-158-030 Approval of substance abuse monitoring programs. [Statutory Authority: RCW 18.130.175. 90-21-029 (Order 93), § 308-158-030, filed 10/9/90, effective 11/10/90.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-620.
- 308-158-040 Participation in approved substance abuse monitoring program. [Statutory Authority: RCW 18.130.175. 90-21-029 (Order 93), § 308-158-040, filed 10/9/90, effective 11/10/90.] Decodified by 91-02-060 (Order 108B),

filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-630.

**Chapter 308-160
PROPRIETARY SCHOOLS**

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

**Chapter 308-170
LICENSING OF REGISTERED SANITARIANS**

308-170-040 Application for registration—Process. [Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-040, filed 12/17/80.] Repealed by 98-13-045, filed 6/10/98, effective 7/11/98. Statutory Authority: RCW 34.05.354.

308-170-050 Registered sanitarians—Written examination. [Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-050, filed 12/17/80.] Repealed by 98-13-045, filed 6/10/98, effective 7/11/98. Statutory Authority: RCW 34.05.354.

**Chapter 308-171
OCCUPATIONAL THERAPY**

308-171-001 Definitions. [Statutory Authority: Chapter 18.59 RCW. 90-16-071 (Order 075), § 308-171-001, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-001, filed 4/14/87. Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-001, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.020(5). 86-10-004 (Order PL 588), § 308-171-001, filed 4/24/86. Statutory Authority: RCW 18.59.130(2). 85-12-010 (Order PL 529), § 308-171-001, filed 5/23/85. Statutory Authority: RCW 18.59.130(2) and 18.59.020. 85-05-008 (Order PL 513), § 308-171-001, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-010.

308-171-002 Persons exempt from the definition of an occupational therapy aide. [Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-002, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 87-01-088 (Order PM 630), § 308-171-002, filed 12/22/86.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-020.

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

308-171-010 Recognized educational programs—Occupational therapists. [Statutory Authority: Chapter 18.59 RCW. 90-16-071 (Order 075), § 308-171-010, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-010, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-010, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-010, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-010, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-040.

308-171-020 Recognized educational programs—Occupational therapy assistants. [Statutory Authority: Chapter 18.59 RCW. 90-16-071 (Order 075), § 308-171-020, filed 7/30/90, effective 8/30/90. Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-020, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-020, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-020, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-020, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-050.

308-171-030

Fees. [Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-030, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-030, filed 2/22/85.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

308-171-040

License renewal registration date and fee. [Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-040, filed 12/20/88. Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-040, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-040, filed 2/22/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-060.

308-171-041

Continued competency. [Statutory Authority: RCW 18.59.130. 90-22-011 (Order 094), § 308-171-041, filed 10/26/90, effective 11/26/90.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-065.

308-171-045

Inactive status. [Statutory Authority: RCW 18.59.130. 90-22-011 (Order 094), § 308-171-045, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 18.59.090(3). 86-21-026 (Order PM 620), § 308-171-045, filed 10/8/86.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-070.

308-171-100

Examinations. [Statutory Authority: RCW 18.59.130(2). 86-10-004 (Order PL 588), § 308-171-100, filed 4/24/86; 85-05-008 (Order PL 513), § 308-171-100, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-080.

308-171-101

Proof of actual practice. [Statutory Authority: RCW 18.59.130(2) and 18.59.070(3). 85-05-008 (Order PL 513), § 308-171-101, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-090.

308-171-102

Examination dates for applicants under RCW 18.59.070(3). [Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-102, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-100.

308-171-103

Persons exempt from licensure pursuant to RCW 18.59.040(5). [Statutory Authority: RCW 18.59.130(2) and 18.59.050(1). 86-17-064 (Order PM 610), § 308-171-103, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.040 (5)(b). 86-10-004 (Order PL 588), § 308-171-103, filed 4/24/86. Statutory Authority: RCW 18.59.130(2). 85-12-010 (Order PL 529), § 308-171-103, filed 5/23/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-110.

308-171-104

Foreign trained applicants. [Statutory Authority: RCW 18.59.130(2). 86-17-064 (Order PM 610), § 308-171-104, filed 8/19/86; 86-10-004 (Order PL 588), § 308-171-104, filed 4/24/86.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-120.

308-171-200

Definition of "commonly accepted standards for the profession." [Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-200, filed 8/19/86. Statutory Authority: RCW 18.59.130(2), 18.59.040 (5)(b) and 18.59.070(1). 86-10-004 (Order PL 588), § 308-171-200, filed 4/24/86. Statutory Authority: RCW 18.59.130(2) and 18.59.070. 85-05-008 (Order PL 513), § 308-171-200, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-130.

308-171-201

Supervised fieldwork experience—Occupational therapists. [Statutory Authority: RCW 18.59.130(2). 87-01-088 (Order PM 630), § 308-171-201, filed 12/22/86; 85-05-008 (Order PL 513), § 308-171-201, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-140.

308-171-202	Supervised fieldwork experience—Occupational therapy assistants. [Statutory Authority: RCW 18.59.130(2), 85-05-008 (Order PL 513), § 308-171-202, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-150.		effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-610.
308-171-300	Unprofessional conduct or gross incompetency. [Statutory Authority: RCW 18.59.130(2) and 18.130.050(1), 86-17-064 (Order PM 610), § 308-171-300, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.100, 85-05-008 (Order PL 513), § 308-171-300, filed 2/11/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-160.	308-173-130	Nursing assistant—Fees. [Statutory Authority: RCW 43.70.250, 90-04-094 (Order 029), § 308-173-130, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086, 88-20-075 (Order 783), § 308-173-130, filed 10/5/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-990.
308-171-301	Code of ethics and standards of professional conduct. [Statutory Authority: RCW 18.59.130, 90-22-011 (Order 094), § 308-171-301, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 18.59.130(2) and 18.130.050(1), 86-17-064 (Order PM 610), § 308-171-301, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.100 (1)(b), 85-12-010 (Order PL 529), § 308-171-301, filed 5/23/85.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-170.	308-173-210	Standards of practice and competencies of nursing assistants. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-210, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-400.
308-171-302	Mandatory reporting. [Statutory Authority: RCW 18.59.070 and 18.130.050(1), 86-17-064 (Order PM 610), § 308-171-302, filed 8/19/86.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-180.	308-173-220	Purpose of review and approval of certified nursing assistant training programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-220, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-410.
308-171-310	Occupational therapy fees. [Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-171-310, filed 5/1/87.] Decodified by 91-05-030 (Order 135), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-847-990.	308-173-230	Requirements for nursing assistant education and training program approval. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-230, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-420.
308-171-320	AIDS education and training. [Statutory Authority: RCW 18.59.130, 90-22-011 (Order 094), § 308-171-320, filed 10/26/90, effective 11/26/90. Statutory Authority: RCW 18.59.130 and 18.130.050, 89-01-081 (Order PM 805), § 308-171-320, filed 12/20/88.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-190.	308-173-240	Denial of approval or withdrawal of approval for programs for which the board is the approving authority. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-240, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-430.
308-171-330	Application for licensure. [Statutory Authority: RCW 18.59.130 and 18.130.050, 89-01-081 (Order PM 805), § 308-171-330, filed 12/20/88.] Decodified by 91-05-027 (Order 112B), filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-200.	308-173-245	Reinstatement of approval. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-245, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-440.
Chapter 308-173 NURSING ASSISTANTS		308-173-250	Appeal of board decisions. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-250, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-450.
308-173-010	General provisions. [Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-010, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-710.	308-173-255	Closing of an approved nursing assistant training program. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-255, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-460.
308-173-020	Mandatory reporting. [Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-020, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-720.	308-173-260	Program directors and instructors in approved training programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-260, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-470.
308-173-070	Courts. [Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-070, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-730.	308-173-265	Students (trainees) in approved training programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-265, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-480.
308-173-080	State and federal agencies. [Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-740.	308-173-270	Core curriculum in approved training programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-270, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-490.
308-173-090	Cooperation with investigation. [Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-841-750.	308-173-275	Physical resources for approved education programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-275, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-500.
308-173-100	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-173-100, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90,	308-173-280	Administrative procedures for approved nursing assistant training programs. [Statutory Authority: RCW 18.88.080, 90-20-018 (Order 091), § 308-173-280, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statu-

- tory Authority: RCW 18.88A.060. Recodified as WAC 246-841-510.
- Chapter 308-175
HEALTH CARE ASSISTANTS**
- 308-175-010 Delegation of functions to health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-010, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-020.
- 308-175-020 Supervision of health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-020, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-030.
- 308-175-030 Certification of health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-030, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-040.
- 308-175-040 Recertification of health care assistants. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-040, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-040, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-050.
- 308-175-050 Department of licensing responsibilities. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-050, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-050, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-060.
- 308-175-060 Maintenance of listing of drugs and functions authorized. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-060, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-070.
- 308-175-065 Medication and diagnostic agent list. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-065, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-080.
- 308-175-070 Decertification or disciplinary actions. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-070, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-090.
- 308-175-075 Health care assistant classification. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-075, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-100.
- 308-175-080 Minimum training and demonstrated proficiency of health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-080, filed 2/25/85.] Repealed by 88-17-043 (Order PM 759), filed 8/15/88. Statutory Authority: RCW 18.135.040.
- 308-175-085 Qualified trainer. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-085, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-110.
- 308-175-090 Provision of health care assistants training. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-090, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-090, filed 2/25/85.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-120.
- 308-175-095 Category A minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-095, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-130.
- 308-175-100 Category B minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-100, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-140.
- 308-175-105 Category C minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-105, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-150.
- 308-175-110 Category D minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-110, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-160.
- 308-175-115 Category E minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-115, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-170.
- 308-175-120 Category F minimum requirements. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-120, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-180.
- 308-175-125 Grandfather clause. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-125, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-190.
- 308-175-130 Hospital or nursing home drug injection. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-130, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-200.
- 308-175-135 Intravenous medications flow restrictions. [Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-135, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-210.
- 308-175-140 Health care assistant fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-175-140, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-140, filed 11/12/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-990.
- 308-175-200 AIDS prevention and information education requirements—Health care assistants. [Statutory Authority: RCW 18.135.030. 90-14-131 (Order 069), § 308-175-200, filed 7/5/90, effective 8/5/90; 88-22-076 (Order PM 785), § 308-175-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-826-230.
- Chapter 308-177
DIETITIANS OR NUTRITIONISTS**
- 308-177-010 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-010, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-020.
- 308-177-020 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-020, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-030.
- 308-177-030 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-030, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-040.
- 308-177-040 Dietitian or nutritionist associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-040, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91.

	1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-050.		
308-177-050	Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-050, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-060.	308-177-190	Authority: RCW 43.70.040. Recodified as WAC 246-822-160. Certification for dietitians—Grandfathering. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-190, filed 8/16/89, effective 9/16/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-170.
308-177-060	Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-060, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-070.		Chapter 308-180 ACUPUNCTURE
308-177-070	Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-070, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-080.	308-180-100	Acupuncture fees. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-100, filed 3/4/87; 86-10-038 (Order PL 592), § 308-180-100, filed 5/5/86.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.
308-177-080	State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-090.	308-180-120	License renewal registration date and fee. [Statutory Authority: RCW 18.06.160. 90-11-093 (Order 051), § 308-180-120, filed 5/18/90, effective 6/18/90; 88-07-031 (Order PM 713), § 308-180-120, filed 3/9/88; 86-10-038 (Order PL 592), § 308-180-120, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-020.
308-177-090	Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-100.	308-180-130	Definitions. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-130, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-010.
308-177-100	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-177-100, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-110.	308-180-140	Approval of school, program, apprenticeship or tutorial instruction. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-140, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-030.
308-177-110	Dietitian and nutritionist fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-177-110, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-110, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-110, filed 1/11/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-990.	308-180-150	Western sciences. [Statutory Authority: RCW 18.06.160. 90-12-114 (Order 052), § 308-180-150, filed 6/6/90, effective 7/7/90; 87-06-050 (Order PM 641), § 308-180-150, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-040.
308-177-115	Definitions. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-115, filed 8/16/89, effective 9/16/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-010.	308-180-160	Acupuncture sciences. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-160, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-050.
308-177-120	Application requirements. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-120, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-120, filed 1/11/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-120.	308-180-170	Clinical training. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-170, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-060.
308-177-130	Nutritionist minimum core curriculum. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-130, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-130, filed 1/11/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-130.	308-180-190	Documents in foreign language. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-190, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-070.
308-177-140	Certification renewal registration date. [Statutory Authority: RCW 18.138.070. 89-03-035 (Order PM 814), § 308-177-140, filed 1/11/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-140.	308-180-200	Sufficiency of documents. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-200, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-080.
308-177-150	Continuing Education. [Statutory Authority: RCW 18.138.070. 89-03-035 (Order PM 814), § 308-177-150, filed 1/11/89.] Repealed by 89-17-071, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 18.138.070.	308-180-210	Examinations. [Statutory Authority: RCW 18.06.160. 90-12-114 (Order 052), § 308-180-210, filed 6/6/90, effective 7/7/90; 88-07-031 (Order PM 713), § 308-180-210, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-210, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-090.
308-177-160	Examinations. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-160, filed 8/16/89, effective 9/16/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-150.	308-180-220	Consultation plan. [Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-220, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-220, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-100.
308-177-180	Foreign degree equivalency. [Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-180, filed 8/16/89, effective 9/16/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory	308-180-230	Referral to other health care practitioners. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-230, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-110.

- 308-180-240 Patient informed consent. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-240, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-120.
- 308-180-250 Application exhibits required. [Statutory Authority: RCW 18.06.160. 90-12-114 (Order 052), § 308-180-250, filed 6/6/90, effective 7/7/90; 88-07-031 (Order PM 713), § 308-180-250, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-250, filed 3/4/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-130.
- 308-180-260 Acupuncture fees. [Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-180-260, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-180-260, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-15-030 (Order PM 735), § 308-180-260, filed 7/13/88; 87-18-031 (Order PM 667), § 308-180-260, filed 8/27/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-990.
- 308-180-270 Advertising. [Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-270, filed 3/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-140.
- 308-180-280 Examination appeal procedures. [Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-280, filed 3/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-150.
- 308-180-290 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-290, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-160.
- 308-180-300 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-300, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-170.
- 308-180-310 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-310, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-180.
- 308-180-320 Acupuncture associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-320, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-190.
- 308-180-330 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-330, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-200.
- 308-180-340 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-340, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-210.
- 308-180-350 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-350, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-220.
- 308-180-360 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-360, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-230.
- 308-180-370 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-370, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-240.
- 308-180-400 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-180-400, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-802-250.

Chapter 308-183

RADIOLOGICAL TECHNOLOGISTS

- 308-183-010 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-010, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-020.
- 308-183-020 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-020, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-030.
- 308-183-030 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-030, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-040.
- 308-183-040 Radiological technologist associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-040, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-050.
- 308-183-050 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-050, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-060.
- 308-183-060 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-060, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-070.
- 308-183-070 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-070, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-080.
- 308-183-080 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-090.
- 308-183-090 Definitions—Alternative training radiologic technologists. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-090, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-100.
- 308-183-100 Diagnostic radiologic technologist—Alternative training. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-100, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-110.
- 308-183-110 Therapeutic radiologic technologist—Alternative training. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-110, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-120.
- 308-183-120 Nuclear medicine technologist—Alternative training. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-120, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-130.
- 308-183-130 Approved schools. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-130, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-140.
- 308-183-140 Certification designation. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-140, filed 12/9/88.] Decodified by 91-02-049 (Order 121),

- filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-150.
- 308-183-150 Certification renewal registration date. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-150, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-160.
- 308-183-160 Reinstatement fee assessment. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-160, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-170.
- 308-183-170 Contrast media administration guidelines. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-170, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-180.
- 308-183-180 Fees—Radiologic technologists. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-180, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-990.
- 308-183-190 State examination/examination waiver/examination application deadline. [Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-190, filed 12/9/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-190.
- 308-183-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-183-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-926-200.
- Chapter 308-190
COUNSELORS**
- 308-190-010 Fees. [Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-190-010, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-190-010, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-033 (Order PM 669), § 308-190-010, filed 8/27/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-990.
- 308-190-020 Expiration of registration or certification. [Statutory Authority: 1987 c 512 § 10. 87-21-011 (Order PM 686), § 308-190-020, filed 10/9/87.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-020.
- 308-190-030 Definitions. [Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-030, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-030, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-010.
- 308-190-040 Client disclosure information. [Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-040, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-040, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-030.
- 308-190-041 Required disclosure information. [Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-041, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-031.
- 308-190-042 Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person. [Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-042, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-040.
- 308-190-050 Failure to provide client disclosure information. [Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-050, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-032.
- 308-190-060 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-060, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-050.
- 308-190-070 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-070, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-060.
- 308-190-080 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-061.
- 308-190-090 Counselor associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-062.
- 308-190-100 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-100, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-063.
- 308-190-110 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-110, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-064.
- 308-190-120 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-065.
- 308-190-130 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-066.
- 308-190-140 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-070.
- 308-190-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-190-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-080.
- Chapter 308-195
RESPIRATORY CARE PRACTITIONERS**
- 308-195-020 Recognized educational programs—Respiratory care practitioners. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-020, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-020.
- 308-195-030 State examination—Examination waiver—Examination application deadline. [Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-030, filed 4/7/89; 88-10-015 (Order 724), § 308-195-030, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-030.
- 308-195-040 Examination eligibility. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-040, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-040.
- 308-195-050 Definition of "commonly accepted standards for the profession." [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-050, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90,

- effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-050.
- 308-195-060 Grandfather—Verification of practice. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-060, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-060.
- 308-195-070 Grandfather—Examination dates. [Statutory Authority: RCW 18.89.050. 88-23-001 (Order PM 787), § 308-195-070, filed 11/3/88; 88-10-015 (Order 724), § 308-195-070, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-070.
- 308-195-080 Reciprocity—Requirements for certification. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-080, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-080.
- 308-195-090 Certification renewal registration date. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-090, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-090.
- 308-195-100 Rural hospital exemption. [Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-100, filed 4/27/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-100.
- 308-195-110 Fees. [Statutory Authority: RCW 43.24.086. 88-17-099 (Order PM 741), § 308-195-110, filed 8/23/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-990.
- 308-195-120 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-110.
- 308-195-130 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-120.
- 308-195-140 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-130.
- 308-195-150 Respiratory care practitioner associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-150, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-140.
- 308-195-160 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-160, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-150.
- 308-195-170 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-170, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-160.
- 308-195-180 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-180, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-170.
- 308-195-190 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-190, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-180.
- 308-195-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-195-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-190.
- 308-195-210 Temporary practice. [Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-210, filed 4/7/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-200.
- 308-195-220 Definitions—Alternative training respiratory care practitioners. [Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-220, filed 4/7/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-210.
- 308-195-230 Alternative training requirements. [Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-230, filed 4/7/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-928-220.

Chapter 308-200
DEPARTMENT OF MOTOR VEHICLES
ENVIRONMENTAL REGULATIONS

- 308-200-010 Authority. [Order MV 382, § 308-200-010, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-010.
- 308-200-020 Purpose. [Order MV 382, § 308-200-020, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-020.
- 308-200-025 Scope and coverage of this chapter. [Order MV 382, § 308-200-025, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-025.
- 308-200-030 Integration of SEPA procedures with other governmental operations. [Order MV 382, § 308-200-030, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-030.
- 308-200-040 Definitions. [Order MV 382, § 308-200-040, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-040.
- 308-200-050 Use of the environmental checklist form. [Order MV 382, § 308-200-050, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-050.
- 308-200-055 Timing of the EIS process. [Order MV 382, § 308-200-055, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-055.
- 308-200-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order MV 382, § 308-200-060, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-060.
- 308-200-100 Summary of information which may be required of a private applicant. [Order MV 382, § 308-200-100, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-100.
- 308-200-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order MV 382, § 308-200-150, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-150.
- 308-200-160 No presumption of significance for nonexempt actions. [Order MV 382, § 308-200-160, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-160.
- 308-200-170 Categorical exemptions. [Order MV 382, § 308-200-170, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-170.
- 308-200-175 Exemptions and nonexemptions applicable to the department. [Order MV 382, § 308-200-175, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL),

	filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-175.		(Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-300.
308-200-180	Exemptions for emergency actions. [Order MV 382, § 308-200-180, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-180.	308-200-305	Recommended timing for threshold determination. [Order MV 382, § 308-200-305, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-305.
308-200-190	Use and effect of categorical exemptions. [Order MV 382, § 308-200-190, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-190.	308-200-310	Threshold determination procedures—Environmental checklist. [Order MV 382, § 308-200-310, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-310.
308-200-200	Lead agency—Responsibilities. [Order MV 382, § 308-200-200, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-200.	308-200-320	Threshold determination procedures—Initial review of environmental checklist. [Order MV 382, § 308-200-320, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-320.
308-200-203	Determination of lead agency—Procedures. [Order MV 382, § 308-200-203, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-203.	308-200-330	Threshold determination procedures—Information in addition to checklist. [Order MV 382, § 308-200-330, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-330.
308-200-205	Lead agency designation—Governmental proposals. [Order MV 382, § 308-200-205, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-205.	308-200-340	Threshold determination procedures—Negative declarations. [Order MV 382, § 308-200-340, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-340.
308-200-210	Lead agency designation—Proposals involving both private and public construction activity. [Order MV 382, § 308-200-210, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-210.	308-200-345	Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order MV 382, § 308-200-345, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-345.
308-200-215	Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order MV 382, § 308-200-215, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-215.	308-200-350	Affirmative threshold determination. [Order MV 382, § 308-200-350, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-350.
308-200-220	Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order MV 382, § 308-200-220, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-220.	308-200-355	Form of declaration of significance/nonsignificance. [Order MV 382, § 308-200-355, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-355.
308-200-225	Lead agency designation—Private projects requiring licenses from more than one state agency. [Order MV 382, § 308-200-225, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-225.	308-200-360	Threshold determination criteria—Application of environmental checklist. [Order MV 382, § 308-200-360, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-360.
308-200-230	Lead agency designation—Specific proposals. [Order MV 382, § 308-200-230, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-230.	308-200-365	Environmental checklist. [Order MV 382, § 308-200-365, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-365.
308-200-235	Local agency transfer of lead agency status to a state agency. [Order MV 382, § 308-200-235, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-235.	308-200-370	Withdrawal of affirmative threshold determination. [Order MV 382, § 308-200-370, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-370.
308-200-240	Agreements as to lead agency status. [Order MV 382, § 308-200-240, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-240.	308-200-375	Withdrawal of negative threshold determination. [Order MV 382, § 308-200-375, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-375.
308-200-245	Agreements between agencies as to division of lead agency duties. [Order MV 382, § 308-200-245, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-245.	308-200-390	Effect of threshold determination by lead agency. [Order MV 382, § 308-200-390, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-390.
308-200-260	Dispute as to lead agency determination—Resolution by CEP. [Order MV 382, § 308-200-260, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-260.	308-200-400	Duty to begin preparation of a draft EIS. [Order MV 382, § 308-200-400, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-400.
308-200-270	Assumption of lead agency status by another agency with jurisdiction. [Order MV 382, § 308-200-270, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-270.	308-200-405	Purpose and function of a draft EIS. [Order MV 382, § 308-200-405, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-405.
308-200-300	Threshold determination requirement. [Order MV 382, § 308-200-300, filed 8/13/76.] Repealed by 78-09-002		

- 308-200-410 Predraft consultation procedures. [Order MV 382, § 308-200-410, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-410.
- 308-200-420 Preparation of EIS by persons outside the lead agency. [Order MV 382, § 308-200-420, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-420.
- 308-200-425 Organization and style of a draft EIS. [Order MV 382, § 308-200-425, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-425.
- 308-200-440 Contents of a draft EIS. [Order MV 382, § 308-200-440, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-440.
- 308-200-442 Special considerations regarding contents of an EIS on a nonproject action. [Order MV 382, § 308-200-442, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-442.
- 308-200-444 List of elements of the environment. [Order MV 382, § 308-200-444, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-444.
- 308-200-446 Draft EIS—Optional additional elements—Limitation. [Order MV 382, § 308-200-446, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-446.
- 308-200-450 Public awareness of availability of draft EIS. [Order MV 382, § 308-200-450, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-450.
- 308-200-455 Circulation of the draft EIS—Review period. [Order MV 382, § 308-200-455, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-455.
- 308-200-460 Specific agencies to which draft EIS shall be sent. [Order MV 382, § 308-200-460, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-460.
- 308-200-465 Agencies possessing environmental expertise. [Order MV 382, § 308-200-465, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-465.
- 308-200-470 Cost to the public for reproduction of environmental documents. [Order MV 382, § 308-200-470, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-470.
- 308-200-480 Public hearing on a proposal—When required. [Order MV 382, § 308-200-480, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-480.
- 308-200-485 Notice of public hearing on environmental impact of the proposal. [Order MV 382, § 308-200-485, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-485.
- 308-200-490 Public hearing on the proposal—Use of environmental documents. [Order MV 382, § 308-200-490, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-490.
- 308-200-495 Preparation of amended or new draft EIS. [Order MV 382, § 308-200-495, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-495.
- 308-200-500 Responsibilities of consulted agencies—Local agencies. [Order MV 382, § 308-200-500, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78.
- 308-200-510 Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-500.
- Responsibilities of consulted agencies—State agencies with jurisdiction. [Order MV 382, § 308-200-510, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-510.
- 308-200-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order MV 382, § 308-200-520, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-520.
- 308-200-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order MV 382, § 308-200-530, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-530.
- 308-200-535 Cost of performance of consulted agency responsibilities. [Order MV 382, § 308-200-535, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-535.
- 308-200-540 Limitations on responses to consultation. [Order MV 382, § 308-200-540, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-540.
- 308-200-545 Effect of no written comment. [Order MV 382, § 308-200-545, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-545.
- 308-200-550 Preparation of the final EIS—Time period allowed. [Order MV 382, § 308-200-550, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-550.
- 308-200-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order MV 382, § 308-200-570, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-570.
- 308-200-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order MV 382, § 308-200-580, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-580.
- 308-200-600 Circulation of the final EIS. [Order MV 382, § 308-200-600, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-600.
- 308-200-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order MV 382, § 308-200-650, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-650.
- 308-200-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order MV 382, § 308-200-652, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-652.
- 308-200-660 Use of previously prepared EIS for a different proposed action. [Order MV 382, § 308-200-660, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-660.
- 308-200-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order MV 382, § 308-200-690, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-690.
- 308-200-695 Draft and final supplements to a revised EIS. [Order MV 382, § 308-200-695, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-695.
- 308-200-700 No action for seven days after publication of the final EIS. [Order MV 382, § 308-200-700, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78.

	Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-700.		
308-200-710	EIS combined with existing planning and review processes. [Order MV 382, § 308-200-710, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-710.		
308-200-820	Designation of responsible official. [Order MV 382, § 308-200-820, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-820.	308-210-060	National certification equivalent to Washington state certification. [Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-060, filed 5/11/88.] Repealed by 89-14-071 (Order PM 841), filed 6/30/89. Statutory Authority: RCW 18.19.120.
308-200-830	SEPA public information center. [Order MV 382, § 308-200-830, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120.	308-210-080	General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-550.
308-200-835	Regional SEPA information centers. [Order MV 382, § 308-200-835, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120.	308-210-090	Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-560.
308-200-840	Application of agency rules to ongoing actions. [Order MV 382, § 308-200-840, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-840.	308-210-100	Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-100, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-561.
308-200-860	Fees to cover the costs of SEPA compliance. [Order MV 382, § 308-200-860, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-860.	308-210-110	Mental health counselor associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-110, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-562.
308-200-900	Applicability of this chapter. [Order MV 382, § 308-200-900, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-900.	308-210-120	Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-563.
308-200-910	Severability. [Order MV 382, § 308-200-910, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-910.	308-210-130	Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-564.
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308-210-010	Definitions. [Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-010, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-010, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-510.	308-210-140	Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-565.
308-210-020	Approved schools. [Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-020, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-520.	308-210-150	State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-150, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-566.
308-210-030	Examination waiver eligibility. [Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-030, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-030, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-542.	308-210-160	Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-160, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-570.
308-210-040	Examination for certified mental health counselors. [Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-040, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-040, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-540.	308-210-200	AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-210-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-580.
308-210-045	Mental health counselors—Professional experience requirement prior to examination for certification. [Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-045, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-530.		Chapter 308-220
308-210-046	Applicants with graduate degree by January 26, 1989. [Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-046, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-541.		MARRIAGE AND FAMILY THERAPISTS
308-210-050	Mental health counselors—Education requirement prior to examination for certification. [Statutory Authority:	308-220-010	Definitions. [Statutory Authority: RCW 18.19.050. 89-04-003 (Order PM 817), § 308-220-010, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-010, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-310.
		308-220-020	Examination. [Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-020, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-340.
		308-220-030	Degree equivalents. [Statutory Authority: RCW 18.19.050. 89-04-003 (Order PM 817), § 308-220-030, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-030, filed 5/18/88.] Decodified by 91-02-049 (Order

- 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-320.
- 308-220-040 Program equivalency. [Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-040, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-321.
- 308-220-050 Supervision. [Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-050, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-330.
- 308-220-060 Supervisor qualifications. [Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-060, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-331.
- 308-220-070 Supervised postgraduate practice. [Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-070, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-332.
- 308-220-090 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-350.
- 308-220-100 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-100, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-360.
- 308-220-110 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-110, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-361.
- 308-220-120 Marriage and family therapist associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-362.
- 308-220-130 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-363.
- 308-220-140 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-364.
- 308-220-150 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-150, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-365.
- 308-220-160 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-160, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-366.
- 308-220-170 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-170, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-370.
- 308-220-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-220-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-380.
- 308-230-020 Examination required. [Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-020, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-740.
- 308-230-030 Education and supervision equivalency. [Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-030, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-731.
- 308-230-040 Supervision requirements. [Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-040, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-730.
- 308-230-050 Certification of persons credentialed out-of-state. [Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-050, filed 5/18/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-741.
- 308-230-060 General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-060, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-750.
- 308-230-070 Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-070, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-760.
- 308-230-080 Health care institutions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-080, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-761.
- 308-230-090 Social worker associations or societies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-090, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-762.
- 308-230-100 Health care service contractors and disability insurance carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-100, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-763.
- 308-230-110 Professional liability carriers. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-110, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-764.
- 308-230-120 Courts. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-120, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-765.
- 308-230-130 State and federal agencies. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-130, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-766.
- 308-230-140 Cooperation with investigation. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-140, filed 6/30/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-770.
- 308-230-200 AIDS prevention and information education requirements. [Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-230-200, filed 11/2/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-780.

Chapter 308-230
SOCIAL WORKERS

- 308-230-010 Accredited programs. [Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-010,

Chapter 308-250

TRIPPLICATE PRESCRIPTION FORM PROGRAM

- 308-250-010 Scope and purpose of chapter. [Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-010, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-800-101.
- 308-250-020 Official triplicate prescription forms. [Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-020, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-800-120.
- 308-250-030 Distribution and retention of the triplicate prescription forms. [Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-030, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-800-130.
- 308-250-040 Drugs administered or dispensed by the health care practitioner. [Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-040, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-800-140.
- 308-250-050 Emergency prescriptions. [Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-050, filed 5/5/86.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-800-150.

Chapter 308-310

NURSING POOL FEES

- 308-310-010 Nursing pool fees. [Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-310-010, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-076 (Order 784), § 308-310-010, filed 10/5/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-845-990.
- 308-310-020 Registration of a nursing pool. [Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-020, filed 2/10/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-845-020.
- 308-310-030 Renewal of registration. [Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-030, filed 2/10/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-845-030.
- 308-310-040 Denial, suspension, or revocation of registration. [Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-040, filed 2/10/89.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-845-040.

Chapter 308-400

STANDARDIZED FILING FORMS AND PROCEDURES—
UNIFORM COMMERCIAL CODE, CROP LIENS, AND
PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL
DAIRY AND COMMERCIAL FISH PRODUCTS AND CERTAIN
FEDERAL LIENS

- 308-400-010 Authority and purpose. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-010, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-010, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-010, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-010, filed 2/9/82. Formerly WAC 434-16-010.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-020 Applicable statutes. [Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), §

308-400-020, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-020, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-020, filed 2/9/82. Formerly WAC 434-16-020.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-025 Filing of crop liens and processor and preparer liens for agricultural, dairy and commercial fish products. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-025, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-025, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-025, filed 12/2/86, effective 1/1/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-030 Definitions. [Statutory Authority: Chapters 62A.9, 60.11, 60.13 and 60.68 RCW. 00-02-013, § 308-400-030, filed 12/27/99, effective 2/1/00; 99-06-003, § 308-400-030, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-030, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-030, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-030, filed 2/9/82. Formerly WAC 434-16-030.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-040 UCC-1 financing statement. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-040, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-040, filed 3/1/89. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-040, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-040, filed 2/9/82, effective 7/1/82.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.

308-400-042 UCC-2 fixture filing form. [Statutory Authority: RCW 62A.9-409(1) and 36.18.010. 90-04-050, § 308-400-042, filed 2/1/90, effective 3/4/90. Statutory Authority: RCW 62A.9-409(1), 82-08-021 (Order 669-DOL), § 308-400-042, filed 3/30/82, effective 7/1/82.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.

308-400-044 UCC-1X financing statement to continue a county filing at the department of licensing. [Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-044, filed 2/9/82, effective 7/1/82.] Repealed by 89-06-078 (Order BLS 130), filed 3/1/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73.

308-400-046 UCC-3 change statement. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-046, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-046, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-046, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-046, filed 2/9/82, effective 7/1/82.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.

308-400-047 UCC-4 crop liens and processor and preparer liens for agricultural dairy and commercial fish products filing form. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05-

220. 89-24-022, § 308-400-047, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-047, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-047, filed 12/2/86, effective 1/1/87.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.
- 308-400-048 UCC-11R request for certificate of information. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-048, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-048, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-048, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-048, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-048, filed 2/9/82, effective 7/1/82.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.
- 308-400-050 Official approval of standard forms. [Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035. 93-01-061, § 308-400-050, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-050, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-050, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-050, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-050, filed 2/9/82. Formerly WAC 434-16-050.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
- 308-400-052 Standard form. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-052, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-052, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-052, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-052, filed 6/9/82.] Repealed by 93-01-061, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035.
- 308-400-053 Acceptance of documents for filing. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-053, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-053, filed 12/2/86, effective 1/1/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-054 Power of attorney. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-054, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-054, filed 6/9/82.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
- 308-400-056 Return of acknowledgment. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-056, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-056, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-058 Signature requirements. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-058, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-058, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-058, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-058, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-059, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-059, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-059, filed 12/2/86, effective 1/1/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-060 Rejection of documents. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-060, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-060, filed 2/9/82. Formerly WAC 434-16-060.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-062 Incompatible actions. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-062, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-062, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-070 Request for certificate of information. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-070, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-070, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-070, filed 2/9/82. Formerly WAC 434-16-080.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
- 308-400-080 Delegation of certification authority. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-080, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-080, filed 2/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-090 Amendment fees. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-090, filed 2/9/82. Formerly WAC 434-16-090.] Repealed by 82-13-030 (Order 674-DOL), filed 6/9/82. Statutory Authority: RCW 62A.9-409(1).
- 308-400-092 Overpayment of fees. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-095 Fees. [Statutory Authority: Chapters 62A.9, 60.11, 60.13 and 60.68 RCW. 00-02-013, § 308-400-095, filed 12/27/99, effective 2/1/00; 99-22-040, § 308-400-095, filed 10/29/99, effective 12/1/99; 99-06-003, § 308-400-095, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035. 93-01-061, § 308-400-095, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 62A.9-409(1) and 36.18.010. 90-04-050, § 308-400-095, filed 2/1/90, effective 3/4/90. Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-095, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-095, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by

- 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-095, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-100 Fees, forms and procedures—Filing processor and preparer liens for agricultural, dairy, or commercial fish products. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-100, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-100, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-100, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-110 Forms, fees and procedures—Filing crop liens. [Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-110, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-120 Forms, fees, and procedures—Filing federal liens. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-120, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-120, filed 3/1/89.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

Reviser's note: Later promulgation, see chapter 308-390 WAC.

Chapter 308-410

UNIFORM COMMERCIAL CODE FIELD ACCESS

- 308-410-010 Purpose and authority. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-010, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-020 Definitions. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-020, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-030 Filing information available for review. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-030, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-040 Application to become a user. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-040, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-050 Standard for allocating users. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-050, filed 1/19/88.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
- 308-410-060 Contract for use. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-060, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-070 Fees. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-410-070, filed

2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-070, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

Reviser's note: Later promulgation, see chapter 308-390 WAC.

Chapter 308-04 WAC GENERAL PROVISIONS

WAC

- 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.
- 308-04-020 Handling fee for dishonored checks in payment of vehicle or vessel licenses and certificates of ownership.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-04-001 Appointment of director—Agency documents. [Statutory Authority: RCW 43.17.060. 85-22-080 (Order 85-2), § 308-04-001, filed 11/6/85. Statutory Authority: RCW 43.17.060, 43.24.040 and 46.01.160. 81-07-045 (Order DOL 622), § 308-04-001, filed 3/16/81.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.

WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty. (1) All checks must be made payable to the state treasurer or department of licensing, except those checks written in payment for transactions through the department's vehicle and vessel licensing agents may be made payable to the county auditor.

(2) State warrants equal to or less than the amount of license fees due shall be accepted when tendered for payment of a department of licensing transaction. If the warrant is less than the amount due, the applicant shall pay the difference by cash, check, or money order.

(3) Checks should be written for the exact amount due and the purpose for which the check is intended should be noted on its face. Overpayments for vehicle transactions will not be accepted.

(4) The drawer's name (licensee) and address should appear upon each check. All dishonored (DHC) checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter advising him or her that the license or other transaction for which the DHC had been submitted will be canceled unless a money order, cash, or cashier's check for the full amount due, including the handling fee, is received within fifteen days of the date of this letter.

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

(5) Checks written on foreign banks and foreign postal money orders (outside of the United States) shall be payable in U.S. dollars.

[Statutory Authority: RCW 46.01.110 and 43.24.023. 99-01-104, § 308-04-010, filed 12/17/98, effective 1/17/99. Statutory Authority: RCW 46.01.230. 86-08-069 (Order 86-1), § 308-04-010, filed 4/1/86; 80-13-002 (Order DOL 592), § 308-04-010, filed 9/4/80; 78-04-040 (Order 487-DOL), § 308-04-010, filed 3/20/78; Rule 1, filed 6/29/67.]

WAC 308-04-020 Handling fee for dishonored checks in payment of vehicle or vessel licenses and certificates of ownership. (1) Will the department accept a check for registrations, licenses, permits or certificates of ownership for vehicles or vessels? Yes, registrations, licenses, or permits relating to the licensing or titling of vehicles or vessels may be paid by check to county auditors, agents, vehicle licensing offices and subagents appointed or approved by the director under RCW 46.01.140.

(2) If my check is dishonored, do I have to pay a handling fee? Yes, when a financial institution dishonors a check by nonacceptance, stop payment, or nonpayment, a handling fee in the amount of twenty-five dollars will be assessed for each check.

(3) Who may collect the fee for dishonored checks? County auditors, agents, department vehicle licensing offices and subagents may collect and retain the handling fee.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2), 00-08-032, § 308-04-020, filed 3/28/00, effective 4/28/00. Statutory Authority: RCW 46.01.110 and 43.24.023, 99-01-104, § 308-04-020, filed 12/17/98, effective 1/17/99. Statutory Authority: RCW 46.01.230(3), 87-21-014 (Order TL/RG 38), § 308-04-020, filed 10/9/87.]

Chapter 308-08 WAC PRACTICE AND PROCEDURE

WAC

308-08-005	Application of this chapter.
308-08-006	Model rules of procedure.
308-08-050	Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff.
308-08-060	Appearance and practice before agency—Former employee as expert witness.
308-08-085	Requests for adjudicative proceedings.
308-08-180	Subpoenas—Fees.
308-08-210	Subpoenas—Enforcement.
308-08-230	Depositions and interrogatories in adjudicative proceedings—Right to take.
308-08-240	Depositions and interrogatories in adjudicative proceedings—Scope.
308-08-260	Depositions and interrogatories in adjudicative proceedings—Authorization.
308-08-270	Depositions in adjudicative proceedings—Protection of parties and deponents.
308-08-280	Depositions and interrogatories in adjudicative proceedings—Oral examination and cross-examination.
308-08-290	Depositions and interrogatories in adjudicative proceedings—Recordation.
308-08-300	Depositions and interrogatories in adjudicative proceedings—Signing attestation and return.
308-08-310	Depositions and interrogatories in adjudicative proceedings—Use and effect.
308-08-320	Depositions and interrogatories in adjudicative proceedings—Fees of officers and deponents.
308-08-330	Depositions upon interrogatories—Submission of interrogatories.
308-08-340	Depositions upon interrogatories—Interrogation.
308-08-350	Depositions upon interrogatories—Attestation and return.
308-08-370	Official notice—Matters of law.
308-08-380	Official notice—Material facts.
308-08-390	Presumptions.
308-08-400	Stipulations and admissions of record.
308-08-415	Stay of final orders.
308-08-416	Petition for reconsideration of final orders.
308-08-460	Excerpts from documentary evidence.
308-08-505	Adjudicative proceedings—Pleadings, briefs, and motions.
308-08-600	Scope of rules—Formal hearings—Discretionary suspension—Driver's licenses.
308-08-610	Formal hearings—Discretionary suspensions.
308-08-620	Conduct of hearing—Matters considered.

308-08-630	Decision procedure.
308-08-640	Review procedures.
308-08-650	Reconsideration by director.
308-08-660	Persons authorized to make final decisions following formal hearing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-08-010	Appearance and practice before agency—Who may appear. [Regulation .08.010, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-030	Appearance and practice before agency—Solicitation of business unethical. [Regulation .08.030, effective 3/23/60.] Repealed by 83-09-050 (Order DOL-715), filed 4/20/83.
308-08-040	Appearance and practice before agency—Standards of ethical conduct. [Regulation .08.040, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-070	Computation of time. [Regulation .08.070, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-080	Notice and opportunity for hearing in contested cases. [Regulation .08.080, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-090	Service of process—By whom served. [Regulation .08.090, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-100	Service of process—Upon whom served. [Regulation .08.100, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-110	Service of process—Service upon parties. [Regulation .08.110, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-120	Service of process—Method of service. [Regulation .08.120, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-130	Service of process—When service complete. [Regulation .08.130, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-140	Service of process—Filing with agency. [Regulation .08.140, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-150	Subpoenas—Where provided by law—Form. [Regulation .08.150, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-160	Subpoenas—Issuance to parties. [Regulation .08.160, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-170	Subpoenas—Service. [Regulation .08.170, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-190	Subpoenas—Proof of service. [Regulation .08.190, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-200	Subpoenas—Quashing. [Regulation .08.200, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-220	Subpoenas—Geographical scope. [Regulation .08.220, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-250	Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation .08.250, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
308-08-360	Depositions upon interrogatories—Provisions of deposition rule. [Regulation .08.360, effective 3/23/60.]

- 308-08-410 Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a). Form and content of agency decisions in contested cases. [Regulation .08.410, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-420 Definition of issues before hearing. [Regulation .08.420, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-430 Prehearing conference rule—Authorized. [Regulation .08.430, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-440 Prehearing conference rule—Record of conference action. [Regulation .08.440, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-450 Submission of documentary evidence in advance. [Regulation .08.450, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation .08.470, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation .08.480, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Regulation .08.490, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 308-08-470 or 308-08-480. [Regulation .08.500, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-510 Continuances. [Regulation .08.510, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-520 Rules of evidence—Admissibility criteria. [Regulation .08.520, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation .08.540, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-550 Petitions for rule making, amendment or repeal—Requisites. [Regulation .08.550, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-560 Petitions for rule making, amendment or repeal—Agency must consider. [Regulation .08.560, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. [Regulation .08.570, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-580 Declaratory rulings. [Regulation .08.580, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 308-08-590 Forms. [Regulation .08.590, effective 3/23/60.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).

WAC 308-08-005 Application of this chapter. This chapter applies to all adjudicative proceedings under the

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jurisdiction of the department of licensing or the director of the department of licensing, provided that the rules shall not apply to adjudicative proceedings held pursuant to chapters 46.20, 46.25 and 46.65 RCW, except for hearings held pursuant to RCW 46.20.329 as provided in WAC 308-08-600 through 308-08-660.

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-005, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.04.022, 46.01.110 and 82.38.260. 78-08-054 (Order 504-DOL), § 308-08-005, filed 7/20/78; Regulation 08.005, effective 3/23/60.]

WAC 308-08-006 Model rules of procedure. Except as they may be inconsistent with the rules in this chapter, the department adopts the model rules of procedure as set forth in chapter 10-08 WAC.

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-006, filed 10/17/90, effective 11/17/90.]

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

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

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

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

WAC 308-08-085 Requests for adjudicative proceedings. (1) All applications requesting that the department of licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department shall be made on the form provided by the department or in a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty calendar days of service upon the applicant of a written notice of an opportunity to request a hearing on the agency action.

(b) Within twenty calendar days of notice to the applicant from any source of agency action by the department which the applicant believes has or will adversely affect the applicant.

(c) For purposes of this subsection, the time limitations begin upon actual notice, personal service or deposit in the U.S. mail, whichever occurs first.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsection (2) of this section, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding. The department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who is not aggrieved or adversely affected by the agency action as defined by RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and 34.05.419.

[Statutory Authority: RCW 34.05.413(3), 02-19-035, § 308-08-085, filed 9/10/02, effective 10/11/02. Statutory Authority: RCW 34.05.416 and 34.05.419, 01-03-129, § 308-08-085, filed 1/23/01, effective 2/23/01. Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-085, filed 10/17/90, effective 11/17/90.]

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

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

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

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-210, filed 10/17/90, effective 11/17/90; Regulation .08.210, effective 3/23/60.]

WAC 308-08-230 Depositions and interrogatories in adjudicative proceedings—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave of the presiding officer must be obtained if notice of the taking is served by a proponent within twenty days of the date of hearing. The attendance of witnesses may be compelled by the use of a subpoena.

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-230, filed 10/17/90, effective 11/17/90; Regulation .08.230, effective 3/23/60.]

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

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-240, filed 10/17/90, effective 11/17/90; Regulation .08.240, effective 3/23/60.]

WAC 308-08-260 Depositions and interrogatories in adjudicative proceedings—Authorization. A party desiring to take the deposition of any person upon oral examina-

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tion shall give reasonable notice of not less than five days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-260, filed 10/17/90, effective 11/17/90; Regulation .08.260, effective 3/23/60.]

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

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-270, filed 10/17/90, effective 11/17/90; Regulation .08.270, effective 3/23/60.]

WAC 308-08-280 Depositions and interrogatories in adjudicative proceedings—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, parties may serve written interrogatories in a sealed envelope on the party taking the deposition and he

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shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-280, filed 10/17/90, effective 11/17/90; Regulation .08.280, effective 3/23/60.]

WAC 308-08-290 Depositions and interrogatories in adjudicative proceedings—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by other means as stipulated to by the parties, if requested by one of the parties, the testimony shall be transcribed. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-290, filed 10/17/90, effective 11/17/90; Regulation .08.290, effective 3/23/60.]

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

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly serve it on the person who ordered the transcript. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-300, filed 10/17/90, effective 11/17/90; Regulation .08.300, effective 3/23/60.]

WAC 308-08-310 Depositions and interrogatories in adjudicative proceedings—Use and effect. Subject to rulings by the presiding officer upon objections a deposition taken as provided in this rule will not become a part of the record in the proceeding until received in evidence by the presiding officer upon his own motion or the motion of any

party. Except by agreement of the parties or ruling of the presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-310, filed 10/17/90, effective 11/17/90; Regulation .08.310, effective 3/23/60.]

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-320, filed 10/17/90, effective 11/17/90; Regulation .08.320, effective 3/23/60.]

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-330, filed 10/17/90, effective 11/17/90; Regulation .08.330, effective 3/23/60.]

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-340, filed 10/17/90, effective 11/17/90; Regulation .08.340, effective 3/23/60.]

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

officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-350, filed 10/17/90, effective 11/17/90; Regulation .08.350, effective 3/23/60.]

WAC 308-08-370 Official notice—Matters of law.

The presiding officer, upon request made before or during a hearing, will officially notice:

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

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

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

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-370, filed 10/17/90, effective 11/17/90; Regulation .08.370, effective 3/23/60.]

WAC 308-08-380 Official notice—Material facts.

In the absence of controverting evidence, the department and its presiding officers, upon request made before or during a hearing, may officially notice:

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

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

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

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

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

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(6) **Statement.** Where an initial or final decision of the department rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence:

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

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-380, filed 10/17/90, effective 11/17/90; Regulation .08.380, effective 3/23/60.]

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

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

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

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

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

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

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(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eloi-gned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-390, filed 10/17/90, effective 11/17/90; Regulation .08.390, effective 3/23/60.]

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

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

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-400, filed 10/17/90, effective 11/17/90; Regulation .08.400, effective 3/23/60.]

WAC 308-08-415 Stay of final orders. The director will not consider petitions to stay the effectiveness of final orders. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-415, filed 10/17/90, effective 11/17/90.]

WAC 308-08-416 Petition for reconsideration of final orders. Pursuant to RCW 34.05.470, a petition for reconsideration of a final order must be filed in the Office of the Director, Department of Licensing, Highways-Licenses Building, Olympia, Washington, within ten days of service of the final order.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-416, filed 10/17/90, effective 11/17/90.]

WAC 308-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the

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whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-460, filed 10/17/90, effective 11/17/90; Regulation .08.460, effective 3/23/60.]

WAC 308-08-505 Adjudicative proceedings—Pleadings, briefs, and motions. Pursuant to RCW 34.05.437, pleadings, briefs, and motions must be made in writing, and must be served on all other parties. This rule does not apply to matters that properly arise during a hearing.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-505, filed 10/17/90, effective 11/17/90.]

WAC 308-08-600 Scope of rules—Formal hearings—Discretionary suspension—Driver's licenses. The following rules numbered WAC 308-08-610 through 308-08-660 shall apply only to formal hearings held pursuant to RCW 46.20.329. They shall not apply to hearings held pursuant to chapter 308-103 WAC (implied consent revocations) or hearings under the provisions of chapter 308-102 WAC (the Financial Responsibility Act).

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-08-600, filed 5/3/02, effective 6/3/02; Order MV-141, § 308-08-600, filed 7/27/72.]

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

[Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-610, filed 10/17/90, effective 11/17/90; Order MV-141, § 308-08-610, filed 7/27/72.]

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

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

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

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of his findings together with his decision concerning departmental action to be taken.

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

WAC 308-08-640 Review procedures. In all cases not heard by a person authorized to make final decisions on behalf of the department, the file, summary of the findings, and recommendation shall be forwarded to the administrator of the hearings and interviews section or, in his absence, the assistant director for driver services, for review. If there was a substantial issue of fact resolved at the hearing this shall be noted in the summary and the tape transcription of the proceeding shall be forwarded for review. The administrator of the hearings and interviews section, or in his absence, the assistant director for driver services, shall review the file, summary of findings, recommendation, and if necessary, the tape transcription of the evidence. The reviewer may either accept the recommendation by marking the word "approved" on the findings and recommendations together with his signature, or he may reject the recommendation in which case he shall append the action he deems appropriate to the summary and recommendation. In all cases the action of the reviewer shall be final.

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-640, filed 10/17/90, effective 11/17/90; Order MV-141, § 308-08-640, filed 7/27/72.]

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

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-650, filed 10/17/90, effective 11/17/90; Order MV-141, § 308-08-650, filed 7/27/72.]

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

[Statutory Authority: RCW 34.05.220 (1)(a), 90-21-086, § 308-08-660, filed 10/17/90, effective 11/17/90; Order MV-141, § 308-08-660, filed 7/27/72.]

Chapter 308-10 WAC PUBLIC RECORDS DISCLOSURE

WAC

308-10-005	Purpose.
308-10-010	Definitions.
308-10-015	Location of administrative office.
308-10-020	Operations and procedures.
308-10-025	Public records available.

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308-10-030	Public disclosure officer.
308-10-035	Office hours.
308-10-040	Requests for public records.
308-10-045	Copying.
308-10-050	Exemptions.
308-10-055	Review of denials of public records requests.
308-10-060	Protection of public records.
308-10-065	Records index.
308-10-067	Public records indexing system.
308-10-070	Communications with department.

WAC 308-10-005 Purpose. The purpose of this chapter shall be to ensure compliance by the department of licensing with the provisions of RCW 42.17.250-42.17.320, dealing with public records.

[Statutory Authority: RCW 42.17.250, 92-09-107, § 308-10-005, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-005, filed 12/24/75.]

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

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

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

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

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

(b) They are unevaluated and unorganized.

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

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

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

(6) "Listing (list)" means an item-by-item series of names, figures, words or numbers written or printed one after the other.

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

(8) "Individual" means a natural person.

(9) "Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.

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

[Statutory Authority: RCW 46.01.110, 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250, 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

WAC 308-10-015 Location of administrative office. The administrative office of the department and its staff are

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located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia 98504.

[Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-015, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-015, filed 12/24/75.]

WAC 308-10-020 Operations and procedures. (1)

The department is organized under a director, deputy director, and five assistant directors. Each assistant director is delegated authority to act in a specific functional area. The five major functional components are: Vehicle services, driver services, administrative services, information services, and business and professions division.

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

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

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

(i) Efficiently administer the laws pertaining to licensing of vehicles, vehicle operators, professions, occupations, real estate, vessels, and businesses.

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

(c) Each assistant director reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

(i) Vehicle and vessel licensing and excise tax programs;

(ii) Fuel tax programs;

(iii) Proration and reciprocity programs;

(iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs; and

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers.

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

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

(4) The assistant director, driver services, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining;

(b) Adopt and enforce rules and standards to carry out the provisions of existing law; and

(c) Determine field office locations and initiate property acquisition.

(5) The assistant director, business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

Appraisers
Architects
Athlete agents
Auctioneers
Bail bond agencies
Barbers
Camping resorts
Cemeteries
Collection agencies
Cosmetologists
Debt adjusters
Embalmers
Employment agencies
Engineers
Estheticians
Firearm dealers
Funeral directors
Landscape architects
Manicurists
Notaries public
Real estate brokers and salespersons
Private investigators
Security guards
Court reporters
Timeshares

(i) The assistant director of the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

Appraiser advisory committee
Architects registration board
Board of funeral directors and embalmers
Cemetery board
Collection agency board
Cosmetology advisory committee
Engineers & land surveyors registration board
Landscape architects examining board
Real estate commission
Shorthand court reporters advisory committee

(ii) Correspondence to these boards should be directed to the program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in

legislation, rules, or regulations relative to professions, occupations, or businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The assistant director, administrative services, has authority to act in the following areas:

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

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) Forms and record management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Mail operations;

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

(7) The assistant director, information services, has the authority to act in the following areas:

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

(b) Consult and work with other state agencies in structuring and phase-in of inter-agency related programs.

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

(8) The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title 308 WAC.

[Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-020, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-020, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-020, filed 12/24/75.]

WAC 308-10-025 Public records available. All public records of the department are deemed to be available for public inspection and copying during customary office hours pursuant to these rules, except as otherwise provided by chapters 42.17 and 46.12 RCW, WAC 308-10-050 and 308-93-087.

[Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-025, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-025, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-025, filed 12/24/75.]

WAC 308-10-030 Public disclosure officer. The department's public disclosure officer shall be designated by the director. The person so designated shall be located in the main administrative offices of the department. The public disclosure officer shall be responsible for the following: The implementation of the department's rules regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

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[Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-030, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-030, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-030, filed 12/24/75.]

WAC 308-10-035 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

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

WAC 308-10-040 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

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

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

(b) The calendar date on which the request is made.

(c) The nature of the request.

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

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

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

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

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

[Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-040, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-040, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-040, filed 12/24/75.]

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

ITEM	FEE
Copies produced on copying and duplicating equipment	15 cents per page
Computer generated listing, magnetic tapes or labels	Cost of services

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ITEM
Microfilm copies
Postal charges

FEE
75 cents per page
May be added to any copy
of a public record if
applicable

[Statutory Authority: RCW 46.01.110 and 42.17.260. 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

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.]

WAC 308-10-055 Review of denials of public records requests. (1) Upon any denial of a request for a public record, the public disclosure officer or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the director of the department or designee. The director or designee shall immediately consider the matter and either affirm or reverse such denial or call a specific meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

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

[Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-055, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-055, filed 12/24/75.]

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

[Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-060, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-060, filed 12/24/75.]

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

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

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

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

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

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

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

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

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

WAC 308-10-067 Public records indexing system. (1) The department of licensing has implemented a system of indexing for identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index.

(b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.

(c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.

(d) Interpretive statements entered after June 30, 1990.

(e) Policy statements entered after June 30, 1990.

(2) The department of licensing shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated yearly by the agency. The index of records is available during regular business hours for public inspection at the agency's main office located at the Department of Licensing, 1125 Washington Street S.E., Olympia, Washington 98504. The public disclosure officer is responsible for updating the general index yearly.

[Statutory Authority: RCW 42.17.250, 96-05-036, § 308-10-067, filed 2/15/96, effective 3/17/96. Statutory Authority: RCW 42.17.260(4), 91-13-057, § 308-10-067, filed 6/17/91, effective 7/18/91.]

WAC 308-10-070 Communications with department.

All written communications with the department pertaining to the administration or enforcement of chapter 42.17 RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public Disclosure Officer, Office of Budget and Program Support Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504-8001.

[Statutory Authority: RCW 42.17.250, 92-09-107, § 308-10-070, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-070, filed 12/24/75.]

Chapter 308-11 WAC

REGULATION OF AUCTIONEERS

WAC

308-11-030	Auctioneer fees.
308-11-035	Renewal of registration.
308-11-050	Surety bond or other security in lieu of bond required.
308-11-060	Advance notice of cancellation or termination required.
308-11-100	Records.
308-11-120	Inspection and audit.
308-11-130	Suit or complaint notification.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-11-001	Fees. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-001, filed 11/9/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-11-030.
308-11-010	Definitions. [Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-010, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-010, filed 11/9/82.] Repealed by 98-16-061, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055.
308-11-040	Application for license as auctioneer. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-040, filed 11/9/82.] Repealed by 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.200.
308-11-080	Trainee auctioneer. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-080, filed 11/9/82.] Repealed by 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.200.

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

Title of Fee	Fee
Auctioneer:	
Initial application	\$114.00
Renewal	114.00
Late renewal penalty	104.00
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	260.00
Renewal	260.00
Late renewal penalty	208.00
Duplicate license	15.00

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. 98-16-061, § 308-11-030, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 43.24.086. 90-06-052, § 308-11-030, filed 3/2/90, effective 4/2/90; 87-10-028 (Order PM 650), § 308-11-030, filed 5/1/87. Statutory Authority: RCW 18.11.060. 86-21-127 (Order PM 622), § 308-11-030, filed 10/22/86. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-11-030, filed 8/10/83. Formerly WAC 308-11-001.]

WAC 308-11-035 Renewal of registration. (1) An auctioneer license will be issued to an applicant, provided all requirements are met for licensure. An auctioneer license will expire one year from the date of issuance.

(2) An auction company license will be issued, provided all requirements are met for licensure. The auction company license will expire one year from the date of issuance.

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

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. 98-16-061, § 308-11-035, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.060 and 18.11.200. 88-01-122 (Order PM 701), § 308-11-035, filed 12/23/87. Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-035, filed 10/22/86.]

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

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

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

(3) All auction companies upon application or with license renewal, shall submit a financial certification affidavit on forms provided by the department.

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

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. 98-16-061, § 308-11-050, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.121 and 18.11.200. 88-23-034 (Order PM 766), § 308-11-050, filed 11/9/88. Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-050, filed 10/22/86. Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-050, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-050, filed 11/9/82.]

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

[Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-060, filed 10/22/86. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-060, filed 11/9/82.]

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

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

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

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

(4) The minimum required records are as follows:

(a) Bank trust account records;

(b) Duplicate receipt book or receipt journal;

(c) Prenumbered checks;

(d) Check register or cash disbursement journal;

(e) Validated bank deposit slips;

(f) Reconciled bank monthly statement (client liability vs bank statement);

(g) All cancelled checks;

(h) All voided checks;

(i) Client's ledger card which indicates client's name, dates of transactions, amount received, amount disbursed, current balance, check number, receipt number, and item(s) covered;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) The above minimum records shall be maintained for a minimum period of three years.

[Statutory Authority: RCW 18.11.200. 92-13-045, § 308-11-100, filed 6/11/92, effective 7/12/92; 87-21-011 (Order PM 686), § 308-11-100, filed 10/9/87. Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-100, filed 1/11/85. Statutory Authority: RCW

42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-100, filed 11/9/82.]

WAC 308-11-120 Inspection and audit. The following shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department:

(1) All records required to be maintained by an auctioneer by chapter 18.11 RCW, or WAC 308-11-100;

(2) Other business or other types of records of the auctioneer or auction company which may be related to activity as an auctioneer or auction company or necessary to understand such records;

(3) Any auction mart or other premise used to conduct an auction;

(4) Any personal property which may be the subject of, or related to, an auction.

(5) Records not physically present upon the premises at the time the demand is made shall be procured and produced to the department within twenty-four hours, or within a time approved by the department;

(6) Records physically present upon the premises at the time demand is made shall be inspected or audited at any reasonable time which shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. 98-16-061, § 308-11-120, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-120, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-120, filed 11/9/82.]

WAC 308-11-130 Suit or complaint notification. Every licensee shall, within thirty days after service or knowledge of, notify the department of any suit or complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the subject matter involves any auction or business activity of the defendant; and in which the subject matter thereof, involves any auction or business activity of the defendants therein named. The department address is Business and Professions Division, Auctioneer Section, PO Box 9649, Olympia, Washington 98507-9649. Complaints against others may also be sent to the above address.

[Statutory Authority: RCW 18.11.060, 43.24.086 and 43.135.055. 98-16-061, § 308-11-130, filed 8/3/98, effective 9/3/98. Statutory Authority: RCW 18.11.200. 92-13-045, § 308-11-130, filed 6/11/92, effective 7/12/92.]

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.

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(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

308-12-010	State board of registration.
308-12-025	Application for examination.
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308-12-080	Approved schools of architecture.
308-12-081	The seal.
308-12-085	Corporations or joint stock associations.
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308-12-320	Renewal of licenses.
308-12-326	Architect fees.

RULES OF PROFESSIONAL PRACTICE

308-12-330	Rules of professional practice.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-12-015	Powers and duties of the board. [Rule 5, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-020	Qualifications for examination. [Rule 6, filed 10/26/62; amended by filing dated 11/19/64.] Repealed by Order PL-132, filed 9/25/72.
308-12-030	Examinations. [Statutory Authority: RCW 18.08.130. 79-01-058 (Order PL-294), § 308-12-030, filed 12/27/78; Order PL 205, § 308-12-030, filed 11/5/75; Order PL 178, § 308-12-030, filed 10/23/74; Order PL-132, § 308-12-030, filed 9/25/72; Rule 7, filed 10/26/62; amended by filing date 11/19/64.] Repealed by 83-04-071 (Order PL 422), filed 2/2/83. Statutory Authority: RCW 18.08.130.
308-12-060	Certificate, seals. [Rule 10, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-070	Withdrawal of registrant. [Rule 11, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-082	Corporate practice. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-082, filed 2/2/83.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
308-12-083	Identification of registrant. [Statutory Authority: RCW 18.08.420 and 18.08.310. 87-19-095 (Order PM 676), § 308-12-083, filed 9/17/87.] Repealed by 95-04-080, filed 1/31/95, effective 3/3/95. Statutory Authority: RCW 18.08.340.
308-12-090	Equivalents for education, training and experience. [Order PL 178, § 308-12-090, filed 10/23/74; Order PL-132, § 308-12-090, filed 9/25/72.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.
308-12-100	Transition to new examination. [Order PL 178, § 308-12-100, filed 10/23/74; Order PL-132, § 308-12-100,

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- 308-12-110 filed 9/25/72.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130. Architect listings. [Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-110, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-110, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-110, filed 2/2/83; Order PL 178, § 308-12-110, filed 10/23/74; Order PL-132, § 308-12-110, filed 9/25/72.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 308-12-120 Definition of principal. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-120, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-120, filed 12/27/78; Order PL 178, § 308-12-120, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 308-12-130 Definition of supervision. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-130, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-12-130, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 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).
- 308-12-300 Registration renewal fee. [Order PL 205, § 308-12-300, filed 11/5/75; Order PL 163, § 308-12-300, filed 3/18/74.] Repealed by 81-18-044 (Order PL 383), filed 8/28/81. Statutory Authority: RCW 43.24.085.
- 308-12-310 Fees. [Order PL 205, § 308-12-310, filed 11/5/75.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.
- 308-12-311 Fees. [Statutory Authority: RCW 43.24.085. 81-18-044 (Order PL 383), § 308-12-311, filed 8/28/81; 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.] Repealed by 83-05-006 (Order PL 425), filed 2/3/83. Statutory Authority: RCW 18.08.130.
- 308-12-312 Fees. [Statutory Authority: RCW 18.08.130. 83-05-006 (Order PL 425), § 308-12-312, filed 2/3/83.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-12-321 Competence. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-321, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-321, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-322 Conflict of interest. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-322, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-322, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-323 Full disclosure. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-323, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-323, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-324 Compliance with laws. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-324, filed 10/2/00, effective 11/2/00; 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.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-325 Professional conduct. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-325, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-325, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.

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

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

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

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

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

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

(6) Website. The board will post current applicant and licensee names in addition to other licensing information on the website.

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-010, filed 5/14/02, effective 6/14/02. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-010, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-010, filed 2/2/83; Order PL-132, § 308-12-010, filed 9/25/72; filed 4/28/67; Rule 1, filed 11/19/64; Rules 2, 4, filed 10/26/62; Rule 1, filed 10/26/62.]

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

The application 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) The board has adopted the National Council of Architectural Registration Boards (NCARB) intern development training program (IDP training requirement) as the board approved structured intern training program. Completion of the training requirements of the intern development program must be validated by the NCARB in a council training record sent to the board office. Completion of the training requirements of the IDP is the equivalent of three years of practical work experience.

(3) 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.

[Statutory Authority: RCW 18.08.340. 98-20-061, § 308-12-025, filed 10/2/98, effective 11/2/98. 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 will publish an information guide concerning examination content, locations, schedules, and fees.

(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 must 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. However, candidates without a National Architectural Accrediting Board degree who have completed the IDP training requirements must have an oral examination. 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 will 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 must 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 18.08.340. 02-11-082, § 308-12-031, filed 5/14/02, effective 6/14/02. 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.]

(2003 Ed.)

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. Reciprocity candidates who cannot meet the IDP training requirement must have a minimum of two years of experience as a licensed architect.

(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. 02-11-082, § 308-12-050, filed 5/14/02, effective 6/14/02; 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.]

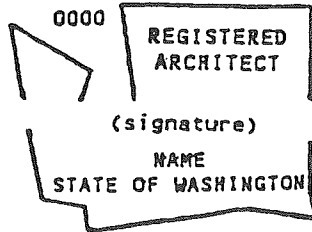
WAC 308-12-080 Approved schools of architecture. The board adopts the current *List of Accredited Schools of Architecture* as published by the National Architectural Accrediting Board.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-080, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order

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PL 422), § 308-12-080, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-080, filed 12/27/78; Order PL 178, § 308-12-080, filed 10/23/74; Order PL-132, § 308-12-080, filed 9/25/72.]

WAC 308-12-081 The seal. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered architect, state of Washington." The seal with the registrant's countersignature must appear on all documents filed for permits for construction with public authorities. A facsimile of the seal appears herewith.



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

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-081, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-081, filed 2/5/86. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-081, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-081, filed 2/2/83.]

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

(2) In addition to the application for certificate of authorization, the corporation or joint stock association will file with the board the documentation and information specified in RCW 18.08.420.

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

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-085, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.420. 87-19-095 (Order PM 676), § 308-12-085, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-085, filed 10/17/85.]

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

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

(3) Intern development program (IDP)—A structured internship training program designed to provide a profession-wide, comprehensive program that contributes to the development of competent architects. IDP consists of training requirements that must be satisfied in order to complete the program. The National Council of Architectural Registration Boards (NCARB) maintains and validates the continuing, comprehensive record of internship training.

(4) Supervision—The word "supervision" in RCW 18.08.320 means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described, and:

(a) Who is a shareholder, if the practice is through a professional service corporation; or

(b) A partner if the practice is through a partnership; or

(c) The proprietor if the practice is through a proprietorship; or

(d) The designated architect of a stock corporation.

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

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

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

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

(8) Review—A continuous process of examination, evaluation, and direction throughout the development of the documents, which includes the ability to control the final product.

(9) Construction-related experience—Work on a construction site in any of the construction-related trades, including, but not limited to, carpentry, laboring, electrical, plumbing, sheet metal and roofing. Work in the construction office, including, but not limited to, estimating or construction administration.

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-115, filed 5/14/02, effective 6/14/02; 98-20-061, § 308-12-115, filed 10/2/98, effective

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11/2/98; 91-12-061, § 308-12-115, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 18.08.320. 87-19-095 (Order PM 676), § 308-12-115, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-115, filed 10/17/85.]

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

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

(3) In order to receive credit from the board for full-time or part-time construction-related experience, the applicant must be employed for at least thirty-five hours per week of full-time work or twenty hours per week of part-time work, in periods of one or more months. Applicants will be granted work experience credit at half the rate, for a maximum of twelve months (e.g., an applicant with twenty-four months of construction-related experience will be granted a maximum of twelve months).

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

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

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-150, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.350. 87-19-095 (Order PM 676), § 308-12-150, filed 9/17/87. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-150, filed 2/5/86.]

WAC 308-12-210 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 non-

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payment or default on a federally or state-guaranteed student loan or service conditional scholarship.

(2) Brief adjudicative proceedings under subsection (1) will 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. 02-11-082, § 308-12-210, filed 5/14/02, effective 6/14/02; 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 must 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 must 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

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in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-220, filed 5/14/02, effective 6/14/02; 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 must 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, at 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 will 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 will enter an initial written order.

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-230, filed 5/14/02, effective 6/14/02; 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, the 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. 02-11-082, § 308-12-240, filed 5/14/02, effective 6/14/02; 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 will 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 two years.

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(3) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year.

(4) A registrant who fails to pay a renewal fee for a period of five years or more may be reinstated upon payment of all delinquent renewal fees and a penalty fee. Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year. In addition to the payment of delinquent fees and a penalty fee the registrant shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was allowed to expire.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

(5) Registrants who withdraw from the practice of architecture, and exceed five years in an inactive status, shall request reinstatement in writing to the board and shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was in an inactive status for more than five years.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-320, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-320, filed 4/2/99, effective 5/3/99. 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 308-12-326 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	390.00
Initial registration	99.00
Oral examination	50.00
Registration renewal (2 years)	99.00
Late renewal	33.00
Certificate replacement	15.00

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Title of Fee	Fee
Duplicate license	15.00
Certification	27.00
Corporations:	
Certificate of authorization	278.00
Certificate of authorization renewal	139.00

[Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-326, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 43.24.086. 98-12-064, § 308-12-326, filed 6/1/98, effective 7/2/98. 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.]

RULES OF PROFESSIONAL PRACTICE

WAC 308-12-330 Rules of professional practice. (1)

Competence.

(a) When practicing architecture, an architect must act with reasonable care and competence, and must apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

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

(c) An architect must perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

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

(2) Conflict of interest.

(a) An architect must not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) The architect must fully disclose in writing to the client or employer the nature of any business association or direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the performance of professional services. If the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

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

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

(3) Full disclosure.

(a) An architect must disclose any compensation received for making public statements on architectural questions.

(b) An architect must accurately represent qualifications and scope of responsibility to prospective or existing clients or employers for work for which the architect is claiming credit.

(c) In the course of work on a project, if an architect becomes aware of a decision made by the employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect must:

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

(ii) Refuse to consent to the decision, and

(iii) Terminate services on the project when the architect reasonably believes that decisions will be made against the architect's objection.

In the case of a termination in accordance with (c)(iii) of this subsection, the architect shall have no liability to the client or employer because of such termination.

(iv) An architect must not deliberately make a materially false statement or deliberately fail to disclose a material fact in connection with the application for registration or renewal.

(v) An architect must not assist a person in applying for registration when the architect knows the applicant is unqualified in education, training, experience, or character.

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

(4) Compliance with laws.

(a) An architect must not, in the conduct of architectural practice, knowingly violate any state or federal criminal law.

(b) An architect must not offer or 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.

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

(5) Professional conduct.

(a) An office maintained for the purpose of providing architectural services must have an architect resident regularly employed in that office with direct knowledge and supervisory control of such work.

(b) An architect must not offer or provide any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

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

[Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-330, filed 5/14/02, effective 6/14/02.]

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-13-150.

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-13-022	Reexamination. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-022, filed 1/31/85.] Repealed by 93-16-009, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060.
308-13-025	Proctoring. [Statutory Authority: RCW 18.96.060 and 18.96.070. 88-15-041 (Order PM 746), § 308-13-025, filed 7/15/88. Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-025, filed 1/31/85.] Repealed by 93-16-009, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060.
308-13-030	Examinations. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-030, filed 5/7/80; Order PL 246, § 308-13-030, filed 4/26/76; Order 2472, § 308-13-030, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-035	Qualifications for reexamination. [Order PL-135, § 308-13-035, filed 11/13/72; Order 2472, § 308-13-035, filed 12/16/69.] Repealed by 85-23-045 (Order PL 567), filed 11/18/85. Statutory Authority: RCW 18.96.060.
308-13-041	Appeal of examination score. [Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-041, filed 7/25/86.] Repealed by 92-10-030, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060.
308-13-042	Board procedure on examination grading appeals. [Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-042, filed 7/25/86.] Repealed by 92-10-030, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060.
308-13-060	Registration of exemption. [Order 2472, § 308-13-060, filed 12/16/69.] Repealed by Order PL-135, filed 11/13/72.
308-13-070	Applicant's qualifications. [Order 2472, § 308-13-070, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-080	Certificates, seals. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-080, filed 5/7/80; Order 2472, § 308-13-080, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-090	Withdrawal of registrant. [Order 2472, § 308-13-090, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-110	Landscape architect listings. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-110, filed 1/31/85; Order PL 169, § 308-13-110, filed 6/19/74; Order PL-135, § 308-13-110, filed 11/13/72.] Repealed by 96-10-013, filed 4/19/96, effective 5/20/96.
308-13-120	Landscape architects—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-13-120, filed 9/25/80; Order PL 206, § 308-13-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed

WAC 308-13-005 Definitions. (1) "Registered college" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

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

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

(4) "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

(5) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(6) "Academic requirement" means graduation from a college or school approved by the board as offering a curriculum in landscape architecture.

[Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-005, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-005, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-005, filed 1/31/85.]

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

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

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

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

(1) Determine the qualifications for examination.

(2) Accept the programs recognized by the Landscape Architectural Accreditation Board, periodically published by the American Society of Landscape Architects (ASLA), as those academic programs qualifying for education experience credit as described in RCW 18.96.070.

(3) Administer the written examination when it is available in its entire content to all eligible applicants for registration under the provisions of this chapter and chapter 18.96 RCW.

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

(5) Provide application instructions for reissuance of license to persons whose license has been suspended or revoked in accordance with RCW 18.96.140.

(6) Provide reinstatement instructions to persons whose license is delinquent in accordance with RCW 18.96.110.

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

[Statutory Authority: RCW 18.96.060, 96-10-013, § 308-13-015, filed 4/19/96, effective 5/20/96; 86-16-013 (Order PM 607), § 308-13-015, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-015, filed 1/31/85; Order 2472, § 308-13-015, filed 12/16/69.]

WAC 308-13-020 Qualifications and application for licensure. Applicants for licensure shall provide documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board.

(1) **ACADEMIC TRAINING**

(a) With a passing grade, 32 semester credit hours or 45 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

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

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

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

(2) **PRACTICAL TRAINING**

(a) Practical training experience, work in landscape architecture and related work experience, will be measured in months.

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

(c) Full-time practical work experience must be at least thirty-five hours per week for a minimum of ten consecutive weeks; and part-time practical work experience must be at least twenty hours per week for six or more consecutive months.

[Statutory Authority: RCW 18.96.060, 02-07-047, § 308-13-020, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-020, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060 and 18.96.070, 88-05-025 (Order PM 707), § 308-13-020, filed 2/12/88. Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-020, filed 1/31/85; Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

WAC 308-13-024 Application for examination. (1)

Once an applicant has completed the academic requirement, the applicant may apply to take the examination. The application to sit for the examination must be on a form prescribed by the board and must include, at a minimum:

(a) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;

(b) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;

(c) A summary of the applicant's work experience; and

(d) Required fees.

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Applications for admission to an examination, if scheduled, must be submitted or postmarked not later than the following dates. If the cut-off date falls on a Saturday or Sunday, the postmark deadline will be the following Monday.

Examination Months	Cut-off Dates
June	April 1
December	October 1

(2) Examinees may retake any sections offered that have not been passed. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-13 WAC, landscape architect fees. For reexamination applicants, examination fees are listed by separate section.

(3) Examination admission letters will be mailed to eligible applicants approximately six weeks prior to the examination along with detailed information as to times, place, and scheduled examination sections.

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

(5) Following successful completion of the registration examination, candidates will satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

[Statutory Authority: RCW 18.96.060, 02-07-047, § 308-13-024, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-024, filed 4/19/96, effective 5/20/96; 93-16-009, § 308-13-024, filed 7/22/93, effective 8/22/93.]

WAC 308-13-032 Licensing examination. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090, the board adopts the landscape architectural registration examination and grading procedure prepared by the council of landscape architectural registration boards (CLARB) as the state examination for registration.

The examination is administered according to the published national schedule.

To pass the examination, an applicant must achieve a passing score of seventy-five percent on each of the sections of the examination. Applicants are notified of their grades by mail. No grades are given by telephone. Reexamination information shall be provided to candidates along with scores if the candidate has not passed all sections.

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

[Statutory Authority: RCW 18.96.060, 93-16-009, § 308-13-032, filed 7/22/93, effective 8/22/93; 92-10-030, § 308-13-032, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060 and 18.96.090, 88-12-018 (Order PM 726), § 308-13-032, filed 5/24/88. Statutory Authority: RCW

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18.96.060. 85-23-045 (Order PL 567), § 308-13-032, filed 11/18/85; 85-04-029 (Order PL 511), § 308-13-032, filed 1/31/85.]

WAC 308-13-036 Supplemental application after successful completion of examination. If the applicant chooses to take the examination after completion of the academic requirement, but before completion of the practical training requirement, then the applicant must file a supplemental application after the applicant completes the seven-year combined academic and practical training requirements. The supplemental application must be on a form prescribed by the board and must include documentation to establish that the applicant successfully completed all portions of the examination and that the applicant has satisfied the seven-year academic and practical training requirements as set forth in WAC 308-13-020.

[Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-036, filed 3/14/02, effective 4/14/02.]

WAC 308-13-040 Review of examinations. Candidates who fail to pass design problems of the landscape architect registration examination may review the failed portions of the examination. Sections of the examination which have been passed and objective portions of the examination may not be reviewed by the candidate. (No examinations may be taken from the offices of the board.)

[Statutory Authority: RCW 18.96.060. 92-10-030, § 308-13-040, filed 4/30/92, effective 5/31/92; 86-16-013 (Order PM 607), § 308-13-040, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-040, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.]

WAC 308-13-045 Initial license. The applicant will be notified by mail upon meeting all the requirements for initial licensure. The applicant must submit the current license fee. The license will expire on the applicant's birthdate, and will be issued for two years.

[Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-045, filed 11/9/99, effective 11/9/99. 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 308-13-050 Registration by reciprocity. (1) Any landscape architect who is currently registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state, and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity application fee. Applicants shall satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board. The application shall show evidence satisfactory to the board of:

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

(b) Having satisfactorily completed the national examination required of applicants for registration in Washington;

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

(i) Education: Transcript of college grades indicating degrees earned. Transcripts are not required if work experience is at least seven years.

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

(iii) Certification: State of registration where applicant passed the national examination, listing subjects taken and scores received.

(2) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has passed the national examination and such certification is current and valid at the time of approval by the board.

[Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-050, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-050, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-050, filed 1/31/85; Order PL 206, § 308-13-050, filed 11/5/75; Order PL 169, § 308-13-050, filed 6/19/74; Order PL-135, § 308-13-050, filed 11/13/72; Order 2472, § 308-13-050, filed 12/16/69.]

WAC 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses. (1)(a) Reinstatement of a license, delinquent less than five years, requires a letter to the board administrator requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee.

(b) Reinstatement of a license, delinquent five or more years, requires a letter of application to the board requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee, a resume of landscape architectural activities and projects since the date of expiration, a detailed explanation of the circumstances surrounding the failure to maintain current licensure and a satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board. Additional requirements may be established by the board.

(2) Requests for reinstatement of a suspended or revoked license shall be submitted in a letter of application to the board and shall include a resume of professional activities and projects since suspension or revocation, a satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board and such other documents and materials as directed by the board.

[Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-100, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-100, filed 7/22/93, effective 8/22/93; 85-04-029 (Order PL 511), § 308-13-100, filed 1/31/85; Order 2472, § 308-13-100, filed 12/16/69.]

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates:

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00

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Title of Fee	Fee
Reciprocity application fee	200.00
Certification	45.00
Replacement wall certificate	20.00

Those charges collected from candidates for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	\$720.00
Examination sections:	
Section A: Legal and administrative aspects of practice	60.00
Section B: Analytical aspects of practice	100.00
Section C: Planning and site design	200.00
Section D: Structural considerations and materials and methods of construction	160.00
Section E: Grading, drainage and stormwater management	200.00

[Statutory Authority: RCW 18.96.080 and 43.24.086. 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02. Statutory Authority: RCW 18.96.060 and 43.24.086. 01-15-034, § 308-13-150, filed 7/12/01, effective 8/12/01; 01-04-002, § 308-13-150, filed 1/25/01, effective 2/25/01; 99-23-025, § 308-13-150, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 18.96.080 and 43.24.086. 96-11-132, § 308-13-150, filed 5/22/96, effective 6/22/96; 95-20-026, § 308-13-150, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 43.24.086. 94-23-031, § 308-13-150, filed 11/8/94, effective 12/9/94. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-150, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 43.24.086 and 18.96.080. 91-23-021, § 308-13-150, filed 11/8/91, effective 12/9/91; 90-15-039, § 308-13-150, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 43.24.086. 90-03-031, § 308-13-150, filed 1/12/90, effective 2/12/90; 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

WAC 308-13-160 Renewal of license. (1) A courtesy renewal notice is mailed to the address on file, approximately eight weeks prior to the 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. The board of registration for landscape architects must be notified in writing of any address changes.

(2) The renewed landscape architect license is issued for a two-year period that expires on the licensee's birthdate.

[Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-160, filed 11/9/99, effective 11/9/99. 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

308-14-085	Examination.
308-14-090	Application.
308-14-100	License renewal—Penalties.
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308-14-135	Transcript preparation format.
308-14-200	Court reporter fees.
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308-14-220	Preliminary record in brief adjudicative proceedings.
308-14-230	Conduct of brief adjudicative proceedings.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-14-080	Certification requirements—Permanent and temporary certificates. [Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086, 90-10-009, § 308-14-080, filed 4/20/90, effective 5/21/90.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-14-110	Persons practicing as of the effective date of this chapter. [Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086, 90-10-009, § 308-14-110, filed 4/20/90, effective 5/21/90.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.

WAC 308-14-085 Examination. (1) The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be an examination developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

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

(a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

(d) Be offered at least twice a year;

(e) The pass/fail scores of the state certification applicants are provided to the department within four weeks of the date of the examination to include a complete list of all the applicants;

(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;

(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and

(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

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

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certifi-

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cation without additional examination if certified documentation of the passed examination is provided.

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

[Statutory Authority: RCW 18.145.050 and 43.24.020. 91-20-002 and 91-20-044, § 308-14-085, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: RCW 18.145.050. 90-20-008, § 308-14-085, filed 9/20/90, effective 10/21/90.]

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

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

(h) Professional licensure/certification, including any action taken against the license or certificate

(i) Personal affidavit

(j) Copies of school transcripts and/or graduation certificate (if required).

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

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

WAC 308-14-100 License renewal—Penalties. (1) Certification must be renewed on or before the expiration date shown on the certificate. The expiration date is the certificate holder's birthdate. Failure to renew the certificate by the expiration date will result in a penalty fee in an amount determined by the director. Certification may be reinstated for up to three years by payment of all renewal fees and a penalty fee for the period for which the certification had lapsed.

(2) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a "shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter" until the certificate has been reinstated.

(3) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state-approved examination. Upon passage of the exam a certificate will be issued.

[Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. 90-10-009, § 308-14-100, filed 4/20/90, effective 5/21/90.]

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WAC 308-14-120 Examination appeal procedures.

(1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

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

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

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged portions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one hour to review the examination.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

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

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

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WAC 308-14-130 Standards of professional practice.

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

- (1) Include on all transcripts, business cards, and advertisements their CSR reference number.
- (2) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.
- (3) Preserve and file their shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years. Untranscribed notes shall be retained for no less than ten years or as required by statute, whichever is longer.
- (4) Meet promised delivery dates.
- (5) Prepare accurate transcripts.
- (6) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.
- (7) Be truthful and accurate in advertising qualifications and/or services provided.
- (8) Preserve confidentiality of information in their possession and take all steps necessary to insure its security and privacy.
- (9) Notify all involved parties when transcripts are ordered.
- (10) Notify all involved parties, when a transcript is ordered by a person not involved in the case, before a copy of the transcript is furnished. If any party objects, the transcript is not provided without a court order.
- (11) Supply certified copies of transcripts to any involved party, upon appropriate request.

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

WAC 308-14-135 Transcript preparation format.

The following transcript format will be followed by all certified shorthand reporters (CSR's), except where format are recommended or established by court or agency.

- (1) No fewer than twenty-five typed lines on a standard 8 1/2 x 11 inch paper.
- (2) No fewer than ten characters to the typed inch.
- (3) No fewer than sixty characters per standard line.

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

WAC 308-14-200 Court reporter fees. The following fees shall be charged by the business and professions division, department of licensing:

Title of Fee	Fee
Certification	
Application	\$130.00
Renewal	104.00
Late renewal penalty	104.00
Verification	25.00
Duplicate	15.00

[Statutory Authority: RCW 18.145.050, 43.24.086 and 43.135.055. 98-16-060, § 308-14-200, filed 8/3/98, effective 9/3/98. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. 90-10-009, § 308-14-200, filed 4/20/90, effective 5/21/90.]

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 feder-

ally 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 308-15 WAC GEOLOGIST LICENSING SERVICES

WAC	
308-15-010	State board of licensing.
308-15-020	Definitions.
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WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, here-
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after called the board, will hold its regular public meeting annually in March. Special public meetings may be held at such times and places as the board may find necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

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

(3) **Officers:** The board will elect a chair, a vice-chair and a secretary. Beginning with the March 2002 meeting, the board will elect officers for the ensuing year at its regular annual meeting.

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

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-010, filed 5/25/01, effective 6/25/01.]

WAC 308-15-020 Definitions. (1) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

(2) **"Professional specialty practice of a character satisfactory to the board"** means that the applicant has qualifying work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, and required knowledge, skills and abilities for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-090.

(3) **"Year of professional practice"** means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

(4) **"Year of professional specialty practice"** means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (3) of this section.

(5) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by

which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(6) "**Geologic mapping**" is the process by which geologic observations, data and interpretations are gathered, located and portrayed, such as in plan view and on cross-sections. Information and data are gathered in a format on geologic maps and cross-sections, at a level of detail and at a frequency of data points appropriate for the application and the scale of the portrayal.

(7) "**Grandparenting**" means the issuance of a license as a geologist, engineering geologist, or hydrogeologist within one year after July 1, 2001, or for licensing in a new specialty within one year of recognition of the specialty by the board, without further written examination, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

(8) "**Reciprocity**" means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-020, filed 5/25/01, effective 6/25/01.]

WAC 308-15-030 How do I apply for a geologist license? (1) Contact the board to obtain the application forms and instructions.

(2) Review the available options for licensure:

- (a) Examination in WAC 308-15-050;
- (b) Reciprocity in WAC 308-15-060; and
- (c) Grandparenting in WAC 308-15-020(7).

If you are applying for licensure by examination, your application must be received by the date specified in the application instructions.

(3) Solicit references and transcripts in the format and on the forms as specified in the application instructions.

(4) Send your application forms to the address noted on the form, along with applicable fees, references and transcripts.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-030, filed 5/25/01, effective 6/25/01.]

WAC 308-15-040 What are the minimum requirements to be eligible for a geologist or specialty license? You are eligible for licensure as a professional geologist or specialist if you meet the following minimum requirements:

(1) You are of good moral character, as attested to by two references.

(2) You have graduated from an accredited college or university with a degree in geology, engineering geology, hydrogeology or one of the related geological sciences, or educational equivalents, and completed a minimum of 30 semester/45 quarter hours or their equivalent of course work in geological science. This includes classes in physical geol-

[Title 308 WAC—p. 94]

ogy, historical geology, structural geology, mineralogy/petrology and sedimentary geology/stratigraphy. If you do not meet these requirements, you must demonstrate to the board that you have completed educational equivalents. You must document your college or university educational experience by submitting official sealed transcripts to the board.

(3) You have at least five years of professional geological or specialty practice or, if applying for a specialty, five years of specialty practice satisfactory to the board, after receipt of a bachelor's degree. The following education and experience criteria qualify toward accumulation of the required years of professional work:

(a) You will receive up to two years' credit, one year for each year of full time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences, as documented in the transcripts provided;

(b) You must have at least three years of geological experience under the supervision of state-licensed geologists or specialty geologists or others who, in the opinion of the board, are qualified to have responsible charge as provided by the information supplied on forms provided by the board.

(i) Your geological experience may include geological research or teaching at the university or college level which, in the judgment of the board, is comparable to experience obtained in the practice of geology or a specialty.

(ii) If requested by the board, you may be required to submit one or more reports which were prepared by you or where you contributed to their preparation.

(c) If you are applying under the grandparenting provisions in this chapter, you may comply with this requirement by providing documentation of geological experience where you were the person in responsible charge and meet the requirements in (b) of this subsection.

(4) You must have passed a geologist examination and, if applying for a specialty, a specialty examination, unless you are eligible for licensure by grandparenting. All examinations must be adopted by or acceptable to the board.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-040, filed 5/25/01, effective 6/25/01.]

WAC 308-15-050 What is the examination process to be licensed as a geologist? (1) Beginning July 1, 2002, you will be required to take and pass an examination to become a licensed geologist in the state of Washington.

(2) The board has adopted the national Association of State Boards of Geology (ASBOG) standardized examination. You will be notified of the date and time of the examination when you receive your application packet.

(a) **Nature of the examination:** Information on the examination is available on the ASBOG website. The examination currently consists of two parts: Fundamentals of Geology (FG) and Practice of Geology (PG). Each part of the examination is four hours long.

(b) **Testing location and date:** The location and testing date will be posted on the department of licensing's geologist website. The examination is administered every March and September.

(c) **Applying for the examination:** To apply for the examination, you must submit the following to the board:

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- (i) Completed state geologist licensing application form;
- (ii) Professional and personal references required to document five years of professional experience; and
- (iii) Official sealed transcripts.

(3) **Fees:** You must send in your examination and application fees with your application. The application must be received by the date specified in the application instructions. If you do not meet the requirements for licensing, only your examination fees will be refunded. Fees are listed in WAC 308-15-150.

(4) **Special accommodations:** If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You should request special accommodations at least ninety days prior to the examination date.

(5) **Notification of scoring:** The board will notify you by mail of your examination score within ninety days of taking the examination.

(6) **Failing the examination:** If you fail the examination, for a fee you can request:

- (a) A report showing the failed subject areas; or
- (b) To review the examination, question by question, at a location specified by the board. You will be allowed to see the test and review those questions you failed and those you answered correctly. An answer key is not provided and you are not allowed to keep or copy the examination.

(7) **Retake of examination:** You must submit a request on a form provided by the board and the required fees to retake either part of the examination.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-050, filed 5/25/01, effective 6/25/01.]

WAC 308-15-060 How do I obtain a geologist or specialty license by reciprocity. To obtain a license as a geologist or specialty geologist without further examination, you must meet all of the following criteria:

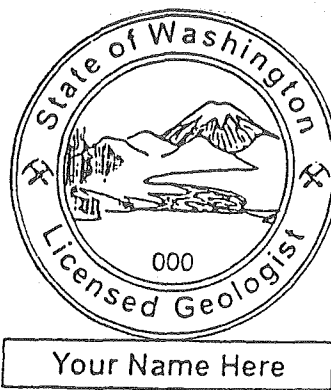
- (1) Your education and experience qualifications must meet the requirements of WAC 308-15-040 and, if applying for specialty geologist license, WAC 308-15-090;
- (2) You currently must hold a valid geologist or specialty geologist license, registration, or certification issued by a state or jurisdiction approved by the board; and
- (3) You must have passed the geologist examination adopted by or acceptable to the board. If you are applying for a specialty geologist license, you must also have passed a specialty geologist examination adopted by or acceptable to the board.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-060, filed 5/25/01, effective 6/25/01.]

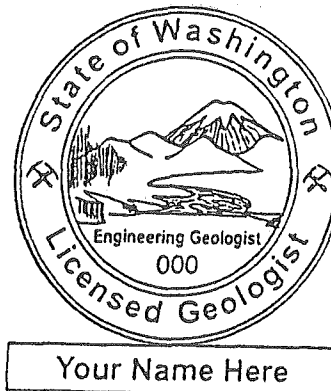
WAC 308-15-070 Do I need a stamp? Upon licensure, you must obtain a stamp bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the stamp. Facsimiles of the stamps of the designs authorized by the director are shown below.

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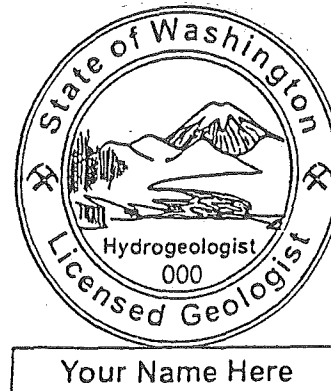
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-070, filed 5/25/01, effective 6/25/01.]

WAC 308-15-075 When do I need to use my stamp?

(1) You must stamp, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped, signed and dated. Unbound final figures, maps, and plates must be individually stamped, signed and dated.

(b) Preliminary or draft geology or specialty geology work does not have to be stamped, but the documents and all

associated figures, maps, and plates must be clearly marked as preliminary or draft.

(2) You must stamp, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Preliminary or draft geology or specialty geology design and specification drawings do not have to be stamped, but each design and specification must be clearly marked as preliminary or draft.

(3) If you stamp, sign and date work that you have only reviewed, you are responsible to the same extent as if you prepared the report, design or specification.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-075, filed 5/25/01, effective 6/25/01.]

WAC 308-15-080 What do I need to know about renewing or reinstating my license? (1) **Term of license:** Your license will be issued for a period of one year.

(2) **Address changes:** Your renewal notice will be sent to the address of record. You must notify the geologist licensing board in writing within thirty days of any address changes.

(3) **Renewal date:** Your license renewal date will be your birth date.

(a) If your license is issued during the first year of the program (July 1, 2001, through June 30, 2002), your renewal date will be the first birth date to occur after July 1, 2002. However, if your next birth date is within three months of the initial date of issuance of the license, your original license will expire on the second birthday following issuance of your original license.

(b) If your license is issued after June 30, 2002, your renewal after the first year of the program will be for a one-year period, due on your birth date. However, if your next birth date is within three months of the initial date of issuance of your license, your license will expire on the second birthday following issuance of your original license.

(4) **Renewal fee and late fee:** You must pay the prescribed renewal fee to the department of licensing on or before the expiration date. If you fail to pay your license renewal fee within ninety days following the expiration date, you must pay the renewal fee plus a late fee equal to one additional year's renewal fee.

(5) **Reinstatement:** In addition to the fees outlined in subsection (4) of this section, if you fail to pay a renewal fee for a period of five years or more, you may be reinstated upon payment of all delinquent renewal fees, the current year's renewal fee, and a late fee equal to an additional year's renewal fee. In addition to the payment of delinquent fees and a reinstatement fee, you must submit the following:

(a) A summary of the current law and rules governing geologists;

(b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that your skills have been maintained; and

(c) A detailed explanation of the circumstances surrounding the reason you allowed your license to expire.

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[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-080, filed 5/25/01, effective 6/25/01.]

WAC 308-15-090 What are the speciality licenses, qualifications and processes for licensure? (1) The types of speciality licenses are engineering geologist and hydrogeologist. In addition to being a licensed geologist, if your practice is predominantly specialty geologic work as outlined in (a)(i) and (ii) or (b)(i) and (ii) of this subsection, you must have a license to practice the speciality.

(a) **Engineering geologist.**

(i) **Elements of the engineering geologist speciality:** In addition to tasks commonly performed by licensed geologists, the practice of engineering geology includes the designation and classification of geotechnical soil and rock units using engineering soil and rock classification systems. The relationship between the strength characteristics of soil and rock, the effects of ground and surface water and current and past surficial geologic processes, including slope, fluvial and coastal processes, as well as deep-seated geologic processes such as volcanic activity and seismicity, on landform development are interpreted. Geotechnical zones or domains are designated for each site or area based on soil and rock strength characteristics, common landforms, related geologic processes or other pertinent factors. Proposed developmental modifications such as removing vegetation, using various types of earth materials in construction, applying loads to foundations, constructing cut or fill slopes, and modifying ground or surface water characteristics, are then evaluated and, where appropriate, analyzed to predict likely changes in types and rates of surficial geologic processes. Surficial and deep-seated geologic processes are likewise evaluated and analyzed to predict their effect on proposed development or use.

(ii) **Typical engineering geologic applications and types of projects:** Engineering geology is applied during all project phases, from project conception through planning, design, construction and, where warranted, closure. Planning-level engineering geology work is commonly conducted in response to forest practice regulations, critical areas ordinances for various jurisdictions, and the State Environmental Policy Act. Typical planning-level engineering geology applications include: Timber harvest planning, proposed siting of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails and utilities. Site-specific civil engineering projects where engineering geologic services are commonly applied include: Road, trail and railroad cuts, fills, and tunnels; foundations for bridges and other drainage structures; retaining walls, dams, buildings, water towers, power transmission line towers, slope, channel and shoreline stabilization facilities, fish ladders, ski lifts and other structures; landings for logging; airport landing strips, rock bolt systems and blasting plans.

(iii) **Knowledge, skills and abilities required for licensure as an engineering geologist:** In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as an engineering geologist:

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(A) Knowledge of the geology of the state of Washington; (B) Skill and ability in use of geotechnical field classification systems for soil and rock;

(C) Ability to recognize landforms resulting from surficial and deep-seated geologic processes;

(D) Knowledge of and ability to evaluate and analyze soil and rock mechanical relationships related to geologic materials and surficial geologic processes;

(E) Knowledge of the appropriate application of geotechnical laboratory testing methods;

(F) Ability to interpret and portray engineering geologic information and data three-dimensionally, at a scale appropriate for site-specific application; and

(G) Knowledge and understanding of the principles of grading codes, as well as critical areas, shoreline and other pertinent regulations.

(b) Hydrogeologist.

(i) Elements of the hydrogeologist specialty. In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(ii) Typical hydrogeologic applications and types of projects. Typical applications include regional or basin ground water resource quantity and quality characterization and development; protection of ground water resources; waste site subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by proposed activities on the quantity and quality of ground water and potential mitigations.

(iii) Knowledge, skills and abilities required for licensure as a hydrogeologist: In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as a hydrogeologist:

(A) Knowledge of the hydrogeology of the state of Washington;

(B) Knowledge of and skill in applying the principles of vadose and saturated zone hydraulics, and ground water quantity and quality;

(C) Knowledge of federal, state, county and local regulations applicable to ground water resources;

(D) Ability to apply elementary soil and rock mechanics in relation to ground water, including the description of soil and rock samples; and

(E) Ability to prepare and interpret logs as they relate to subsurface fluid movement, interaction with geologic materials, and transport of energy and chemical constituents.

(2) Process required for licensure in a specialty.

(a) Documentation of specialty experience: To obtain a specialty license, you must provide a documented record of five years of experience in the applicable geologic specialty, per WAC 308-15-040.

(b) Documentation of specialty education and training: In addition to the educational requirements outlined for geologists under WAC 308-15-040, you must complete advanced study, seminars or on-the-job training pertinent to the specialty and acceptable to the board. Examples of academic training pertinent to engineering geology include classes in engineering geology, environmental geology, rock and soil mechanics, geomorphology, volcanology and seismicity. Examples of seminars pertinent to engineering geology include slope stability, rock slope engineering, tunneling, blast design, shoreline processes and engineering geologic field methods short courses. Examples of academic training pertinent to hydrogeology include classes in hydrogeology, geomorphology, hydraulics and advanced geochemistry. Examples of seminars pertinent to hydrogeology include classes taught by experts in the discipline, classes offered in hydrogeologic computer modeling, and various seminars and symposia on ground water, geochemical forensics and ground water law and regulations.

(c) Examination requirements for specialty licensure: During the period July 1, 2001, to June 30, 2002, a license in a specialty can be obtained by "grandparenting" as outlined in WAC 308-15-040. Following the period ending June 30, 2002, a license in a specialty can be obtained through reciprocity, as outlined in WAC 308-15-040. For those who are not eligible for grandparenting, a specialty examination is required in addition to the examination described for geologist licensure in WAC 308-15-040. An examination will be required for each specialty license and will be administered as needed.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-090, filed 5/25/01, effective 6/25/01.]

WAC 308-15-100 What is a brief adjudicative proceeding (BAP)? The board adopts RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act to administer brief adjudicative proceedings (BAP). These proceedings are conducted at the request of an applicant for reasons set out in subsection 308-15-101 or at the discretion of the board chair per RCW 34.05.482.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-100, filed 5/25/01, effective 6/25/01.]

WAC 308-15-101 When can a brief adjudicative proceeding (BAP) be requested? Requests for a BAP will be conducted where the matter is limited solely to one or more of the following issues:

(1) To determine whether an applicant for licensing meets the minimum criteria for licensing to practice as a geologist in this state and the board proposes to deny the application;

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

(3) To determine whether an applicant for or in the examination process will be denied to sit for future examinations; and

(4) To determine whether a license holder requesting renewal or reinstatement has submitted all required informa-

tion and meets minimum criteria for renewal or reinstatement.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-101, filed 5/25/01, effective 6/25/01.]

WAC 308-15-102 What records are required for a brief adjudicative proceeding (BAP)? (1) Original or renewal license: The preliminary record for an application for an original or renewal license will include:

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

(b) All documents relied on 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) Final order or agreement: The preliminary record to determine compliance with a previously issued final order or agreement will include:

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

(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; and

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

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

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-102, filed 5/25/01, effective 6/25/01.]

WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted? (1) A presiding officer, designated by the director, conducts brief adjudicative proceedings. The presiding officer will have agency expertise in the subject matter but will 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 will designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, at 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 may employ agency expertise as a basis for a decision.

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

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-103, filed 5/25/01, effective 6/25/01.]

WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?

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(a) A geologist must undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.

(b) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist must express only those opinions founded upon adequate professional knowledge of the matters at issue.

(c) A geologist must sign and stamp only professional work, including, but not limited to, maps and reports for which the geologist has direct professional knowledge, and for which the geologist is in responsible charge.

(d) A geologist must not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist must give due credit to the other geologists by citation or acknowledgment.

(e) A geologist must not knowingly make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(f) A geologist must make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

(g) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related administrative rules, the geologist must present such information in writing to the Washington geologist licensing board.

(h) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is a clear and present threat to the public health or welfare or property, the geologist must immediately notify the client/employer of the possible consequences.

(i) A geologist must issue no statements, criticisms, or arguments on geological matters which are inspired or paid for by interested parties, unless the geologist indicates on whose behalf the statements are made.

(j) A geologist must continue the geologist's professional development throughout the geologist's career, and must provide opportunities for the professional development of those individuals under the geologist's supervision.

(2) What are the specific responsibilities of a geologist to an employer or client?

(a) A geologist must avoid conflicts of interest with a client/employer and must disclose the circumstances to the client/employer if a conflict is unavoidable.

(b) A geologist must not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in subsection (1)(h) of this section. In the case of former client/employers, a geologist must honor agreements with former client/employers with regard to proprietary information, except as specified by subsection (1)(h) of this section.

(c) A geologist must either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(d) A geologist must not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

(e) A geologist must advise the geologist's employers or clients when, as a result of their studies, the geologist believes a project will not be viable.

(f) A geologist must negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(g) A geologist must not request, propose or accept professional compensation on a contingent basis under circumstances in which the geologist's professional judgment may be compromised.

(3) What are the specific responsibilities of a geologist to the board?

(a) A geologist must respond to board formal requests within the time frame and in the manner specified by the board in its request.

(b) Geologists, when requested by the board, must present information and assistance to the board in pursuing violations of laws and rules relating to the practice of geology in the state of Washington.

(4) What are prohibited acts? The prohibited acts are found in RCW 18.220.130 and 18.220.170.

[Statutory Authority: RCW 18.220.040(1), 18.220.050(1), 02-20-072, § 308-15-140, filed 9/30/02, effective 10/31/02.]

WAC 308-15-150 Fees.

Type of Fee	Amount
Geologist License	
Application fee	100.00
Application fee - Reciprocity	200.00
Initial License Examination	100.00
Fundamentals of Geology (vendor charge)	125.00
Practice of Geology (vendor charge)	150.00
Administration fee for reexamination	65.00
Review of Examination	
Manual regrade (vendor charge)	50.00
Administrative fee for regrade	15.00
Late fee (if examination is scheduled less than 30 days prior to Examination date - vendor charge)	25.00
Specialty License	
Specialty fee (if you are also applying for geologist license)	
Application fee - 1 Specialty	200.00
Application fee - 2 Specialties	300.00

Type of Fee	Amount
Application fee - Reciprocity - 1 Specialty	350.00
Application fee - Reciprocity - 2 Specialties	500.00
Initial license - 1 Specialty	185.00
Initial license - 2 Specialties	270.00
Fee per Specialty (if you are a licensed geologist)	
Application fee	100.00
Application fee - Reciprocity	150.00
Initial license	85.00
Examination fee per Specialty	300.00
Examination review	100.00
Renewal Fees	
Annual Renewal fee (geologist)	100.00
Additional fee for late renewal (geologist)	100.00
Annual Renewal fee (geologist plus 1 specialty)	185.00
Additional fee for late renewal (geologist plus 1 specialty)	185.00
Annual Renewal fee (geologist plus 2 specialties)	270.00
Additional fee for late renewal (geologist plus 2 specialties)	270.00
Miscellaneous Fees	
Duplicate License or Wall Certificate	25.00
Certification of license records to other jurisdictions	45.00
Proctor Examination in another Jurisdiction	100.00

[Statutory Authority: Chapter 18.220 RCW. 01-12-022, § 308-15-150, filed 5/25/01, effective 6/25/01.]

Chapter 308-17 WAC

PRIVATE INVESTIGATIVE AGENCIES AND PRIVATE INVESTIGATORS

WAC

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PART A
GENERAL

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.]

PART B
LICENSING APPLICATION AND FEES

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	\$ 550.00
Reexamination	25.00
License renewal	450.00
Late renewal with penalty	600.00
Certification	25.00
Private investigator:	
Original license	150.00
Transfer fee	25.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	150.00
Late renewal with penalty	200.00
Certification	25.00
Armed private investigator:	
Original license	100.00
Transfer fee	25.00
Certified trainer examination/ reexamination	25.00
Certified trainer renewal	15.00
License renewal	150.00
Late renewal with penalty	250.00
Certification	25.00
Change of unarmed qualified agent	150.00
Change of armed qualified agent	100.00

[Statutory Authority: RCW 43.24.086 and chapter 18.165 RCW. 02-11-098, § 308-17-150, filed 5/20/02, effective 10/1/02. 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.]

PART C

OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

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 308-17-220 Licensee's responsibilities. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.165 RCW.

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

(2003 Ed.)

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.]

PART D

PREASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

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.

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- (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 initialed 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. Washington state laws (45% of test)
 - [I.] Private investigators law - chapters 18.165 RCW and 308-17 WAC
 - [II.] All topics contained in the private investigator preassignment training course (WAC 308-17-300)
 - [III.] Chapter 9.73 RCW Privacy, violating right of privacy (e.g. surveillance and wiretapping)
 - [IV.] Chapter 42.17 RCW Public disclosure
 - [V.] Title 9A RCW - Washington state criminal code
 - [VI.] Other resources:
 - Title 2 RCW - Courts of record
 - Title 3 RCW - District courts/courts of limited jurisdictions

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- Title 26 RCW - Domestic relations (e.g. marriage, dissolution, adoption)
- Title 36 RCW - Counties
- Title 46 RCW - Motor vehicles (e.g. accidents, forms)
 - [B.] Federal law (30% of test)
 - [I.] Federal Privacy Act (5 U.S.C. 522A)
 - [II.] Freedom of Information Act (5 U.S.C. 552)
 - [III.] Fair Credit Reporting Act (15 U.S.C. 1681)
 - [IV.] Federal Wiretapping Act (18 U.S.C.[.])
 - [V.] Gramm-Leach-Bliley Act
 - [VI.] United States Code
 - [C.] Court systems (7.5% of test)
 - [I.] Federal courts
 - [II.] Title 28 of the U.S. Code
 - [III.] Public Law 101-650
 - [D.] State courts
 - [I.] Chapter 35.20 RCW - Municipal courts
 - [II.] Title 2 RCW Courts of records
 - [III.] Title 3 RCW - District courts/courts of limited jurisdictions
 - [IV.] Title 4 RCW - Civil procedures
 - [V.] Title 5 RCW - Evidence
 - [VI.] Title 6 RCW - Enforcement of judgments
 - [E.] Legal procedures and definitions (10% of test)
 - [I.] Terminology and definitions
 - [II.] Title 9A RCW - Washington state criminal code
 - [III.] Title 2 RCW - Courts of record
 - [IV.] Title 3 RCW - District courts/courts of limited jurisdictions
 - [V.] Title 4 RCW - Civil procedures
 - [VI.] Title 5 RCW - Evidence
 - [VII.] Title 6 RCW - Enforcement of judgments
 - [VIII.] Title 26 RCW - Domestic relations (e.g. marriage, dissolution, adoption)
 - [IX.] Black's law dictionary
 - [F.] Other resources of public information (7.5% of test)
 - [I.] County recorders office
 - [II.] World wide locator
 - [III.] Secretary of state and state recordings
 - [IV.] Computer data bases
 - [V.] Federal and state laws and acts can be found on the internet.

(2) The examination shall consist of 75 questions based on information in the above required areas. Applicants who fail to achieve a passing score will be required to wait a minimum of seven days before reexamination.

[Statutory Authority: Chapter 18.165 RCW. 02-23-060, § 308-17-310, filed 11/18/02, effective 1/1/03. 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.]

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

WAC 308-17-320 Certification of preassignment training trainers. An individual must successfully pass the agency principal examination and have three years investigative experience to become a certified trainer. Individuals who fail the exam will be required to wait a minimum of seven

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days before reexamination. There is no limit on the number of certified trainers an individual private investigative agency may have certified.

[Statutory Authority: Chapter 18.165 RCW. 02-23-060, § 308-17-320, filed 11/18/02, effective 1/1/03. 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

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PART A GENERAL

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

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[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-010, filed 11/6/91, effective 12/7/91.]

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.]

PART B LICENSING APPLICATION AND FEES

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.

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-105, 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. (1) 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.

(2) If the applicant is an alien resident, the applicant must provide proof of their alien firearm license when they submit an application for original or renewal of their armed security guard license. Proof of alien firearm license may be provided by submitting a copy of their current alien firearm license.

[Statutory Authority: Chapter 18.170 RCW. 02-24-026, § 308-18-120, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 18.170.180(1),

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-130, 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 308-18-145 Comments by chief law enforcement officers and employers. If comments required by RCW 18.170.130(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private security guard shall be issued if he or she is otherwise qualified.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-145, 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

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Title of Fee	Fee
Private security guard:	
Original license	65.00
Transfer fee	30.00
Certified trainer examination/reexam- ination	25.00
Certified trainer renewal	15.00
License renewal	45.00
Late renewal with penalty	65.00
Certification	25.00
Armed private security guard:	
Original license	30.00
Transfer fee	30.00
Certified trainer examination/reexam- ination	25.00
Certified trainer renewal	15.00
License renewal	60.00
Late renewal with penalty	75.00
Certification	25.00
Change of principal:	
Unarmed principal	65.00
Armed principal	30.00
Duplicate license	10.00

[Statutory Authority: RCW 43.24.086 and chapter 18.170 RCW. 02-07-068, § 308-18-150, filed 3/18/02, effective 7/1/02. Statutory Authority: Chapter 18.170 RCW. 98-24-045, § 308-18-150, filed 11/25/98, effective 1/1/99. 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 308-18-160 Expiration and renewal of licenses.

Licenses issued to private security guards and armed private security guards expire one year from the date of issuance which date will be the renewal date. Licenses issued to private security guard companies 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 company 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 308-18-150 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 308-18-150 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 18.170.180. 91-22-112, § 308-18-160, filed 11/6/91, effective 12/7/91.]

WAC 308-18-165 Private security guard and armed private security guard—Termination of services. A person licensed as a private security guard or armed private

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-165, 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 secu-

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rity 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 con-

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ducted 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.]

PART C OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-200, filed 11/6/91, effective 12/7/91.]

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-205, filed 11/6/91, effective 12/7/91.]

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-210, filed 11/6/91, effective 12/7/91.]

WAC 308-18-220 Licensee's responsibilities. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.170 RCW.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-220, filed 11/6/91, effective 12/7/91.]

WAC 308-18-230 Complaint notification. Every licensee shall, within twenty days after service or knowledge

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thereof, notify the private security guard program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-230, filed 11/6/91, effective 12/7/91.]

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.

(3) The company principal shall maintain proof of annual shooting requirements for each armed security guard employed by the security guard company in the armed security guard's training files or employee's files.

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: Chapter 18.170 RCW. 02-24-026, § 308-18-240, filed 11/27/02, effective 1/1/03. 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.]

PART D

PREASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

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.]

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

- (a) All topics contained in the private security guard preassignment training course.
- (b) Washington state law as it applies to private security guard licensing and regulation.
- (c) Legal/liability issues related to the private security guard industry.
- (d) General security management.

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-310, filed 11/6/91, effective 12/7/91.]

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

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-320, filed 11/6/91, effective 12/7/91.]

Chapter 308-19 WAC

BAIL BOND AGENCIES AND BAIL BOND AGENTS

WAC

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PART A GENERAL

WAC 308-19-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by chapter 18.185 RCW, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-010, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-010, filed 10/18/93, effective 11/18/93.]

WAC 308-19-020 Organization. The department of licensing administers the Washington bail bond license law, chapter 18.185 RCW. Submissions and requests for information regarding bail bond agency licenses and bail bond agent licenses may be sent in writing to the Bail Bond Program, Business and Professions Division, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-020, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-020, filed 10/18/93, effective 11/18/93.]

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.185 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. Also see RCW 18.185.010 for other definitions.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

(3) "Bail bond" means the contract between the defendant, the surety and/or the court to insure the appearance of the accused before the court(s) at such time as the court may direct. These bonds may require annual renewal.

(4) "Property bond agent" means a surety that posts security in the form of personal or real estate for compensation to assure the appearance of a defendant.

(5) "Surety" as it relates to bail bonds, means the depositor/owner of cash if a cash bail bond, the property owner(s) if a property bond, the insurance company if a corporate surety bond, that guarantees performance of the bail bond contract for compensation.

(6) "Principal/defendant" means the accused, for whom a bail bond may be obtained.

(7) "Exonerate" means the discharging of the bail bond by the court.

(8) "Indemnitor" means the person placing security with an agency/agent, to secure the agency against loss for the release of a defendant(s) on a bail bond.

(9) "Clients" means defendants and indemnitors.

(10) "Affidavit" means a written statement made under oath as provided in RCW 10.19.160.

(11) "Indemnity agreement" means the contract signed by the indemnitor that states the obligations the indemnitor(s) is/are assuming.

(12) "Collateral receipt" means an accurate description of the security given to an indemnitor by the receiving agency's agent, in its fiduciary capacity, listing all collateral given as security for a bail bond and held by the agency/agent until the bail bond is exonerated by the court or a forfeiture occurs. The receipt shall name the owner of the collateral, the defendant, and the bond number, and specify the terms for redemption of the collateral including any fees charged for storage.

(13) "Surrender form" means the form used to return to custody a defendant for violation of bond conditions, and the indemnitor's withdrawal from a bail bond with an affidavit in accordance with RCW 10.19.160, or a letter of forfeiture from a court in accordance to the bail contract.

(14) "Letter of forfeiture" means a notice in varied forms, sent to a bail bond agency/branch office, advising the agency/branch office that a defendant who has secured a bail bond with that agency has failed to appear on a given date in a given court in accordance with RCW 10.19.090. The court has made a demand for the surrender of the defendant, or payment of the face amount of the bond by a given date.

(15) "Letter of demand" means any form of notice to the indemnitor/defendant that the collateral placed in trust has come under jeopardy because of a failure to appear or violation of bail.

(16) "Corporate surety bail bonds" means a bail bond contract that is guaranteed by a domestic, foreign or alien insurance company which has been qualified to transact surety insurance business in Washington state by the insurance commissioner.

(17) "Build-up fund" (also known as "BUF fund" or "escrow fund" or "trust fund") means that percentage of money obtained from collected premiums paid by the agent to the corporate surety company for the purpose of indemnifying the corporate surety from loss caused by the agent.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-030, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-030, filed 10/18/93, effective 11/18/93.]

PART B

LICENSING APPLICATION AND FEES

WAC 308-19-100 How do I apply for a bail bond agent license? An applicant for a bail bond agent license must first meet the requirements stated in the bail bond agents law, RCW 18.185.020. After the applicant meets the requirements he/she shall:

(1) Complete an application for a license on a form provided by the department of licensing.

(2) Inform the department if he/she has an insurance surety license and with what company he or she is affiliated.

(3) Pay a fee or fees as listed in WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-100, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-100, filed 10/18/93, effective 11/18/93.]

(2003 Ed.)

WAC 308-19-105 How do I apply for a bail bond agency license? To qualify for a bail bond agency license you must:

(1) Meet and complete the requirements of the bail bond agent license and; prove your work experience as required under RCW 18.185.030 (1)(b). Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting. If you do not have the required work experience you must train and pass an examination that shall follow the training and examination requirements as stated under Part D, WAC 308-19-300.

(2) Complete an application for an agency license on a form provided by the department of licensing.

(3) Pay a fee or fees as required by WAC 308-19-130.

(4) Obtain a bond for the main office as required by RCW 18.185.070.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-105, filed 12/13/99, effective 1/13/00.]

WAC 308-19-107 What are the requirements and responsibilities of the qualified agent? The qualified agent shall be responsible for all transactions, recordkeeping, and the employees of each office he or she is licensed as the qualified agent.

If the agency or branch agency is to be a corporate surety or property agency, the agency, or branch agency qualified agent shall disclose the surety(s) name, address, the attorney in fact, and in whose name the build-up fund is in.

If an agency changes or takes another corporate surety, the director shall be advised immediately by the qualified agent.

If the agency provides security in the form of real property, the qualified agent shall advise the director of the names of the court(s) that have given approval for the placing of property bonds.

If the applicant for qualified agent represents a corporation, he or she shall furnish a copy of the articles of incorporation, and a list of officers and directors and their addresses to the director.

If the applicant for a qualified agent represents a foreign corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses to the director.

If the applicant is a partnership or limited partnership, each partner shall apply, qualify and furnish their addresses to the director.

When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees.

When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional license fees.

When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional license fees.

Any agency going out of business in the state of Washington shall continue to be obligated on all outstanding bonds until the director receives notification from the jurisdiction in

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which the agency/branch offices are located that all bonds have been exonerated and the department of licensing has received no complaints from indemnitor about the return of collateral. The director may require an audit of the closing agency at any time upon notification of the closing of the agency.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-107, filed 12/13/99, effective 1/13/00.]

WAC 308-19-110 How do I apply for a bail bond agency branch office license? A licensed bail bond agency may establish a branch office by meeting the following requirements.

(1) Each branch office shall have a licensed qualified agent.

(2) Complete an application form provided by the department of licensing.

(3) Pay the fee or fees as required under WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-110, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-110, filed 10/18/93, effective 11/18/93.]

WAC 308-19-120 Bail bond agency, branch office and agent license applications—Conditions. Any person desiring to obtain a bail bond agency, bail bond branch office or bail bond agent license shall make application on a form prescribed by the director and pay a fee as prescribed by WAC 308-19-130.

[Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-120, filed 10/18/93, effective 11/18/93.]

WAC 308-19-130 Bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$1,000.00
License renewal	800.00
Late renewal with penalty	1,000.00
Certification of records	25.00
Bail bond agent:	
Original license	400.00
License renewal	250.00
Late renewal with penalty	350.00
Certification of records	25.00
Change of qualified agent	200.00

[Statutory Authority: RCW 43.24.086 and chapter 18.185 RCW. 02-07-067, § 308-19-130, filed 3/18/02, effective 7/1/02. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-130, filed 10/18/93, effective 11/18/93.]

WAC 308-19-140 When will my license expire and how do I renew my license? (1) Licenses issued to bail bond agents expire on their respective birth dates. However, if an application for the bail bond agent license is received by the department of licensing within ninety days from the appli-

cant's birthdate, the license issued shall not expire until the next birthdate.

(2) Licenses issued to bail bond agencies expire on December 31 each year. 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 308-19-130 must be paid.

(3) If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No agent or agency shall engage in the sale or issuance of bail bonds if their license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-140, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-140, filed 10/18/93, effective 11/18/93.]

WAC 308-19-150 What happens to my agent license when I leave the bail bond agency I work for? (1) A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency.

(2) Either the agency or agent may cancel this relationship. The agency's qualified agent must send a written notice of the cancellation to the department of licensing immediately and include the agent's license held by the agency. Notice of cancellation shall be provided by signature of the agency's qualified agent on the surrendered license. The cancellation 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 qualified agent shall complete and submit an affidavit of lost license on a form approved by the department explaining why the license has been lost and for how long the license has not been on display.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-150, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-150, filed 10/18/93, effective 11/18/93.]

WAC 308-19-160 What happens to my bail bond agent license when I am not working? (1) Any license issued under chapter 18.185 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 chapter 18.185 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any examination and education requirements.

(4) The provisions of chapter 18.185 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: Chapter 18.185 RCW. 00-01-061, § 308-19-160, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-160, filed 10/18/93, effective 11/18/93.]

PART C OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

WAC 308-19-200 Where do I keep the agency and agent licenses for my bail bond business? Licenses of all bail bond agency and bail bond agents shall be kept in the office located at the address appearing on the license.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-200, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-200, filed 10/18/93, effective 11/18/93.]

WAC 308-19-210 What do I need to do if I move my business? The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved or provided by the department.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-210, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-210, filed 10/18/93, effective 11/18/93.]

WAC 308-19-220 What are my responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC? It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.185 RCW.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-220, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-220, filed 10/18/93, effective 11/18/93.]

WAC 308-19-230 What if my bail bond agency or a bail bond agent is the subject of a criminal complaint or action? Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the bail bond program, business and professions division, department of licensing 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: Chapter 18.185 RCW. 00-01-061, § 308-19-230, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-230, filed 10/18/93, effective 11/18/93.]

(2003 Ed.)

WAC 308-19-240 What records are a bail bond agency and branch office required to keep? The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.185 RCW, or in these rules:

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

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

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

(4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:

(a) Bank trust account records;

(b) Duplicate receipt book or receipt journal;

(c) Prenumbered checks;

(d) Check register or cash disbursement journal;

(e) Validated bank deposit slips;

(f) Reconciled bank monthly statement (client liability vs bank statement);

(g) All cancelled checks;

(h) All voided checks;

(i) "Client information" which includes defendant's name, application, dates of transactions, amount received, amount disbursed, current balance, check number, item(s) covered, indemnitor's agreement, and indemnity agreements, premium receipts, collateral receipt(s), letter(s) of forfeiture or surrender form(s), letter(s) of demand and affidavit(s), if surrendered before a forfeiture has occurred, and any written information or communication that may have influence on the bail bond or collateral placed for the bail bond;

(j) A transaction folder or file containing a copy of all agreements, invoices, billings, and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions;

(l) Records of training and/or continuing education for each bail bond agents employed in that agency;

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (v) name of the court (vii) date of exoneration of the bond.

(5) The above records shall be maintained for a minimum period of three years.

(6) All funds and monetary instruments received by the agency from customers or clients in business transactions shall be deposited into the trust account within three working days of receipt.

(7) All money spent on behalf of a client must be deposited in and disbursed from the agent's collateral trust account, including advances, loans or money from the agency's business account to the collateral trust account to pay expenses.

(8) The bail bond agent must secure an invoice or billing from any party who provides a service on behalf of the defendant and must include the cost for the service, a description of the service provided, and the service provider's name,

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address, telephone number, and UBI number (Uniform Business Identifier).

(9) Bail bond agents must secure an affidavit from any party who purchases or takes possession of collateral being liquidated. The affidavit must state the name, address and telephone number of the party(ies) acquiring the property along with a complete description of the property, serial number or other unique identifying number, and the dollar value of the collateral being liquidated with an explanation of how the dollar value was estimated.

(10) If the bail bond agent or agency provides other services to the indemnitor or client, the firm must provide full disclosure in writing of the agent's relationship with any persons providing such services, and prior disclosure of fees charged. The written disclosure must be maintained in the client's transaction file for a minimum period of three years. For purposes of this section, "other services" shall mean services unrelated to the issuance and posting of bail.

(11) The bail bond agent must provide each indemnitor or client a receipt for all personal property. The bail bond agent shall keep a duplicate of all receipts. The receipt will include:

- (a) Date of receipt;
- (b) Complete description of the property to include serial numbers or other unique identifying numbers;
- (c) Signature of the bail bond agent; and
- (d) A file or case number the receipt relates to.

(12) The bail bond agent shall maintain an individual ledger card to post all bank charges of any nature, including credit card charges. Accrued interest shall be posted to the individual ledger card. If bank charges exceed the interest earned, causing the trust account to be lower than client liability, the bail bond agent shall immediately deposit funds into the trust account to bring the trust account into balance. For purposes of this subsection, "immediately" shall mean within one banking day after the bail bond agent receives notice that the trust account is lower than client liability. All interest accruing on the trust bank account must be withdrawn at least once monthly.

[Statutory Authority: RCW 43.24.086 and chapter 18.185 RCW. 02-07-067, § 308-19-240, filed 3/18/02, effective 7/1/02. Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-240, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-240, filed 10/18/93, effective 11/18/93.]

WAC 308-19-250 Is a bail bond agency subject to audit and inspection? All records required to be maintained by a qualified agent of a bail bond agency by chapter 18.185 RCW, or these rules, together with any other business or other types of records of a licensee which may be related to the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department of licensing, for the purposes of determining compliance or noncompliance with the provisions of chapter 18.185 RCW, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be

procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

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

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

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

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-250, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-250, filed 10/18/93, effective 11/18/93.]

PART D PRELICENSE TRAINING AND EXAMINATION REQUIREMENTS

WAC 308-19-300 What are the prelicense training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants? (1) The training and examination requirements for bail bond agent license applicants under RCW 18.185.060, shall include, at a minimum:

- (a) Four hours of training in the following subjects:
 - (i) Bail bond licensing laws;
 - (ii) Court procedures relating to bail bonds;
 - (iii) Criminal procedure, Title 10 RCW;
 - (iv) Contracts and bail bond agreements;
 - (v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property;
 - (vi) Care and storage of personal property;
 - (vii) Forfeiture of collateral, judgements and collection;
 - (viii) Washington Insurance Code, Title 48 RCW;
 - (ix) Laws relating to notary publics, chapter 42.44 RCW;
 - (x) Contact with clients, courts and law enforcement;
 - (xi) Sexual harassment.

(b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under RCW 18.185.030 (1)(a), shall include, as a minimum:

- (a) All of the subjects as listed in subsection (1)(a) of this section; and
- (b) At a minimum, the following subjects:
 - (i) Recordkeeping and filing;
 - (ii) Business licensing, taxation and related reporting and recordkeeping requirements.
 - (iii) Personnel management;
 - (iv) Laws relating to employment;
 - (v) The Americans with Disabilities Act;

(3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in subsection (2)(a) and (b) of this section. 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 fourteen days before reexamination.

(4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

(5) Every bail bond agent shall present to the director a letter stating training they have received while working as a trainee for an agency, including the name of the principal instructor before the director issues the person a bail bond license. This letter shall be signed by the qualified agent and shall also include a statement that the qualified agent is aware that they are taking responsibility for the agent.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-300, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-300, filed 10/18/93, effective 11/18/93.]

PART F BRIEF ADJUDICATIVE PROCEEDINGS

WAC 308-19-400 What is a brief adjudicative proceeding? 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: Chapter 18.185 RCW. 00-01-061, § 308-19-400, filed 12/13/99, effective 1/13/00. 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 What records are used in a brief adjudicative proceeding? (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

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(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: Chapter 18.185 RCW. 00-01-061, § 308-19-410, filed 12/13/99, effective 1/13/00. 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 How is a brief adjudicative proceeding conducted? (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: Chapter 18.185 RCW. 00-01-061, § 308-19-420, filed 12/13/99, effective 1/13/00. 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.]

WAC 308-19-430 False or misleading advertising. (1)

The department has authority to discipline bail bonds agents for advertising that is false, fraudulent or misleading. RCW 18.185.110(5). Every advertisement by a licensee that solicits or advertises business shall contain the name of the business exactly as stated on the bail bond agency license, the physical address of the business as stated on the bail bond agency license and, the bail bond agency license number. For purposes of providing the business name and telephone number only, single line telephone directory listings are not required to include the license number.

(2) No bail bond agency shall use fictitious names in any advertising, or telephone directory.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-430, filed 12/13/99, effective 1/13/00.]

WAC 308-19-440 Standards of professional conduct.

(1) A bail bond agent shall maintain a detailed record of any collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral.

(2) A bail bond agent shall preserve or retain separately any collateral or to retain any collateral taken as security on any bond.

(3) A bail bond agent shall not have an outstanding judgment on a bail forfeiture, which judgment is or has been subject to execution on demand.

(4) A bail bond agent shall not use a relationship with any person employed by a jail facility to obtain referrals, or pay a fee or rebate or give or promise anything of value to any person having the power of arrest or having control of federal, state, county, or municipal prisoners, trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

(5) A bail bond agent shall not require as a condition of his/her executing a bail bond that the principal or defendant agree to engage the services of a specific attorney.

(6) A bail bond agent shall not prepare or issue forged bonds or a forged power of attorney.

(7) A bail bond agent shall not arrest or make a threat of arrest to a defendant when the defendant or the indemnitor fails to fulfill a promise to repay credit extended by the bail bond agent.

(8) A bail bond agent shall not pay a fee or rebate or give or promise anything of value to the principal or anyone on his or her behalf.

(9) A bail bond agent shall not pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered on behalf of the bail bond agent.

(10) A bail bond agent shall not pay a fee or rebate or pay for a referral except from another bonding company, or promise anything of value to a person in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-440, filed 12/13/99, effective 1/13/00.]

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Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST— ESTHETICIAN RULES

WAC

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308-20-710	Application of brief adjudicative proceedings.
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308-20-730	Conduct of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-20-001	Authority and purpose. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-001, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
308-20-005	Applicable statutes. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-005, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
308-20-020	Term of course—Examination eligibility. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-020, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-020, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-020, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-020, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-20-030	Curriculum structure. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-030, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-030, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-030, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-030, filed 9/12/84.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
308-20-045	Performance examination. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-045, filed 7/17/92, effective 8/17/92.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
308-20-050	Change in ownership of school. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-050, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-050, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-050, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-050, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96,

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- effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-060 Approved security (surety bond, savings assignment, or irrevocable letter of credit). [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-060, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-060, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1, 87-21-010 (Order PM 681), § 308-20-060, filed 10/9/87. Statutory Authority: 1984 c 208, 84-21-096 (Order PL 491), § 308-20-060, filed 10/19/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-070 Training guidelines. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-070, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-070, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-070, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-070, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-095 Examination eligibility of applicants from out-of-state schools. [Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-095, filed 5/10/91, effective 6/10/91.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-100 Recording student hours. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-100, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-100, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-100, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-109 Instructor-trainee credit for training. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-109, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-109, filed 9/14/88.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-130 Examination objectives. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-130, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-130, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-130, filed 9/12/84.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 308-20-140 Examination—Application. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-140, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-140, filed 5/10/91, effective 6/10/91. Statutory Authority: RCW 18.16.030 and 43.24.086, 90-07-030, § 308-20-140, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-140, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-140, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-150 Student appeal—Examination eligibility denial by the school. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-150, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-150, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.]
- 308-20-155 Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
Procedure for applicants requiring special accommodations for licensure examination. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-155, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086, 90-07-030, § 308-20-155, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-155, filed 9/14/88.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 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.
- 308-20-171 Passing scores on all examinations. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-171, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-171, filed 9/14/88. Statutory Authority: RCW 18.16.090, 18.16.020(11) and 18.16.030(2), 87-01-006 (Order PM 614), § 308-20-171, filed 12/5/86. Statutory Authority: 1984 c 208 § 7(2), 85-01-044 (Order PL 502), § 308-20-171, filed 12/13/84.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 308-20-172 Failed examination appeal procedures. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-172, filed 1/23/92, effective 2/23/92.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 308-20-175 Persons licensed in other jurisdictions. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-175, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-175, filed 5/10/91, effective 6/10/91.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-200 Fees. [Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-200, filed 9/12/84.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-20-205 License renewal—Penalties. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-205, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-205, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-205, filed 9/12/84.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-208 Grandfather provisions. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-208, filed 1/23/92, effective 2/23/92.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-310 Minimum sanitation, safety and health standards for all individual licensees. [Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-310, filed 7/17/92, effective 8/17/92.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 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.
- 308-20-510 Minimum operator licensing standards. [Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-510, filed 7/17/92, effective 8/17/92.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-540 Application process. [Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-540, filed 7/17/92, effective 8/17/92.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW

- 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-545 License issuance. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-545, filed 7/17/92, effective 8/17/92.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-20-590 Minimum business location sanitation, safety, and health standards. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-590, filed 7/17/92, effective 8/17/92.] Repealed by 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
- 308-20-630 Worker right to know. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-630, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-640 Educational, medical, first aid, and accident prevention programs. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-640, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-670 Pets on the premises. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-670, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-680 Compliance with state, federal, and local building codes. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-680, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-690 Inspection of premises. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-690, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-700 Penalty for failure to obtain operator or location licenses or comply with statutes of regulatory authorities. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-700, filed 7/17/92, effective 8/17/92.] Repealed by 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student record" is a form provided by the school, approved by the department, preprinted with school name that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the state approved minimum hourly course of training and passage of a state approved performance and written examination.

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-010, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-010, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-040 Records. (1) The department may license or renew a license of a school that meets the requirements of RCW 18.16.140 (Application for school license) and submits the following:

(a) A copy of the school's curriculum(s) satisfying the minimum instruction guidelines in WAC 308-20-080; and

(b) The estimated annual gross tuition to be collected by the school.

(2) Schools shall collect and record monthly and final student records. These records shall contain the cumulative number of hours the student has attended class and the number of times the student performs a skill described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(3) Monthly and final student records shall be signed by either the school owner, school manager or a person the school has authorized to sign the student records. The school shall notify the department of the persons authorized to sign the student records.

(4) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's Washington state department of licensing license examination application. Certification shall be by a person authorized to sign student records according to subsection (3) of this section.

(5) Schools shall maintain student records for at least four years. The student records shall include documentation of student training, and examination results.

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-040, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-040, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-040, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

WAC 308-20-080 Minimum instruction guidelines for cosmetology, barbering, manicuring and esthetics training. The minimum instruction guidelines for training required for a student to be eligible to take the license examination for the following professions shall include:

(1) For cosmetology:

(a) Theory of the practice of cosmetology, barbering, manicuring and esthetics services;

(b) At least 100 hours of skills in the application of manicuring and pedicuring services;

(c) At least 100 hours of skills in the application of esthetics services;

(d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(e) Scalp and hair analysis;

(f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(g) Hair styling including wet, dry and thermal styling, braiding and styling aids;

(h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;

(i) Artificial hair that may include extensions and fitting;

(j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl and neutralizing;

(k) Chemical relaxing including sectioning, strand test, and relaxer application;

(l) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;

(m) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(n) Diseases and disorders of the scalp, hair, skin and nails;

(o) Safety including proper use and storage of chemicals, implements and electrical appliances;

(p) First aid as it relates to cosmetology, barbering, manicuring and esthetics; and

(q) No more than twenty-five percent of skills training using mannequins.

(2) For barbering:

(a) Theory of the practice of barbering services;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling, wet, dry and thermal styling and styling aids;

(f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(i) Diseases and disorders of the skin, scalp and hair;

(j) Safety including proper use of implements and electrical appliances;

(k) First aid as it relates to barbering; and

(l) No more than twenty-five percent of skills training using mannequins.

(3) For manicuring:

(a) Theory in the practice of manicuring and pedicuring services;

(b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;

(c) Cleaning, shaping and polishing of nails of the hands and treatment of cuticles;

(d) Cleaning, shaping and polishing of nails of the feet;

(e) Disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;

(f) Diseases and disorders of the nails of the hands and feet;

(g) Safety including proper use and storage of chemicals, implements and electrical appliances;

(h) First aid as it relates to manicuring and pedicuring; and

(i) No more than twenty-five percent of skills training using mannequins.

(4) For esthetics:

(a) Theory in the practice of esthetics services;

(b) Skin care of the face, neck and hands including hot compresses, massage, electrical or mechanical appliances or chemical compounds;

(c) Facials;

(d) Temporary removal of superfluous hair of the face, neck and hands by tweezing, waxing, tape, chemicals, lotions, creams, mechanical or electrical apparatus and appliances;

(e) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(f) Diseases and disorders of the skin of the face, neck and hands;

(g) Safety including proper use and storage of chemicals, implements and electrical appliances;

(h) First aid as it relates to esthetics; and

(i) No more than twenty-five percent of skills training using mannequins.

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-080, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-080, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-080, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-080, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-080, filed 9/12/84.]

WAC 308-20-090 Student credit for training. (1)

Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 shall be credited toward completion of the course of study required in RCW 18.16.100.

(2) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final record.

(3) Students may transfer between schools and may receive credit toward completion of the curriculum in the new school. In order to receive a transfer student, the new school shall do the following:

(a) Evaluate the final student record provided by the student and certified by the previous school and compare the record from the previous school with the new school's requirements;

(b) Accept the final student record from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or

(c) Reject the final student record from the previous school.

(4) Both the transferring and receiving schools shall maintain student records including the transfer record as required in WAC 308-20-040(5).

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-090, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-090, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-090, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-090, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-090, filed 9/12/84.]

WAC 308-20-105 Curriculum for instructor-trainees. The minimum instruction guidelines for training required for a student to be eligible to take the examination to be licensed as an instructor shall include, but not be limited to:

(1) Preparation for classroom activities including, but not limited to:

- (a) Choice of teaching methods;
- (b) Classroom setup;
- (c) Topic/subject matter;
- (d) Student assignments;
- (e) Materials and supplies; and
- (f) Recordkeeping.

(2) Presentation of information including, but not limited to:

- (a) Lectures (oral and written);
- (b) Demonstrations;
- (c) Questions and answers;
- (d) Project methods; and
- (e) Discussions.

(3) Application of practice including, but not limited to:

- (a) Clinic supervision;
- (b) Classroom management; and
- (c) Client relations.

(4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:

- (a) Written/practical assessment; and
- (b) Communication skills.

[Statutory Authority: RCW 18.16.030(2), 02-04-012, § 308-20-105, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-105, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-105, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

WAC 308-20-107 Use and training of instructor-trainees. (1) Instructor-trainees shall be supervised by a licensed instructor at all times. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.

(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist or esthetician license prior to becoming an instructor-trainee.

[Statutory Authority: RCW 18.16.030(2), 02-04-012, § 308-20-107, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-107, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086, 90-07-030, § 308-20-107, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

WAC 308-20-110 Minimum safety and sanitation standards for schools, students, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, booth renters, mobile operators and personal service operators. In addition to the requirements of RCW 18.16.175, licensees and students pursuant to chapter 18.16 RCW shall maintain the following safety and sanitation standards:

(1) **Safety shall be maintained as follows:**

(a) Salons/shops, booth renters, mobile operators and schools shall have:

(i) If chemicals are used, an area designated as a chemical and supply dispensary separate from the shampoo area with hot and cold water for the disposal and mixing of all chemicals and disinfecting of supplies, tools, equipment and other materials;

(ii) All chemicals stored and labeled according to manufacturer's instructions;

(iii) Disinfected supplies, tools, equipment and other material stored separately from those that have been used; and

(iv) First-aid supplies.

(b) Individual licensees and students shall not work on clients with parasites.

(2) **Sanitation shall be maintained as follows:**

(a) Salons/shops, booth renters, mobile operators and schools shall have:

(i) Floors, walls, fixtures, and ceilings clean and free from dust, dirt and hair;

(ii) Hair removed from the floor after each service; and

(iii) Waste receptacles emptied and disinfected daily.

(b) Individual licensees and students shall:

(i) Dispose of disposable products in a waste receptacle after use;

(ii) Use disposable hand-drying towels and single-use soap;

(iii) Dispense creams and lotions using a disposable applicator, and fluids with a squeeze bottle or pump;

(iv) Use clean towel, new neck strip or other sanitized supplies for each client;

(v) Clean reusable supplies and implements with a disinfectant after use; and

(vi) Wash hands after toilet use and before providing service to each client.

[Statutory Authority: RCW 18.16.030(2), 02-04-012, § 308-20-110, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220, 92-04-006, § 308-20-110, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030, 91-11-042, § 308-20-110, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-110, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-110, filed 9/12/84.]

WAC 308-20-120 Written and performance examinations. (1) When an applicant for examination as a cosmetologist, barber, manicurist, esthetician or instructor completes the course required in RCW 18.16.100 or meets the requirement to take the examinations described in RCW 18.16.130, the department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall be constructed to measure the applicant's knowledge of safe and sanitary practice. The passing score for performance examinations shall be seventy-six percent of each examination section or unit. The passing score for the written examinations shall be seventy-six percent of the total examination questions.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's

knowledge of lesson planning and teaching techniques. The passing score for the performance examination shall be eighty percent of each examination section or unit. The passing score for the written examination shall be eighty percent of the total examination questions.

(4) Performance examinations shall be divided into skills section or units.

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-120, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-120, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-122 Examination retakes. Examination applicants may take an examination no more than once a day.

[Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-122, filed 1/24/02, effective 6/30/02.]

WAC 308-20-180 Posting of license. All individual licenses required by this chapter shall be posted at the individual work station with a current photograph of the licensee, at a location that is easily observed by members of the public for whom services are performed.

School, instructor/operator, and salon/shop licenses will be displayed in the reception area.

[Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-180, filed 1/23/92, effective 2/23/92. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-180, filed 9/12/84.]

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

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

WAC 308-20-210 Cosmetology, barber, manicurist, esthetician, salon/shop, booth renter, mobile operator and personal service operator fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Examination retake	25.00
Renewal per year	25.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Examination retake	30.00

Title of Fee		Fee
Renewal, per year		25.00
Late renewal penalty		20.00
Duplicate license		15.00
Certification		25.00
Out-of-state application		30.00
Manicurist:		
Examination application		25.00
Examination retake		25.00
Renewal per year		25.00
Late renewal penalty		20.00
Duplicate		15.00
Certification		25.00
Out-of-state application		25.00
Esthetician:		
Examination application		25.00
Examination retake		25.00
Renewal per year		25.00
Late renewal penalty		20.00
Duplicate		15.00
Certification		25.00
Out-of-state application		25.00
Barber:		
Examination application		25.00
Examination retake		25.00
Renewal per year		25.00
Late renewal penalty		20.00
Duplicate license		15.00
Certification		25.00
Out-of-state application		25.00
School:		
License application		175.00
Renewal per year		185.00
Late renewal penalty		175.00
Duplicate		15.00
Curriculum review		15.00
Salon/shop:		
Application		50.00
Renewal		60.00
Late renewal penalty		50.00
Duplicate license		15.00
Booth renter:		
Application		50.00
Renewal		60.00
Late renewal penalty		50.00
Duplicate license		15.00
Mobile operator:		
Application		50.00
Renewal		60.00
Late renewal penalty		50.00
Duplicate license		15.00
Personal service operator:		
Application		50.00
Renewal		60.00
Late renewal penalty		50.00
Duplicate license		15.00

[Statutory Authority: RCW 18.16.030, 43.24.086, and 43.135.055. 02-09-040, § 308-20-210, filed 4/12/02, effective 1/1/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-210, filed 7/17/92, effective 8/17/92. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-210, filed 1/23/92, effective 2/23/92. Statutory Authority:

RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-210, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

WAC 308-20-520 Minimum salon/shop licensing standards. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, booth rental, mobile unit, or personal services operator business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing, professional licensing, cosmetology section. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) A salon/shop shall not allow an operator to practice in leased space unless the operator possesses both a valid operator and booth renter license for that specific location.

(2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.

(3) A salon/shop establishment that does not meet the requirements of this chapter shall not offer or sublet booth rentals.

(4) A licensed operator who provides cosmetology, barbering, esthetics, or manicuring services to place bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

(5) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place bound clients shall obtain a location license.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-520, filed 7/17/92, effective 8/17/92.]

WAC 308-20-530 Minimum licensing requirements.

To qualify for licensure the following minimum requirements must be met.

(1) Maintain a separate outside entrance.

(2) Salon/shops shall be directly supervised by cosmetologists or individuals licensed in the services offered. Any change in direct supervision of a licensed salon/shop must be submitted to the department of licensing, cosmetology unit within five days of the change.

(3) A booth renter, mobile operator, personal service operator are considered individual business licenses and the individual is considered the direct supervisor.

(4) No rooms used for residential purposes may be used as part of a salon/shop except for toilet facilities.

(5) Salon/shops and mobile operators shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars.

(6) Booth renters shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars. This insurance must be in addition to the salon/shop insurance and specifically name the booth renter.

(7) Personal service operators shall provide proof of public liability insurance in the amount of not less than one hundred thousand dollars. This insurance must provide coverage in any and all locations in which services may be performed.

(8) Each cosmetology, barbering, esthetics, or manicuring business shall obtain the necessary federal, state, and

local business licenses, registrations, and permits before operating a business in this state.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-530, filed 7/17/92, effective 8/17/92.]

WAC 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers. (1) Licenses and the consumer notice required by chapter 18.16 RCW, shall be posted in direct public view in each salon/shop, rental booth and mobile unit. Personal service operators shall display their licenses and consumer notice in direct view of their client.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's booth or work station. The residence address of the operator, if shown on the license, may be blocked from public view.

(3) A pocket identification card may not be used in lieu of an original license.

(4) No license which has expired or become invalid for any reason shall be displayed by any operator or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(5) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(6) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-550, filed 7/17/92, effective 8/17/92.]

WAC 308-20-560 Booth renter, mobile operator, and personal services operator location license renewal process. Each booth renter, mobile operator, and personal services operator license shall be renewed on a yearly basis to conform to the date of birth of the owner of the business. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department shall not constitute cause for failure to renew.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-560, filed 7/17/92, effective 8/17/92.]

WAC 308-20-570 Salon/shop license renewal process. Each salon/shop license shall be renewed on a yearly basis prior to the first day of September of each year. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department shall not constitute cause for failure to renew.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-570, filed 7/17/92, effective 8/17/92.]

WAC 308-20-600 Disinfecting and sterilizing of tools and other implements. Adequate chemical disinfecting agents or sterilization equipment shall be available for use as needed at all times when the business is open to clients or operators.

(1) When sterilization equipment is used it shall be checked annually to assure that it is reaching the temperature required by the manufacturer's instructions.

(2) When commercially manufactured disinfectant solution is used it shall be mixed and used according to the manufacturer's instructions.

(3) When used according to the manufacturer's instructions the following methods may be used to disinfect and sterilize tools and equipment.

(a) Immersion of the object in the disinfectant solution.

(b) Dry heat or autoclave sterilizer registered with the Federal Food and Drug Administration.

(4) All items which cannot be sterilized or disinfected and shall be discarded after each use.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-600, filed 7/17/92, effective 8/17/92.]

WAC 308-20-610 Chemical use and storage. (1) When administering services to a client that involve the use of chemicals or chemical compounds, all practitioners shall follow safety procedures which prevent injury to the client's person or clothing.

(2) Any shop owner or practitioner using chemicals or chemical compounds in providing services to clients shall store the chemicals so as to prevent fire, explosion, or bodily harm.

(a) Flammable chemicals shall be stored away from potential sources of ignition.

(b) Chemicals which could interact in a hazardous manner such as oxidizers, catalysts, and solvents, shall be segregated in storage.

(c) All chemicals shall be stored in accordance with the manufacturer's directions.

[Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-610, filed 7/17/92, effective 8/17/92.]

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 pro-

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ceedings 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

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(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 308-29 WAC

COLLECTION AGENCIES AND REPOSSESSION SERVICES

WAC

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308-29-120	Appeal process for brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-29-040	Collection agency—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-29-040, filed 9/25/80; Order PL 221, § 308-29-040, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-29-045.
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WAC 308-29-010 Definitions. (1) Words and terms used in these rules have the same meaning as each has under chapter 19.16 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) "Branch office" is any location physically separated from the principal place of business of a licensee where the licensee conducts any activity meeting the criteria of a collection agency or out-of-state collection agency as defined in RCW 19.16.100.

(3) "Repossession services" conducted by any person shall not be deemed a collection agency as defined in RCW 19.16.100, unless such person is repossessing or is attempting to repossess property for a third party and is authorized to accept cash or any other thing of value from the debtor in lieu of actual repossession.

(4) "Managing employee" is an individual who has the general power to exercise judgment and discretion in acting on behalf of the licensee on an overall or partial basis and who does not act in an inferior capacity under close supervision or direction of a superior authority (as distinguished from a nonmanaging employee who is told what to do and has no discretion about what he or she can and cannot do and who is responsible to an immediate superior).

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-010, filed 5/22/01, effective 6/22/01; Order PL-123, § 308-29-010, filed 5/17/72.]

WAC 308-29-020 Financial statement. Each applicant must submit a current (within prior three months) financial statement of assets and liabilities. Such statement shall be submitted in the manner and form prescribed by the director. Whenever a licensee applies for annual license renewal, such licensee must sign the renewal form that contains a certification:

(1) That the collection agency's true net worth complies with the requirements of RCW 19.16.245; and

(2) That the trust account(s) have sufficient funds to pay all obligations to clients.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-020, filed 5/22/01, effective 6/22/01; Order PL-123, § 308-29-020, filed 5/17/72.]

WAC 308-29-025 What records must a licensee maintain at the licensed location? Required records:

The collection agency must maintain the following records at the licensed location:

(1) **Bank trust records.**

(a) Duplicate receipt book or cash receipts journal recording all receipts showing date received and the customer who paid;

(b) Sequentially numbered checks with check register or cash disbursement journal or check stubs showing the purpose of the disbursement and the client account it is debited to;

(c) Bank deposit slips verifying the date deposited and reconciled with receipt book or cash receipts journal;

(d) Client's accounting ledger or client remittance report summarizing all moneys received and all moneys disbursed for each client collection account; and

(e) Reconciled bank statements and canceled checks for all trust bank accounts.

(2) Other records.

(a) Copies of all financial statements of licensee showing solvency;

(b) Annotations of significant events or conversations with debtors;

(c) Transactions folders containing all agreements, contracts, documents, statements and correspondence for each debtor and client (may be maintained electronically or on other retrievable medium); and

(d) Collection agreements authorizing the licensee to collect debts or a schedule listing all fees or charges to be charged to the debtor or client.

Accuracy, accessibility and retention of records:

All required records shall be accurately posted, kept up-to-date and kept at the address where the collection agent is licensed to do business. Such records shall be retained and available for inspection by the director or the director's authorized representative during normal business hours. The collection agent shall provide copies of required records upon demand by the director or the director's authorized representative.

(3) Licensee's responsibilities:

(a) The licensee shall be responsible for the custody, safety and the accuracy of entries in all required records. The licensee retains this responsibility even though another person or persons assume the duties of preparation, custody or recording.

(b) The licensee shall obtain copies of the Collection Agency Act (chapter 19.16 RCW) and the rules implementing the act (chapter 308-29 WAC) and be knowledgeable of these laws and rules in their most recent version.

(c) The licensee must ensure accessibility of the licensed location and records to the director or the director's representative.

(4) Administration of trust funds and client property:

(a) A licensee who receives funds or moneys from any debtor, client or customer shall hold the funds or moneys in trust for the purposes of the agreement and shall not utilize such funds or moneys for the benefit of the licensee or any person not entitled to such benefit.

(b) All funds or moneys received shall be deposited into a federally insured banking institution.

(c) The trust bank account will be in the licensee's name and identified as a trust account.

(d) Preauthorization of regular disbursements or deductions on an ongoing basis by financial institutions is not permitted for multiclient accounts.

(e) When a contract between the licensee and client expires, terminates, or is no longer in existence, the licensee shall give a closing statement to the client summarizing all receipts and payments since the last statement and shall return all instruments and client property to the client within thirty days after written demand from the client, or as specified in the client contract.

WAC 308-29-030 Do licensees have to notify the director of changes in ownership, officers, directors, or managing employees? (1) Each licensee shall notify the director in writing:

(a) Within ten business days of any change in its ownership;

(b) Within ten business days of any change in officers, directors, or managing employees of each office location.

The notification shall consist of reporting the individual's name, position, address and effective date of change.

(2) If requested by the department, each licensee shall notify the department in writing of any additional information regarding the change or changes in subsection (1) of this section within ten days after the mailing of the request.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-030, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-030, filed 5/20/87; Order PL-141, § 308-29-030, filed 12/18/72.]

WAC 308-29-045 Collection agency fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	\$650.00
Investigation (nonrefundable)	250.00
Renewal	600.00
Late renewal penalty	400.00
Reregistration fee after 30 days	1,650.00
Duplicate license	15.00
Branch office (with WA main office):	
Original application	350.00
Renewal	350.00
Late renewal penalty	200.00
Reregistration fee after 30 days	900.00
Duplicate license	15.00

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-045, filed 5/22/01, effective 6/22/01. Statutory Authority: RCW 43.24.086, 90-06-052, § 308-29-045, filed 3/2/90, effective 4/2/90; 87-10-028 (Order PM 650), § 308-29-045, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-29-045, filed 11/2/83; 83-17-031 (Order PL 442), § 308-29-045, filed 8/10/83. Formerly WAC 308-29-040.]

WAC 308-29-050 Are licensees required to notify the director of lawsuits, judgments, etc., involving the licensee or its employees? (1) Within thirty days after the entry of any judgment against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the judgment, if the judgment arises out of any of the practices prohibited in RCW 19.16.250 or of any of the grounds set forth in RCW 19.16.120.

(2) Within thirty days after the filing, service or knowledge of a tax lien or warrant filed against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the lien or warrant.

(3) Within thirty days after the filing, service or knowledge of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindi-

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-025, filed 5/22/01, effective 6/22/01.]

vidual licensee is named a defendant, the licensee shall notify the director in writing of such matter if it:

- (a) Involves alleged violations of RCW 19.16.210; or
- (b) Is or purports to be brought on behalf of the state of Washington or three or more persons.

(4) Within thirty days after the licensee or any owner, officer, director or managing employee of a nonindividual licensee files a petition for bankruptcy, the licensee shall notify the director in writing of the filing of the petition.

(5) The written notification shall be sent by certified or registered mail and shall identify:

- The names of all parties, plaintiff and defendant;
- The court in which the action is commenced; and
- The cause number assigned to the action.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-050, filed 5/22/01, effective 6/22/01; 79-06-084 (Order PL-306), § 308-29-050, filed 6/1/79.]

WAC 308-29-060 What are the licensees' obligations when transferring an interest in a collection agency? (1) In order to transfer the licensee's interest in a collection agency or out-of-state collection agency, unless the transfer is due to the death of an individual licensee, the licensee shall notify all of its clients with open accounts, or cause such clients to be notified, of the transfer of the licensee's interest.

(2) The instrument by which the interest is transferred shall be in writing, and shall indicate:

(a) That the license or branch office certificate granted under chapter 19.16 RCW is not assignable or transferable, that the transfer of the licensee's interest in the business does not include such license or certificate, that the transferee of the interest must apply for a license and/or certificate in accordance with the law, and that the transferee of the interest may not act, assume to act, or advertise as a collection agency or out-of-state collection agency as defined in chapter 19.16 RCW, without first having applied for and obtained a license under that chapter;

(b) Which party to the transaction bears responsibility for payment to clients of amounts due them between the date the instrument is executed and the effective date of the transfer;

(c) Which party to the transaction bears responsibility for maintaining and preserving the records of the collection agency or out-of-state collection agency as prescribed by RCW 19.16.230 and these rules;

(d) Whether the transfer of interest includes the right to use of the business name or trade name of the collection agency or out-of-state collection agency; and

(e) Which party to the transaction bears responsibility for providing written notice of the transfer to the clients of the collection agency who have open accounts with the collection agency or out-of-state collection agency.

(3) The licensee must provide the director a copy of the instrument transferring the licensee's interest signed by all parties to the transaction and shall indicate the effective date of the transfer.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-060, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-060, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-060, filed 6/27/86; 79-06-084 (Order PL-306), § 308-29-060, filed 6/1/79.]

WAC 308-29-070 Disclosure of rate of interest. Whenever a collection agency is required pursuant to RCW 19.16.250 (8)(c) to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest. The rate of interest cannot exceed the legal maximum rate established in chapter 19.52 RCW.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-070, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-070, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-070, filed 6/27/86.]

WAC 308-29-080 Does a collection agency have to notify the credit reporting agency when the debt is satisfied? If a collection agency informs a credit-reporting agency of the existence of a claim, the collection agency shall promptly notify the credit-reporting agency that the claim has been satisfied. In the absence of other applicable law, "promptly" shall mean within forty-five days after satisfaction of the claim.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-080, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-080, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-080, filed 6/27/86.]

WAC 308-29-090 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 of an applicant or licensee, or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set out below. Brief adjudicative proceedings may be conducted where the matter is limited solely to one or more of the following issues:

(1) Whether an applicant for licensure meets the minimum criteria for a license to practice as a collection agency, out-of-state collection agency, or collection agency branch office in this state 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 a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(4) Whether a license holder meets the surety bond requirements to maintain their license and the board proposes to terminate the license.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-090, filed 5/22/01, effective 6/22/01.]

WAC 308-29-100 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, or reinstatement and all associated documents;

(b) All documents relied upon by the department of licensing collection agency program in proposing to deny the license, renewal, or reinstatement; and

(c) All correspondence between the applicant for license, renewal, or reinstatement 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 determination of compliance with the surety bond requirements shall consist of:

- (a) The surety bond cancellation notice from the insurance company;
- (b) All documents relied upon by the program in proposing to terminate the license; and
- (c) All correspondence between the license holder and the program regarding the surety bond cancellation.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-100, filed 5/22/01, effective 6/22/01.]

WAC 308-29-110 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer designated by the board. 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 19.16.410]. 01-11-132, § 308-29-110, filed 5/22/01, effective 6/22/01.]

WAC 308-29-120 Appeal process for brief adjudicative proceedings. If you do not receive satisfaction from the brief adjudicative proceeding, you may appeal to the board for an administrative review. The board must receive your written appeal within twenty-one days after the brief adjudicative proceeding order is posted in the United States mail. The board considers your appeal and either upholds or overturns the brief adjudicative proceeding decision. The board's decision, also called an order, is mailed to you.

(2003 Ed.)

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-120, filed 5/22/01, effective 6/22/01.]

Chapter 308-30 WAC NOTARIES PUBLIC

WAC

308-30-005	Mailing address.
308-30-010	Size and form of notary seal or stamp.
308-30-020	Maximum fees that may be charged by notaries public.
308-30-030	Applications for appointment as notary public.
308-30-040	Resignation or revocation of notary appointment.
308-30-050	Replacement of lost or stolen notary seals or stamps.
308-30-060	Department to be notified of change of name or address.
308-30-070	Requests for evidence of authenticity.
308-30-080	Appeals of denials and revocations of notary appointments.
308-30-090	Forms.
308-30-100	Fees.
308-30-120	Notary signature.
308-30-130	Expired stamp or seal.
308-30-140	Notification of legal actions.
308-30-150	Continuous qualification required.
308-30-155	Satisfactory evidence of identity.
308-30-160	Testimonials.
308-30-170	Application of brief adjudicative proceedings.
308-30-180	Preliminary record in brief adjudicative proceedings.
308-30-190	Conduct of brief adjudicative proceedings.

WAC 308-30-005 Mailing address. All correspondence is to be directed to the Department of Licensing, Professional Licensing Services, Notary Section, Post Office Box 9027 (in person 2424 Bristol Court) Olympia, Washington 98507-9027.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-005, filed 2/5/93, effective 3/8/93.]

WAC 308-30-010 Size and form of notary seal or stamp. A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.

(2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by one and five-eighths inches long.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be pre-printed.

(5) The use of the Washington state seal on the notary stamp or seal is prohibited.

(6) A vendor may not provide a notarial seal, or stamp, either inking or embossing, to a person claiming to be a notary, unless the person presents a photo copy of the person's Notary Certificate.

(7) A notary applying for a seal or stamp as a result of a name change shall present a copy to the vendor of the certificate evidencing the notary's name change from the director.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-010, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-010, filed 11/26/85, effective 1/1/86.]

WAC 308-30-020 Maximum fees that may be charged by notaries public. A notary public need not charge fees for notarial services. When fees are charged, notaries

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shall display in a prominent place, at the place of business, to the public, an English language schedule of fees for notarial acts. No part of the displayed notarial fee schedule may be printed in smaller than 10 pt. type. The following are the maximum fees that may be charged by notaries public for the following services:

(1) Witnessing or attesting a signature with or without seal or stamp, five dollars.

(2) Taking acknowledgment, or verification upon oath or affirmation, five dollars for the first two persons and five dollars for each additional person.

(3) Certifying or attesting a copy, with or without seal or stamp, five dollars.

(4) Receiving or noting a protest of a negotiable instrument, five dollars.

(5) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, five dollars.

(6) For copying any instrument or record, per page, besides certificate and seal or stamp, one dollar for the first page and twenty-five cents for each remaining page.

(7) Administering an oath or affirmation, five dollars.

(8) Certifying that an event has occurred or an act has been performed, five dollars.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-020, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-020, filed 11/26/85, effective 1/1/86.]

WAC 308-30-030 Applications for appointment as notary public. Applications for appointment as notary public may be obtained from the department of licensing. Every application submitted for appointment as a notary public must be accompanied by the required surety bond and the prescribed fee and shall in all ways comply with the requirements of chapter 42.44 RCW.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-030, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-030, filed 11/26/85, effective 1/1/86.]

WAC 308-30-040 Resignation or revocation of notary appointment. Voluntary resignation by a notary public shall be submitted in writing to the department of licensing. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the department of licensing. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the notary section.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-040, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-040, filed 11/26/85, effective 1/1/86.]

WAC 308-30-050 Replacement of lost or stolen notary seals or stamps. When a notary seal or stamp is lost or stolen the department of licensing is to be notified by certified mail. The notice must set forth the fact that the notary seal or stamp has been lost or stolen and be signed by the notary public. The notary public may then obtain a replacement notary seal or stamp. The new notary seal or stamp must

contain some variance from the original seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained the original seal or stamp shall be surrendered to the department of licensing.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-050, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-050, filed 11/26/85, effective 1/1/86.]

WAC 308-30-060 Department to be notified of change of name or address. When a notary public changes his or her name or address, the department of licensing must be notified in writing of such name and/or address change. The notification of name change must be accompanied by a bond rider from the bonding company amending the notary bond, and the prescribed fee for a name change which provides a duplicate notary certificate showing the new name. There is no charge for an address change.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-060, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-060, filed 11/26/85, effective 1/1/86.]

WAC 308-30-070 Requests for evidence of authenticity. Requests for evidences of authenticity of notarial commission must be in writing, accompanied by the prescribed fee, the original document, and mailed to the department of licensing.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-070, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-070, filed 11/26/85, effective 1/1/86.]

WAC 308-30-080 Appeals of denials and revocations of notary appointments. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the department of licensing. The written notification of appeal must be received by the department within twenty days of the date of denial or revocation or the right to appeal is waived. When the notification of appeal is mailed, the postmarked date will be accepted as the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter 34.05 RCW, and rules adopted thereunder.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-080, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-080, filed 11/26/85, effective 1/1/86.]

WAC 308-30-090 Forms. (1) The forms in RCW 42.44.100 are only suggested certificates with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.

(2) A nonattorney notary may complete notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act. This does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-090, filed 2/5/93, effective 3/8/93. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-090, filed 11/26/85, effective 1/1/86.]

WAC 308-30-100 Fees. The following fees shall be charged by the director of the department of licensing:

Title of Fee	Fee
Application for notary appointment	\$20.00
Renewal of notary appointment	20.00
Duplicate certificate of appointment (including change of name)	15.00
Evidence of verification of notarial commission	15.00
Apostille	15.00

[Statutory Authority: RCW 43.24.086. 90-06-052, § 308-30-100, filed 3/2/90, effective 4/2/90. Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-100, filed 11/26/85, effective 1/1/86.]

WAC 308-30-120 Notary signature. Upon completion of a notarial act, the notary must sign the notary certification using his/her name exactly as it appears on the notary certificate of appointment and the stamp or seal. The notary's name must be legibly printed or stamped directly below their signature.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-120, filed 2/5/93, effective 3/8/93.]

WAC 308-30-130 Expired stamp or seal. The use of a stamp or seal with an expired date is prohibited.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-130, filed 2/5/93, effective 3/8/93.]

WAC 308-30-140 Notification of legal actions. The notary must notify the department of licensing of any conviction against him or her of official misconduct, and/or civil or criminal charges. Notification must be submitted within thirty days of such happening.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-140, filed 2/5/93, effective 3/8/93.]

WAC 308-30-150 Continuous qualification required.

A notary public must continue to meet the requirements of RCW 42.44.020 (1)(b) or (c) throughout the term of appointment. A notary who fails to meet any one or more of the aforementioned requirements shall resign, or the director shall institute hearings to determine if the requirements have been met by the notary.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-150, filed 2/5/93, effective 3/8/93.]

WAC 308-30-155 Satisfactory evidence of identity. Satisfactory evidence of an individual identity shall be based on one of the following:

(1) Current documents issued by a federal or state government with the individual's photograph, signature, and physical description.

(2) The oath or affirmation of a credible person who personally knows the individual.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-155, filed 2/5/93, effective 3/8/93.]

WAC 308-30-160 Testimonials. A notary may not endorse or promote any service, contest, or other offering if

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the notary's seal or title is used in the endorsement or promotional statement.

[Statutory Authority: RCW 42.44.190. 93-05-009, § 308-30-160, filed 2/5/93, effective 3/8/93.]

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 partici-

pated 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 308-33 WAC

EMPLOYMENT AGENCIES—FEE SCHEDULES

WAC

- 308-33-011 Are the fees charged by employment agencies regulated?
- 308-33-030 What are the guidelines for establishing fees in employment agency contracts?
- 308-33-060 Does an employment agency have to notify the applicant of their fee in writing once a job has been accepted?
- 308-33-071 Signing of contracts—Applicant's rights.
- 308-33-090 Definition of a branch office.
- 308-33-095 General manager examination.
- 308-33-105 Employment agency fees.
- 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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-33-010 Excessive fees. [Order 337001, § 308-33-010, filed 2/26/70, effective 4/1/70.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-011.
- 308-33-015 Request for excess fees. [Order PL-142, § 308-33-015, filed 1/24/73.] Repealed by 81-02-031 (Order PL 359), filed 1/5/81. Statutory Authority: RCW 19.31.070.
- 308-33-020 Director's review of fees and contracts. [Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-020, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-020, filed 1/5/81; Order PL-142, § 308-33-020, filed 1/24/73; Order 337001, § 308-33-020, filed 2/26/70, effective 4/1/70.] Repealed by 98-18-053, filed 8/28/98, effective 9/28/98. Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346.
- 308-33-040 Resume selling—Generally. [Order PL 118, § 308-33-040, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
- 308-33-050 Restrictions on agencies selling resumes. [Order PL 118, § 308-33-050, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
- 308-33-070 Signing of contracts; employer paid fee contracts. [Order PL 118, § 308-33-070, filed 3/22/72, effective 4/21/72.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-071.
- 308-33-080 Contract term guidelines. [Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-080, filed 10/21/87; Order PL-142, § 308-33-080, filed

1/24/73.] Repealed by 98-18-053, filed 8/28/98, effective 9/28/98. Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346.

308-33-100

Employment agency—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-33-100, filed 9/25/80; Order PL 272, § 308-33-100, filed 7/26/77, effective 9/21/77; Order PL 213, § 308-33-100, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-33-105.

WAC 308-33-011 Are the fees charged by employment agencies regulated? Although fees are not regulated, employment agencies cannot require by contract or otherwise that an applicant pay in any one month period an amount which exceeds their gross earnings for that period.

Employment termination: How much does an applicant owe the employment agency?

- **Employed sixty days or less** - An applicant must pay up to twenty percent of the gross earnings received, or the full placement fee established in the employment agency contract, whichever is less.
- **Employed over sixty days** - An applicant must pay the full placement fee established in the employment agency contract. Within seventy days after reporting to work, an applicant may submit payroll information to the agency to reevaluate the fee due based on the actual gross earnings for the first sixty days of employment.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-011, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-011, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-011, filed 1/5/81; Order PL 272, § 308-33-011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308-33-011, filed 4/1/76; Order PL-142, § 308-33-011, filed 1/24/73. Formerly WAC 308-33-010.]

WAC 308-33-030 What are the guidelines for establishing fees in employment agency contracts? (1) The contract must list the fee charged to an applicant under the following headings:

- (a) Monthly salary;
- (b) Range of agency's fee expressed in dollars; and
- (c) Agency's fee as a percentage of the expected monthly salary.

A Monthly Salary	B Range of Agency's Fee Expressed in Dollars	C Agency's Fee as a Percent of Expected Monthly Compensation
Less than \$300.00	Up to \$90.00	30%
\$300.00 to \$349.99	\$120.00 to \$139.99	40%
\$350.00 to \$399.99	\$175.00 to \$199.99	50%

(2) The agency may list the annual salary and agency fee as a percentage of the expected annual salary in addition to column C in the example above.

(3) The contract must contain any additional information concerning fees as required by law.

(4) Agencies cannot indicate, orally or in writing, that their contract and fee schedules are "approved" or in any way "recommended" by the state. However, they can indicate their contracts are "approved for use."

(5) An example of contract terms acceptable to the director are available upon request.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-030, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-030, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-030, filed 1/5/81; Order PL-142, § 308-33-030, filed 1/24/73; Order 337001, § 308-33-030, filed 2/26/70, effective 4/1/70.]

WAC 308-33-060 Does an employment agency have to notify the applicant of their fee in writing once a job has been accepted? If an applicant accepts a job through the efforts of an employment agency, the agency must notify the applicant of their fee in writing. The document must contain the following:

- (1) Amount of fee expressed in dollars;
- (2) Expected monthly or annual salary (whichever the fee is based upon);
- (3) Date applicant began or will begin working; and
- (4) Date payment is due to the agency.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-060, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-060, filed 10/21/87; Order PL 118, § 308-33-060, filed 3/22/72, effective 4/21/72.]

WAC 308-33-071 Signing of contracts—Applicant's rights. (1) You must have an opportunity to discuss the contract and its terms with an authorized representative of the agency before signing.

(2) You must be given a signed carbon or duplicate copy of the contract immediately after signing.

(3) If you request only jobs in which the employer pays the agency fee, the agency must note that on all contracts prior to your signing the contract.

(4) If you accept a job and the fee is paid by the employer, the agency can request that you sign a contract obligating you to pay the agency fee if the job terminates within sixty days and the employer is reimbursed by the agency. All such contracts must contain the necessary information required by RCW 19.13.040 and must be approved by the director prior to their use.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-071, filed 8/28/98, effective 9/28/98; Order PL 272, § 308-33-071, filed 7/26/77, effective 9/21/77; Order PL-142, § 308-33-071, filed 1/24/73. Formerly WAC 308-33-070.]

WAC 308-33-090 Definition of a branch office. A branch office is any location physically separated from the principal place of business of a licensee where the licensee or his employees conduct any activity meeting the criteria of an employment agency as defined in RCW 19.31.020.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-090, filed 8/28/98, effective 9/28/98; Order PL-142, § 308-33-090, filed 1/24/73.]

WAC 308-33-095 General manager examination. (1) Examinations for general managers are written and consist of multiple choice questions covering the subject matter set forth in RCW 19.31.100.

(2) The minimum passing grade is seventy-five percent.

(3) Examinations are conducted at least once per month at locations specified by the director.

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(4) The application and fee must be received by the department by the first of each month to be scheduled for the examination the following month. The fee is not refundable.

(5) Applicants failing the examination must submit a new application and fee.

(6) General managers who have passed the examination and become inactive in the employment agency business for more than one year are required to retake and pass the examination prior to being qualified to serve as a general manager.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-095, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-095, filed 10/21/87; Order PL 272, § 308-33-095, filed 7/26/77, effective 9/21/77.]

WAC 308-33-105 Employment agency fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Agencies:	
Original application and license	\$783.00
Renewal	648.00
Transfer of license	150.00
Duplicate license	15.00
New/amended contract or fee schedule review	50.00
Branch office:	
Original application and license	540.00
Renewal	540.00
Transfer of license	25.00
Duplicate license	15.00
General manager exam fee	150.00

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. 98-18-053, § 308-33-105, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 43.24.086. 90-06-052, § 308-33-105, filed 3/2/90, effective 4/2/90; 87-10-028 (Order PM 650), § 308-33-105, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-33-105, filed 11/2/83; 83-17-031 (Order PL 442), § 308-33-105, filed 8/10/83. Formerly WAC 308-33-100.]

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 308-47 WAC

RULES OF PROCEDURE FOR CREMATION

WAC

308-47-010	Definitions.
308-47-020	Identification of human remains.
308-47-030	Holding human remains for cremation.
308-47-040	Cremation of human remains.
308-47-050	Processing of cremated human remains.

308-47-060
308-47-070

Packaging and storage of cremated human remains.
Disposition of cremated human remains.

WAC 308-47-010 Definitions. (1) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(2) "**Crematory**" the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.

(3) "**Crematory authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(4) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

(5) "**Cremation**" means the reduction of human remains to bone fragments, in a crematory, by means of incineration.

(6) "**Cremated human remains**" means the end products of cremation.

(7) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(8) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(9) "**Cremation container**" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

(10) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(11) "**Holding facility**" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.

- Preserve the dignity of the human remains.

- Recognize the personal integrity, health and safety of employees and others.

- Be secure from access by anyone other than authorized personnel.

(12) "**Human remains**" means the body of a deceased person.

(13) "**Cadaver**" means the body of a deceased person, or any part thereof, which has been donated to science for medical research purposes.

(14) **"Body parts"** means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(15) **"Commingling"** means the mixing of cremated human remains of more than one deceased person.

(16) **"Residue"** means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-47-010, filed 9/9/02, effective 10/10/02.]

WAC 308-47-020 Identification of human remains. A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.
- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains and in the crematory log.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-47-020, filed 9/9/02, effective 10/10/02.]

WAC 308-47-030 Holding human remains for cremation. (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-47-030, filed 9/9/02, effective 10/10/02.]

WAC 308-47-040 Cremation of human remains. (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

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(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-47-040, filed 9/9/02, effective 10/10/02.]

WAC 308-47-050 Processing of cremated human remains. (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-47-050, filed 9/9/02, effective 10/10/02.]

WAC 308-47-060 Packaging and storage of cremated human remains. (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part

of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-060, filed 9/9/02, effective 10/10/02.]

WAC 308-47-070 Disposition of cremated human remains. (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release or date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of two years or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-070, filed 9/9/02, effective 10/10/02.]

Chapter 308-48 WAC

FUNERAL DIRECTORS AND EMBALMERS

WAC

- 308-48-010 Definitions.
- 308-48-030 Care of human remains.
- 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards.
- 308-48-040 Control of human remains.
- 308-48-050 Confidence.
- 308-48-060 Against concealment of crime.
- 308-48-075 Display of licenses.
- 308-48-080 Improper use of license.
- 308-48-085 Funeral establishments and crematories—Inspections.
- 308-48-110 Revocation of license.
- 308-48-145 Approval of embalming schools and accrediting associations.
- 308-48-150 Course of training—Apprentice funeral director.
- 308-48-160 Course of training—Apprentice embalmers.

- 308-48-180 Renewal of licenses, registrations, endorsements and permits.
- 308-48-190 Examination fee.
- 308-48-200 Report of apprenticeship registration, termination, transfer and credit.
- 308-48-210 Establishment licensure.
- 308-48-350 AIDS prevention and information education requirements.
- 308-48-510 Continuing education requirements—Purpose.
- 308-48-520 Effective date of continuing education requirement.
- 308-48-530 Continuing education basic requirement—Amount.
- 308-48-540 Continuing education requirement to reinstate lapsed license or registration.
- 308-48-550 Continuing education reporting requirement.
- 308-48-560 Continuing education documentation may be required.
- 308-48-570 Continuing education discretionary exception for emergency situation.
- 308-48-580 Board approval of continuing education activities.
- 308-48-590 Qualification for board approval of continuing education activities.
- 308-48-600 Procedure for obtaining board approval of continuing education activity.
- 308-48-780 Crematories—Inspections.
- 308-48-800 Funeral director/embalmer fees.
- 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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-48-020 Misconduct enumerated in statute. [Rule 2, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
- 308-48-070 Fraud and deceit. [Rule 7, filed 9/17/64.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-090 Absence of licensee. [Order PL 273, § 308-48-090, filed 8/1/77; Rule 9, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
- 308-48-100 Improper methods for seeking business. [Statutory Authority: RCW 18.39.175 (4) and (5). 85-19-014 (Order PL 551), § 308-48-100, filed 9/6/85; Rule 10, filed 9/17/64.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-115 Director's designees. [Order PL 273, § 308-48-115, filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
- 308-48-120 Apprentices—Credit limitation for prior employment. [Rules, § 1, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).
- 308-48-130 College credit. [Rules, § 2, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).
- 308-48-140 Licenses—Applicants from other states. [Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-140, filed 6/6/88; 86-15-022 (Order PM 604), § 308-48-140, filed 7/11/86. Statutory Authority: RCW 18.39.130, as amended by SHB 871. 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.] Repealed by 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
- 308-48-165 Examination subjects. [Statutory Authority: RCW 18.39.175(4). 86-15-022 (Order PM 604), § 308-48-165, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-165, filed 1/26/83.] Repealed by 90-17-148, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.39.175(4).
- 308-48-170 Collegiate level hours. [Order PL 122, § 308-48-170, filed 5/9/72.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
- 308-48-175 Application to national boards—Embalmers. [Order PL 273, § 308-48-175, filed 8/1/77; Order PL-259, § 308-48-175, filed 12/7/76.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

- 308-48-185 Funeral establishments and crematories—License expiration. [Statutory Authority: RCW 18.39.175(4), 98-21-056, § 308-48-185, filed 10/19/98, effective 11/19/98; Order PL 273, § 308-48-185, filed 8/1/77.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-19001 Definition—Employ. [Order PL 273, § 308-48-190 (codified as WAC 308-48-19001), filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
- 308-48-250 Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-48-250, filed 8/10/83. Formerly WAC 308-48-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-48-300 License renewal fee. [Order PL-163, § 308-48-300, filed 3/18/74.] Repealed by Order PL 207, filed 11/5/75. Later promulgation, see WAC 308-48-310.
- 308-48-310 Funeral directors and embalmers—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-48-310, filed 9/25/80; Order PL 273, § 308-48-310, filed 8/1/77; Order PL-259, § 308-48-310, filed 12/7/76; Order PL 207, § 308-48-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-48-250.
- 308-48-320 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 35. 84-21-132 (Order PL 492), § 308-48-320, filed 10/24/84.] Repealed by 85-19-013 (Order PL 550), filed 9/6/85. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176.
- 308-48-700 Definitions. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-700, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-710 Identification of human remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-710, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-720 Holding human remains for cremation. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-720, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-730 Cremation of human remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-730, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-740 Processing of cremated remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-740, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-750 Packaging and storage of cremated or processed remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-750, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-760 Disposition of cremated or processed remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-760, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-770 Endorsement required. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-770, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-790 Crematory endorsements—Registration—Expiration. [Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-48-790, filed 6/6/88. Statutory Authority: RCW 18.39.175(4) as amended by 1985 c 402 § 6. 86-05-031 (Order PL 581), § 308-48-790, filed 2/19/86.] Repealed by 98-21-056, filed 10/19/98, effective 11/19/98. Statutory Authority: RCW 18.39.175(4).

WAC 308-48-010 Definitions. For the purpose of these rules, the following terms will be construed as follows:

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(1) "Licensee" will mean any person or entity holding a license, registration, endorsement, or permit issued by the director.

(2) "In its employ" as used in RCW 18.39.148 will include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-010, filed 9/9/02, effective 10/10/02; 86-15-022 (Order PM 604), § 308-48-010, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-010, filed 1/26/83; Rule 1, filed 9/17/64.]

WAC 308-48-030 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 uncasketed 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.

(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", and must be locked at all times.

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

(g) The room shall be equipped with proper and convenient covered receptacles for refuse.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-031, filed 9/9/02, effective 10/10/02; 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 308-48-040 Control of human remains. (1) No licensee will, directly or indirectly, assume control of any human remains without having first obtained authority from the person(s), their responsible representatives, or persons lawfully entitled to such control.

(2) A licensee in charge of human remains will be governed by the directions of those lawfully entitled to such control, as to matters relating to the preparation, handling and final disposition of the human remains (including steps in preparation, autopsy, embalming, dressing, viewing, videotaping, photographing; funeral, burial and cremation merchandise, and disposition arrangements.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-040, filed 9/9/02, effective 10/10/02; Rule 4, filed 9/17/64.]

WAC 308-48-050 Confidence. No licensee will divulge any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-050, filed 9/9/02, effective 10/10/02; Rule 5, filed 9/17/64.]

WAC 308-48-060 Against concealment of crime. (1) No licensee will remove, embalm, or perform other preparation of a human remains when he/she has information indicating crime or violence in connection with the cause of death, until permission is obtained from a coroner, medical examiner or other qualified official.

(2) Any licensee having or obtaining, as a result of providing services, any information in relation to a possible crime must communicate such information to a properly qualified official.

(3) No licensee will perform any act knowing that it will conceal evidence of crime.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-060, filed 9/9/02, effective 10/10/02; 86-15-022 (Order PM 604), § 308-48-060, filed 7/11/86; Rule 6, filed 9/17/64.]

WAC 308-48-075 Display of licenses. (1) A licensee must display a license in each location where he/she is

employed. Legal duplicates provided by the department at a fee to be determined by the director will be displayed when a licensee is employed at more than one location. The display of photocopies is prohibited.

[Statutory Authority: RCW 18.39.175(4), 87-11-063 (Order PM 652), § 308-48-075, filed 5/20/87.]

WAC 308-48-080 Improper use of license. No license shall place, permit to be placed or authorize the placement of his license in any establishment of place of business unless he be an owner, part owner or bona fide employee of such place of business, nor shall he lend his license (or any copy thereof) for use by any establishment or place of business in which he has no such interest, nor shall he suffer any establishment or place of business to pretend or represent that it is legally qualified to perform funeral directing or embalming by any such improper use of his license.

[Rule 8, filed 9/17/64.]

WAC 308-48-085 Funeral establishments and crematories—Inspections. (1) Funeral establishments and crematories licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover compliance with applicable statutes and rules. Funeral establishments and crematories will be open for inspection during normal business hours. If the establishment or crematory is not open, the ownership must identify someone to the department that can open the establishment or crematory for an unannounced inspection, or provide a method of access to the inspector.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-085, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.157(4) [18.39.175(4)], 88-08-015 (Order PM 716), § 308-48-085, filed 3/28/88; Order PL 273, § 308-48-085, filed 8/1/77.]

WAC 308-48-110 Revocation of license. No individual whose license has been revoked shall be eligible for licensure as a funeral director or embalmer in this state for a period of five years from the date of such revocation. Upon expiration of the 5-year period, such individual may apply for reinstatement provided he successfully retakes the examination and meets all the minimum requirements of RCW 18.39.035.

[Statutory Authority: RCW 18.39.175, 83-04-020 (Order PL 419), § 308-48-110, filed 1/26/83; Order PL 273, § 308-48-110, filed 8/1/77; Rule 11, filed 9/17/64.]

WAC 308-48-145 Approval of embalming schools and accrediting associations. (1) The board adopts the standards of the American Board of Funeral Service Education, Inc., in approving courses of instruction in embalming schools, pursuant to RCW 18.39.035(2). The board approves all schools accredited by, and in good standing with, the American Board of Funeral Service Education, Inc.

(2) The board approves associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045. The board approves of accrediting groups recognized by the Council for Higher Education Accreditation. The board adopts the standards of the Council for Higher Education Accreditation.

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The board may approve other accrediting associations which meet the board's standards. It is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-145, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4), 18.39.035(2) and 18.39.045, 84-11-059 (Order PL 468), § 308-48-145, filed 5/18/84.]

WAC 308-48-150 Course of training—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.]

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WAC 308-48-180 Renewal of licenses, registrations, endorsements and permits. (1) The annual license or registration renewal date for embalmers, funeral directors and apprentices is the licensee's birthdate. Individuals making application and fulfilling requirements for initial license and examination will be issued a license or registration which will expire on their next birth date.

(2) Funeral establishments, branch establishments, pre-arrangement sales licenses, and crematories must renew their licenses annually.

(3) Before the expiration date of the license, the director will mail a notice of renewal. The licensee must return such notice along with current renewal fees prior to the expiration of the license. Failure to renew the license prior to the expiration date will require payment of the penalty fee.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-180, filed 9/9/02, effective 10/10/02; Order PL 207, § 308-48-180, filed 11/5/75; Order PL 171, § 308-48-180, filed 5/20/74.]

WAC 308-48-190 Examination fee. Examination fees paid pursuant to the provisions of RCW 18.39.070(1) are not refundable unless the applicant notifies the department in writing at least 15 days prior to the scheduled exam date that he will not appear.

[Statutory Authority: RCW 18.39.175, 83-04-020 (Order PL 419), § 308-48-190, filed 1/26/83; Order PL-249, § 308-48-190, filed 5/21/76.]

WAC 308-48-200 Report of apprenticeship registration, termination, transfer and credit. (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral establishment. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of registration or termination, the affected apprentice should initiate and ensure submission of same. The notification shall be certified by signature of the sponsor.

(2) No credit for apprenticeship will be allowed for any period during which the apprentice is not registered pursuant to RCW 18.39.120. In the event an apprentice's sponsor dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by certification by another licensed funeral director or embalmer who has knowledge of the work performed and the credit due or by documentation or reasonable proof of such credit as determined by the board.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-200, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-200, filed 12/9/87. Statutory Authority: RCW 18.39.175, 83-04-020 (Order PL 419), § 308-48-200, filed 1/26/83; Order PL-249, § 308-48-200, filed 5/21/76.]

WAC 308-48-210 Establishment licensure. (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the department all locations subject to regulation. Any provider of any aspect of the care, shelter, transportation, embalming, other preparation and arrangements for the disposition of human remains must be licensed as a funeral establishment. Establishments must obtain a funeral establishment or branch license for each location.

[Title 308 WAC—p. 138]

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the establishment.

(b) Branch(es) must display a current branch license.

(c) Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

(d) The failure of a branch to meet the standards of an establishment may result in cancellation of the establishment license, pursuant to RCW 18.39.148.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-210, filed 9/9/02, effective 10/10/02; 87-11-063 (Order PM 652), § 308-48-210, filed 5/20/87.]

WAC 308-48-350 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Renewal of funeral director and/or embalmer licenses or apprenticeship registrations, and all persons making initial application for funeral director and/or embalmer licensure, or initial renewal of funeral director and/or embalmer apprenticeship registration must submit evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training must be a minimum of four and one half clock hours and must include, but is not limited to, the following: Prevention, transmission and treatment of AIDS.

(b) Implementation. The requirement for initial funeral director and/or embalmer licensure, the first renewal of a funeral director and/or embalmer apprenticeship registration, or reinstatement of any license or apprenticeship registration on lapsed, inactive, or disciplinary status will include evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant must:

(i) Certify, on forms provided, that the minimum education and training has been completed;

(ii) Keep records for five years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(4) Continuing education. The AIDS education requirement may be counted towards the fulfillment of the continuing education requirement.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-350, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 70.24.270, 89-04-002 (Order PM 793), § 308-48-350, filed 1/19/89.]

(2003 Ed.)

WAC 308-48-510 Continuing education requirements—Purpose. Continuing education activities, approved by the board of funeral directors and embalmers, shall be required as a condition of renewal of funeral director and embalmer licenses and of apprentice funeral director and apprentice embalmer registration, in order to maintain and improve the quality of their services to the public.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-510, filed 12/19/84.]

WAC 308-48-520 Effective date of continuing education requirement. The effective date of the continuing education requirement will be two years after initial licensure as a funeral director and/or embalmer, or initial registration as an apprentice funeral director and/or embalmer.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-520, filed 9/9/02, effective 10/10/02. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-520, filed 12/19/84.]

WAC 308-48-530 Continuing education basic requirement—Amount. (1) Every individual licensed as a funeral director and/or embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such licenses.

(2) Every individual registered as an apprentice funeral director and/or apprentice embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such registration.

(3) Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(4) The department shall not renew a license or registration or issue a new license or registration to any person who has failed to submit evidence of completion of ten hours of approved continuing education for the prior two-year period.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-530, filed 12/19/84.]

WAC 308-48-540 Continuing education requirement to reinstate lapsed license or registration. Any person seeking to reinstate a license or registration which has lapsed for less than one year must comply with the continuing education requirements for regular renewal of the license or registration. Any person seeking to reinstate a license or registration which has lapsed for one year or longer must present satisfactory evidence of having completed at least ten hours of approved continuing education activities for the two-year period prior to his or her reinstatement.

[Statutory Authority: RCW 18.39.175(7), 90-24-056, § 308-48-540, filed 12/3/90, effective 1/3/91. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-540, filed 12/19/84.]

WAC 308-48-550 Continuing education reporting requirement. (1) The licensee or registrant shall submit an affidavit certifying compliance with the continuing education requirement on the form provided by the board. The affidavit shall be submitted with license or registration renewal fee every two years.

(2003 Ed.)

(2) A material misstatement of information on the continuing education report shall be grounds for disciplinary action, including nonrenewal, suspension or revocation of license or registration.

[Statutory Authority: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-550, filed 12/9/87. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-550, filed 12/19/84.]

WAC 308-48-560 Continuing education documentation may be required. The board of funeral directors and embalmers reserves the right to require any licensee or registrant to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the sworn statement in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee or registrant to maintain records, certificates or other evidence of compliance with the continuing education requirements. The original or a copy of such evidence of compliance shall be available for inspection at the licensee or registrant's principal place of employment.

[Statutory Authority: RCW 18.39.175(7), 90-24-056, § 308-48-560, filed 12/3/90, effective 1/3/91. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-560, filed 12/19/84.]

WAC 308-48-570 Continuing education discretionary exception for emergency situation. In emergency situations, such as personal or family sickness, the board of funeral directors and embalmers may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year period for an individual licensee or registrant. The board will require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-570, filed 12/19/84.]

WAC 308-48-580 Board approval of continuing education activities. All continuing education activities, to satisfy the licensure/registration requirements, must be approved by the board of funeral directors and embalmers. Further, the board shall certify the number of hours to be awarded for participation in each approved continuing education activity.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-580, filed 12/19/84.]

WAC 308-48-590 Qualification for board approval of continuing education activities. (1) In order for a continuing education activity to qualify for board approval, the following qualifications must be met:

(a) The activity must contribute directly to the professional competency of the licensee or registrant;

(b) The activity must relate to the practice of mortuary science or, for a registrant, be a course required for initial licensure;

(c) The activity must be conducted by individuals who are considered by the board to be knowledgeable in the subject matter of the program by virtue of education, training, or experience.

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(2) The board may approve as continuing education activities courses, lectures, seminars, correspondence or homestudy programs, or other instructional programs which meet the above qualifications and which the board determines would be beneficial in improving the knowledge or service capability of licensees and registered apprentices.

[Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-590, filed 12/9/87. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176. 85-19-013 (Order PL 550), § 308-48-590, filed 9/6/85. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-590, filed 12/19/84.]

WAC 308-48-600 Procedure for obtaining board approval of continuing education activity. (1) An application for approval of continuing education activity must be submitted to the board before the activity is scheduled to commence. The board will notify the applicant of approval or disapproval of the continuing education activity and the number of credit hours approved.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-600, filed 9/9/02, effective 10/10/02; 91-20-071, § 308-48-600, filed 9/26/91, effective 10/27/91. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-600, filed 12/19/84.]

WAC 308-48-780 Crematories—Inspections. Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington state laws and regulations related to health or the handling or disposal of human remains.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-780, filed 10/17/85.]

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

Title of Fee	Fee
Embalmer:	
State examination or reexamination	\$154.98
Renewal	103.32
Late renewal penalty	51.66
Duplicate	15.50
Certification	25.83
Embalmer apprentice:	
Apprentice application	77.49
Apprentice renewal	46.49
Duplicate	15.50
Certification	25.83
Funeral director:	
State examination or reexamination	154.98
Renewal	103.32
Late renewal penalty	51.66
Duplicate	15.50

Title of Fee	Fee
Certification	25.83
Funeral director apprentice:	
Apprentice application	77.49
Apprentice renewal	46.49
Duplicate	15.50
Certification	25.83
Funeral establishment:	
Original application	361.62
Renewal	309.96
Branch registration and renewal	258.30
Preneed application	206.64
Preneed renewal:	
0-25 sales	25.83
26-99 sales	103.32
100 or more sales	154.98
Financial statement fee	51.66
Crematory endorsement registration	103.32
Crematory endorsement renewal fifty-one dollars and sixty-six cents plus fifty-two cents per cremation performed during previous calendar year.	

[Statutory Authority: RCW 18.39.181. 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4). 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.086. 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

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

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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

308-49-100	Purpose.
308-49-120	Effective date and scope.
308-49-130	Definitions.
308-49-140	Registration of establishments.
308-49-150	Prearrangement funeral service contract form requirements.
308-49-164	Prearrangement funeral service trust agreement requirements.
308-49-168	Trust fund depository agreement requirements.
308-49-170	Annual statement requirements.
308-49-200	Telephone solicitation.
308-49-210	Examination expense from change of ownership or control.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-49-160	Requirements as to trust funds. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-160, filed 1/26/83.] Repealed by 90-17-148, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.39.175(4).
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).
308-49-180	Renewal of certificate of registration. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-180, filed 1/26/83.] Repealed by 87-18-053 (Order PM 677), filed 9/1/87. Statutory Authority: RCW 18.39.290 and 18.39.320.

WAC 308-49-100 Purpose. The purpose of this chapter is to implement the provisions of RCW 18.39.240 through 18.39.345 and 18.39.360, by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-100, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-100, filed 1/26/83.]

WAC 308-49-120 Effective date and scope. These regulations shall be effective on March 1, 1983, and shall be applicable to all prearrangement funeral service contracts entered into in this state on and after that date.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-120, filed 1/26/83.]

WAC 308-49-130 Definitions. Unless the text in this chapter clearly states or requires otherwise, definitions shall be as set forth in RCW 18.39.010.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-130, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-130, filed 1/26/83.]

WAC 308-49-140 Registration of establishments. (1)

Each funeral establishment entering into prearrangement funeral service contracts in which one or more of the following conditions exist must be registered with the board before entering into such contracts:

(a) The sales price of the contract, using either trust or insurance as a method of funding, guarantees a final price for merchandise and services. The guarantee assures the purchaser that there will be no additional charges for the merchandise and services disclosed within the agreement.

(b) The sales price of the contract using a trust as a method of funding plus accruals will be applied toward the cost of merchandise and services at the time of need. Should the cost of merchandise and services selected at the time of need exceed the sales price of the contract plus accruals, the purchaser will pay the difference. Should the cost of merchandise and services selected at the time of need be less than the sales price of the contract plus accruals, the purchaser will receive a refund for the difference.

(c) Insurance is used as a method of funding guaranteeing a final price for merchandise and services. Such guarantee assures the purchaser that there will be no additional charges for merchandise and services disclosed in the agreement.

(2) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year and/or other such fiscal documents as the board may require;

(c) The prearrangement funeral service contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;

(d) Identification of the trustee(s) of the prearrangement funeral service trust, including address and telephone number.

(e) A copy of the prearrangement funeral service trust agreement and the prearrangement funeral service trust depository agreement.

(3) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(4) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-140, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-140, filed 6/6/88. Statutory Authority: RCW 18.39.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-140, filed 9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-140, filed 1/26/83.]

WAC 308-49-150 Prearrangement funeral service contract form requirements. (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment.

Contracts must be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every prearrangement funeral service contract must include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) That all funds placed in trust plus net accruals are subject to refund.

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-150, filed 9/9/02, effective 10/10/02; 90-17-148, § 308-49-150, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-150, filed 1/26/83.]

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.

(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) Details as to investment and administration of the trust;

(f) Compensation of trustees and expenses to be incurred;

(g) Accounting methods to be used;

(h) 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 or changes to the trust agreement must receive

prior approval from the board before incorporation of amendment or change.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-164, filed 9/9/02, effective 10/10/02; 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.]

WAC 308-49-168 Trust fund depository agreement requirements. (1) Each prearrangement funeral trust shall enter into an agreement with one or more depositories in which the responsibilities of the depository are set forth. The agreement shall contain language which:

(a) Sets forth the terms and conditions under which deposits and withdrawals are made;

(b) States that instruments of deposit shall be an insured account in a qualified public depository or shall be invested in instruments issued or insured by an agency of the federal government, and states that the trust shall be held in a public depository, and sets forth the conditions for termination and transfer of the prearrangement trust fund depository agreement.

(2) Prearrangement trust fund depository agreements are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. Amendments to or changes in the agreement shall be filed with the board prior to incorporation. The board shall be advised prior to termination of any depository agreement.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-168, filed 8/22/90, effective 9/22/90.]

WAC 308-49-170 Annual statement requirements.

(1) Each funeral establishment must file with the board annually, ninety days after the end of its fiscal year, a statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information must be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been

furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services and/or merchandise;

(i) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form must include verification from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

(6) The annual statement must be accompanied by a fee as determined by the director, payable to the state treasurer.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-170, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-170, filed 6/6/88. Statutory Authority: RCW 18.39.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-170, filed 9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-170, filed 1/26/83.]

WAC 308-49-200 Telephone solicitation. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risks and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the funeral industry, the use of telephones in solicitation of prearrangements must be defined by the board.

(2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of an establishment license.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make funeral prearrangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and

(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional

telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the registrant's prearrangement registration as provided by chapter 18.39 RCW.

[Statutory Authority: RCW 18.39.175(4). 90-17-148, § 308-49-200, filed 8/22/90, effective 9/22/90.]

WAC 308-49-210 Examination expense from change of ownership or control. Examination expenses for a funeral prearrangement trust fund examination performed in conjunction with a transfer of ownership or control of a funeral establishment will be paid by the selling entity.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-49-210, filed 9/9/02, effective 10/10/02.]

Chapter 308-56A WAC

CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC

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308-56A-335	Owner deceased.
308-56A-405	Acquired from United States government.
308-56A-410	No application required.
308-56A-415	Application in dealers name.
308-56A-420	Delivery of vehicle on dealer temporary permit.
308-56A-450	Glider kits.
308-56A-455	Assembled and homemade vehicles.
308-56A-460	Destroyed or wrecked vehicle rebuilt.
308-56A-500	Definitions.
308-56A-505	Elimination of manufactured home title—Eligibility.
308-56A-525	Vehicle seller's report of sale.
308-56A-530	Vehicles brands and comments.
308-56A-640	Odometer disclosure statement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-56A-005	Title required. [Order MV 208, § 308-56A-005, filed 7/31/74.] Repealed by 98-12-099, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-015	No title issued. [Statutory Authority: RCW 46.01.110 and 46.12.101. 98-12-099, § 308-56A-015, filed 6/3/98, effective 7/4/98; Order MV 208, § 308-56A-015, filed 7/31/74.] Repealed by 00-20-065, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-022	Conditions under which penalty fees are not assessed. [Statutory Authority: RCW 46.01.110 and 46.12.101. 98-12-099, § 308-56A-022, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-022, filed 10/9/87.] Repealed by 00-20-065, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-023	Conditions under which penalty fees may be waived. [Statutory Authority: RCW 46.01.110 and 46.12.101. 98-12-099, § 308-56A-023, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-023, filed 10/9/87.] Repealed by 00-20-065, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-025	General procedure for application. [Order MV 208, § 308-56A-025, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-035	Form required for name and address—One name on application. [Order MV 208, § 308-56A-035, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-045	Form required for name and address—Address, nonresident. [Order MV 208, § 308-56A-045, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-050	Form required for name and address—Last registered owner shown on application. [Order MV 208, § 308-56A-050, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-055	Form required for name and address—Owners in common. [Order MV 208, § 308-56A-055, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-080	Refusal by department to release title. [Order MV 208, § 308-56A-080, filed 7/31/74.] Repealed by 98-12-099, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-085	Error in title issued by department. [Order MV 208, § 308-56A-085, filed 7/31/74.] Repealed by 98-12-099, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101.
308-56A-095	Commercial parking companies. [Statutory Authority: RCW 46.01.110 and 1997 c 33, 97-19-015, § 308-56A-095, filed 9/5/97, effective 10/6/97.] Repealed by 02-01-123, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070.
308-56A-100	Declaration of use tax form. [Order MV 208, § 308-56A-100, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-105	Previously titled vehicles. [Order MV 208, § 308-56A-105, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-120	Vehicle not on excise tax schedule. [Order MV 208, § 308-56A-120, filed 7/31/74.] Repealed by 91-15-006, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.01.110 and 46.16.335.
308-56A-125	Foreign title or registration. [Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-125, filed 6/30/93, effective 7/31/93; 88-20-035 (Order TL/RG 44), § 308-56A-125, filed 9/30/88; Order MV 208, § 308-56A-125, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
308-56A-130	Acquired from United States government. [Order MV 208, § 308-56A-130, filed 7/31/74.] Repealed by 99-01-

- 014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
- 308-56A-135 Registered by foreign military command. [Order MV 208, § 308-56A-135, filed 7/31/74.] Repealed by 99-01-014, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110.
- 308-56A-145 Special mailing. [Order MV 208, § 308-56A-145, filed 7/31/74.] Repealed by 99-12-031, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-56A-205 Release of interest. [Order MV 208, § 308-56A-205, filed 7/31/74.] Repealed by 99-12-031, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-56A-255 Signature of registered owner—Supplemental form. [Order MV 208, § 308-56A-255, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
- 308-56A-260 Signature of legal owner on application. [Order MV 208, § 308-56A-260, filed 7/31/74.] Repealed by 92-15-024, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110.
- 308-56A-280 Certification of signature—Departmental employees. [Order MV 208, § 308-56A-280, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
- 308-56A-285 Certification of signature—Vehicle dealer. [Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-56A-285, filed 9/30/88; Order MV 208, § 308-56A-285, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
- 308-56A-340 Owner deceased—Will left. [Order MV 208, § 308-56A-340, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
- 308-56A-345 Owner deceased—No will left. [Order MV 208, § 308-56A-345, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
- 308-56A-350 Owner deceased—To spouse "in lieu of homestead." [Order MV 208, § 308-56A-350, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
- 308-56A-355 Owner deceased—In name of estate. [Statutory Authority: RCW 46.01.110, 99-06-037, § 308-56A-355, filed 2/26/99, effective 3/29/99; Order MV 208, § 308-56A-355, filed 7/31/74.] Repealed by 01-03-002, filed 1/4/01, effective 2/4/01. Statutory Authority: RCW 46.01.110.
- 308-56A-360 Owner deceased—Estate not administered. [Order MV 208, § 308-56A-360, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
- 308-56A-365 Owner deceased—Community property agreement. [Order MV 208, § 308-56A-365, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
- 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-465 Fleets. [Statutory Authority: RCW 46.01.110, 92-15-024, § 308-56A-465, filed 7/6/92, effective 8/6/92; 88-23-037 (Order TL/RG 46), § 308-56A-465, filed 11/9/88; Order MV 208, § 308-56A-465, filed 7/31/74.] Repealed by 00-04-046, filed 1/27/00, effective 2/27/00. Statutory Authority: RCW 46.01.110.
- 308-56A-470 Issuance of certificates—Contents. [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.] Repealed by 00-04-046, filed 1/27/00, effective 2/27/00. Statutory Authority: RCW 46.01.110.
- 308-56A-510 Elimination of manufactured home title—Application. [Statutory Authority: RCW 65.20.110, 90-11-091, § 308-56A-510, filed 5/18/90, effective 6/18/90.] Repealed by 00-06-004, filed 2/18/00, effective 3/20/00. Statutory Authority: RCW 65.20.110.
- 308-56A-515 Elimination of manufactured home title—When perfected. [Statutory Authority: RCW 65.20.110, 90-11-091, § 308-56A-515, filed 5/18/90, effective 6/18/90.]
- 308-56A-520 Repealed by 00-06-004, filed 2/18/00, effective 3/20/00. Statutory Authority: RCW 65.20.110.
- 308-56A-610 Elimination of manufactured home title—Fees. [Statutory Authority: RCW 65.20.110, 90-11-091, § 308-56A-520, filed 5/18/90, effective 6/18/90.] Repealed by 00-06-004, filed 2/18/00, effective 3/20/00. Statutory Authority: RCW 65.20.110.
- 308-56A-620 Odometer disclosure statement—General procedures/requirements. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.
- 308-56A-620 Odometer disclosure—Definitions. [Statutory Authority: RCW 46.01.110 and 46.12.030, 00-06-020, § 308-56A-620, filed 2/23/00, effective 3/25/00. 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.] Repealed by 00-13-083, filed 6/20/00, effective 7/21/00. Statutory Authority: RCW 65.20.110.
- 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.
- 308-56A-650 Odometer disclosure statement—Leased vehicles. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.
- 308-56A-660 Odometer disclosure statement—Involuntary divestiture. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.
- 308-56A-670 Odometer disclosure statement—Dealer auction companies. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.
- 308-56A-680 Odometer disclosure statement—Out-of-state vehicles. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.
- 308-56A-690 Odometer disclosure statement—Forms. [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.] Repealed by 00-06-020, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110 and 46.12.030.

WAC 308-56A-010 Title purpose only and no title issued. (1) May I obtain a certificate of ownership for my vehicle even if I do not want or need to register it? You may obtain a certificate of ownership for your vehicle without a certificate of registration for:

(a) Vehicles defined in chapter 46.04 RCW and which are normally registered under chapter 46.16 RCW but will not be operated on the public highways;

(b) Farm tractors or farm equipment as defined in RCW 46.04.180 and 46.04.181;

(c) Off-road vehicles (ORV) as defined in RCW 46.09.020 whether or not required to obtain an ORV use permit;

(d) Golf carts;

(e) Dune buggies whether or not equipped for legal highway use;

(f) Off highway equipment that may be moved upon public highways under authority of special permits.

(2) If I obtain a certificate of ownership for title purpose only (TPO), may I register my vehicle at a later date? A vehicle which qualifies for road use may be registered for use on the public highways in accordance with chapter 46.16 RCW.

(3) May I register my vehicle without obtaining a certificate of ownership? Your vehicle may be registered when certain conditions prevent a Washington certificate of ownership from being issued, such as:

(a) A secured party will not surrender an out-of-state certificate of ownership; or

(b) Registration is required in Washington state and certificate of ownership and registration are required by another state.

(c) Ownership in doubt (registration only) under WAC 308-56A-210.

(d) Registration of a snowmobile under chapter 46.09 RCW.

(e) Dual use motorcycles (CYC) use class, may be titled and registered using one use class (CYC) and also can be registered as an off-road vehicle (ORV) or titling using (ORV) use class and registered under the CYC use class.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-010, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-010, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110. 92-15-024, § 308-56A-010, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-010, filed 7/31/74.]

WAC 308-56A-020 Application for certificate of ownership required. When is an application for certificate of ownership required? In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) A person purchases a vehicle requiring registration or titling in Washington and:

(a) You apply for vehicle registration on a vehicle that has not been previously in this state;

(b) You apply for vehicle registration for a vehicle which has most recently been titled and/or registered in another jurisdiction and registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

(2) There is a change of vehicle ownership on a Washington certificate of ownership due to:

(a) Sale;

(b) Gift-donation;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;

(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order;

(i) Repossession;

(j) Transferring vehicle to a trust; or

(k) Adding/removing a lease on a vehicle.

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) There is no change in the registered owner of the vehicle but the certificate of ownership needs to be reissued because:

(a) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;

(b) The vehicle is assembled, has had a glider kit installed or is a street rod;

(c) The vehicle engine has been replaced;

(d) There has been a structural change, as defined in WAC 308-56A-150 (1)(e), other than changing the bed of a truck; or

(e) The vehicle identification number needs to be corrected.

(5) The vehicle has been reported destroyed by an insurance company. Title procedures are in WAC 308-56A-460.

(6) The vehicle has been reported destroyed by the owner or a wrecker and is subsequently sold and licensed.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-020, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-020, filed 6/3/98, effective 7/4/98; Order MV 208, § 308-56A-020, filed 7/31/74.]

WAC 308-56A-021 Assessment criteria for penalty fee. (1) What is the penalty fee? When a used vehicle with a Washington certificate of ownership is sold, the purchaser has fifteen days to transfer the vehicle ownership into their name. If they wait until the 16th day or later from the date of sale, a penalty fee may be assessed as described in RCW 46.16.101(6).

(2) Are there exceptions when a penalty fee may be assessed when applying for certificate of ownership on the 16th day from the date of sale or later as described in RCW 46.12.101(6)? Yes, if:

(a) The vehicle was delivered to the purchaser after the date of sale indicated on the supporting documents;

(b) There are conflicting dates on supporting documents;

(c) There is no date on the certificate of ownership or other supporting documents;

(d) The date on the certificate of ownership has been altered;

(e) The purchaser is incarcerated or sequestered by a judiciary system;

(f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership;

(g) The purchaser of a vehicle sells it before transferring ownership into their name and the new purchaser can prove

they purchased the vehicle within fifteen days of making application; or

(h) The director determines other reasons are valid.

Note: Subsection (2)(a) through (g) of this section require an affidavit attesting to the actual date of delivery and reason for exception to the penalty.

(3) **When are penalty fees for late application for certificate of ownership not assessed?** Penalty fees are not assessed for late application for certificate of ownership under the following conditions:

- (a) The vehicle is not motorized;
- (b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed);
- (c) A Washington record cannot be found;
- (d) Department of licensing records indicate the vehicle has been destroyed;
- (e) The vehicle is being titled as home made or assembled for the first time;
- (f) The vehicle is acquired as a result of:
 - (i) Inheritance or community property;
 - (ii) Divorce settlement;
 - (iii) Other legal action affecting ownership of the vehicle;
- (iv) Lease buyout;
- (g) The vehicle is a snowmobile; or
- (h) The director determines other reasons are valid.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-021, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-021, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-021, filed 10/9/87.]

WAC 308-56A-030 Owner name and address—Application for certificate of ownership. (1) What registered owner and lien holder or secured party information is required on the application for certificate of ownership?

The application for certificate of ownership shall include:

- (a) The name of each owner of the vehicle and, if the vehicle is subject to security interest, the name of each secured party;
- (b) The department's assigned customer account number for each owner of the vehicle including secured parties if available;
- (c) The address at which one of the owners regularly receives mail; and
- (d) The mailing address of the first secured party.

(2) **Do the addresses need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(3) **If there are multiple owners with different addresses, may both addresses be shown on the application?**

No. The address of only one of the registered owners and one secured party will be accepted on the application for certificate of ownership.

[Statutory Authority: RCW 46.01.110. 99-01-014, § 308-56A-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-56A-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-56A-030, filed 6/19/95, effective 7/20/95; Order MV 208, § 308-56A-030, filed 7/31/74.]

WAC 308-56A-040 Name and address—Address. (1) If the owner's address changes, does the owner need to notify the department?

Yes.

(2) **What information does the owner need to provide to the department if their address changes?**

The owner shall provide the department with the following information:

- (a) The registered owner's name as it appears on the department records;
- (b) The license plate number of each vehicle;
- (c) The new address with at least a five digit zip code and preferably a nine digit zip code; and
- (d) The county of the new address.

(3) **Does the address need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

[Statutory Authority: RCW 46.01.110. 99-01-014, § 308-56A-040, filed 12/7/98, effective 1/7/99; 92-15-024, § 308-56A-040, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-056 Names separated by the words "and," "or," or the slash symbol "/" (1) Does the department use the words "and," "or," or the slash symbol "/" when recording multiple interests on a certificate of ownership?

The department has not used these designations since 1974 when recording ownership interest. For those certificates of ownership which may have been issued using one of these designations, any registered owners so shown are considered to have equal registered owner interest in the vehicle and any lien holder so shown is considered to have equal security interest in the vehicle.

(2) **Will the department use the words "and," "or," or the slash symbol "/" if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** The department does not use these designations when recording ownership interest. The department will list the names without the above designations.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-21-098, § 308-56A-056, filed 10/20/99, effective 11/20/99.]

WAC 308-56A-060 Ownership in joint tenancy. (1) What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership?

If owners own a vehicle in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership shall show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application.

Example 1:

Doe, John

Doe, Jane

Doe, Mary

Joint tenants with rights of survivorship; or

Example 2:

Doe, John

Doe, Jane

Joint tenants with rights of survivorship.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS."

(4) **If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)?** The department requires a copy of the death certificate.

[Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-060, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-060, filed 7/31/74.]

WAC 308-56A-065 Vehicles held in trust. (1) **How is a trust shown on a certificate of ownership?** Owners who choose to designate the trust on a certificate of ownership may:

(a) Show the registered owner name with the designation **trustee**;

(b) Show the registered owner name with the designation **trustee** followed by the name of the trust as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vehicle field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

(2) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees. Trusts established under chapter 23.90 RCW must also provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington.

(3) **If a vehicle is titled in the name of a trust, who represents the trust for title transactions?** Any trustee designated in the trust document represents the trust on all vehicle transactions with the department unless that trustee is replaced or the trust is terminated.

(4) **What is required when a successor trustee is appointed?** If the name of the trustee who has been succeeded, is shown on the certificate of ownership the successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.

(5) **What is required when a trust is terminated?** The new owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-065, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-065, filed 4/5/99, effective 5/6/99. 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. (1) **How are the lessee and lessor designated on Washington certificates of ownership?**

(a) The application for certificate of ownership shall show the name of the lessee as registered owner, followed by the word **lessee**. The name of the lessor shall be shown as the secured party or legal owner, followed by the word **lessor**.

(b) If the vehicle is subject to a security agreement, the application shall be completed as above with the lessor's name immediately below the lessee's name as second registered owner and shall be followed by the word **lessor**. The address shown shall be the lessee's. The secured party's name and address shall be shown as the legal owner.

(c) 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.

(2) **How is a lessee and sublessee designated on the Washington certificate of ownership?**

(a) Lessees who enter into a lease agreement with another party will be shown on a certificate of ownership as the registered owner followed by the designation **LESSEE**. The sublessee will be shown on a certificate of ownership as the registered owner followed by the designation **SUBLESSEE**. Only the sublessee must sign the application for certificate of ownership.

(b) The name of the lessor shall be shown as either:

(i) The secured party or legal owner, followed by the word **lessor**; or

(ii) If the vehicle is subject to a security agreement, the application shall be completed as above with the lessor's name immediately below the lessee's name as third registered owner and shall be followed by the word **lessor**. The address shown shall be the sublessee's. The secured party's name and address shall be shown as the legal owner.

(3) **Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vehicle in Washington?** If the out-of-state certificate of ownership shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-070, filed 4/5/99, effective 5/6/99. 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 Multiple legal owners. (1) **Will the department issue a certificate of ownership indicating more than one legal owner?** Yes, more than one legal owner may be shown on the certificate of ownership.

(2) **How are additional legal owner's interest shown on the certificate of ownership?** Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner shall be shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the legal owners shown on a certificate of ownership, how is their interest released?** When security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest shall be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining legal owner's name and address.

[Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-075, filed 4/5/99, effective 5/6/99. 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-090 Disclosure of individual vehicle owner information. (1) **What vehicle record owner information is protected from disclosure?** Vehicle information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information; and
- (d) Telephone numbers.

(2) **Who may receive disclosure of individual vehicle owner names and addresses?**

(a) Government agencies that require use of name and address information in their normal course of business;

(b) Any business entity that requires use of name and address information in their normal course of business in accordance with these rules;

(c) Vehicle manufacturers who require vehicle ownership information for recall of their product;

(d) Individuals that provide proof of personal identification:

- (i) For vehicles currently registered in their name; or
- (ii) For vehicles they can provide a bill of sale or acceptable documents indicating that they purchased the vehicle.

Business and government entities requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) **What documentation does the department require to disclose vehicle owner name(s) and address(es)?** The department requires:

(a) A signed and notarized vehicle/vessel record disclosure request application form provided by the department and

completed by the applicant indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.380.

(c) Acceptable business entity verification; or

(d) A contract with the department.

(4) **What is acceptable business verification?** For purposes of this section acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(5) **Does a business need to supply a new form and copy of the business license each time vehicle information is requested?** Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless a contract exists between the business and the department.

(6) **If a business entity has entered into a contract or agreement with the department, is a separate request for each inquiry required?** No. If a business entity has entered into a signed contract between the business and the department, a separate request for each inquiry is not required.

(7) **Are businesses allowed individual owner information on vehicle records?** Yes, if a business requires individual owner information to conduct its regular business and qualifies under RCW 46.12.380 and 18 U.S.C. 27.21 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(8) **Who may release the vehicle owner name and address information?**

(a) The public disclosure unit of the vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(9) **When may the department disclose the individual name(s) and address(es) of vehicle owners?** Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose names and addresses of vehicle owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(10) **What does the term "unsolicited business contact" mean?** The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(11) **Is the department required to notify the vehicle owner when ownership information is disclosed?** When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. The notice will provide the name and address of the requesting party. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and include the name and address of the requesting party.

(12) **How long will the department retain the request for disclosure of vehicle owner information?** The department will retain the request for disclosure for three years.

(13) **Who is responsible for assuring that the information is used appropriately?** Any person, business, entity or association that receives vehicle owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070, 02-01-123, § 308-56A-090, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110 and 46.12.101, 00-20-065, § 308-56A-090, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-090, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380, 96-03-047, § 308-56A-090, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 46.01.110 and 88.02.070, 91-03-088, § 308-56A-090, filed 1/18/91, effective 2/18/91.]

WAC 308-56A-110 New vehicles—Manufacturer's statement/certificate of origin. (1) **What ownership documentation from the manufacturer is required to title a new vehicle?**

An application for a certificate of ownership to a new vehicle shall be accompanied by a manufacturer's statement/certificate of origin (MSO/MCO).

(2) **What information needs to be shown on the MSO/MCO?**

The MSO/MCO shall contain the following information:

- (a) First conveyance of the vehicle after its manufacture;
- (b) The model year;
- (c) Make;
- (d) Model, body style;
- (e) Vehicle identification number;
- (f) An indication that the vehicle was not manufactured for road use, if applicable; and

(g) If a moped, a statement indicating the vehicle meets the definition in RCW 46.04.304.

(3) **What documentation may be used in lieu of an MSO/MCO?**

If the MSO/MCO is not available, the manufacturer's invoice to the dealer may be used. The manufacturer's invoice shall contain all the information required in subsection (2) of this section. If a flooring agent is shown on the invoice, the department requires a release of interest from the flooring agent.

(4) **How is a dealer to dealer sale recorded on the MSO/MCO before the first retail sale?**

A dealer to dealer sale is recorded in the assignment area on the MSO/MCO.

In the absence of an available assignment area a dealer to dealer report of sale or similar document may be used as long as a complete chain of ownership is documented from the original dealer named on the MSO/MCO through the retail selling dealer making the application.

[Statutory Authority: RCW 46.01.110, 99-01-014, § 308-56A-110, filed 12/7/98, effective 1/7/99; Order MV 208, § 308-56A-110, filed 7/31/74.]

WAC 308-56A-115 Vehicles from jurisdiction other than Washington. (1) **What ownership documents are required to title and license a vehicle not currently titled or licensed in the state of Washington?**

(a) If the vehicle was acquired from an agency of the United States government, the original or a copy of the bill of sale issued by the United States government must accompany the application for certificate of ownership. When a bill of sale covers more than one vehicle, a photocopy may be accepted when:

(i) United States federal government already registered and/or titled in Washington with an FED use class, the purchaser needs a bill of sale and the current registration for an NTI or when title is issued in Washington, need title properly released.

(ii) A secured odometer disclosure completed only by the transferee/buyer if the vehicle falls within the federal odometer criteria.

(b) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state. The department will accept a copy of the current title when it is being held by the lien holder and is not available.

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the most current title or ownership document issued by that jurisdiction. If the country from which the vehicle is imported cancels the vehicle title and/or registration for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by the United States government military entity, the application for certificate of ownership shall be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the United States armed forces member must contact the lien

holder and obtain a copy of the ownership documents being held.

(2) What ownership documents are required to obtain a certificate of ownership for a vehicle from a jurisdiction that by policy or law does not title or register certain classes of vehicles based on age, type, or other criteria?

(a) If the vehicle is from a jurisdiction that by policy or law does not title a specific vehicle, but does register it, the department will accept the registration as an ownership document. If the applicant is not the owner shown on the registration, a bill of sale or release of interest is also required.

(b) If the vehicle is from a jurisdiction that neither registers nor titles, the department will accept a statement from the applicant certifying when and where they purchased the vehicle, and that the previous jurisdiction does not title or register this type of vehicle. A bill of sale is required for vehicles brought in from such jurisdiction. A statement certifying how the vehicle was acquired must be submitted at the time of application. The Washington certificate of ownership may contain a special notation if issued under these circumstances. If the bill of sale is not available, ownership in doubt procedures from WAC 308-56A-210 apply.

(3) What ownership documents are required to title a vehicle from a titling jurisdiction which has refused to issue a title document for a specific vehicle?

If the jurisdiction has refused to issue title, Washington will require the customer to comply with ownership in doubt procedures from WAC 308-56A-210. In those cases where a title was refused for reasons not applicable to Washington, the department may consider issuing a title with the appropriate documentation.

(4) What additional documentation is required if my vehicle is from a foreign country?

The application for certificate of ownership must be accompanied by:

(a) An approved United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country. Applications for certificate of ownership for vehicles imported from Puerto Rico need not be accompanied by a customs document;

(b) An English translation for any document provided which is not in the English language. The translator shall provide a notarized/certified affidavit attesting to the accuracy of the translation;

(c) A release of interest from the owners shown on the ownership documents, as provided in WAC 308-56A-210, if the applicant is not the owner shown; and

(d) The current valid ownership document.

(5) What if my vehicle does not pass the EPA?

If the vehicle does not conform with all applicable federal motor vehicle safety standards or federal air pollution control regulations, and the United States Customs Service will not issue a custom document, the department will not issue a certificate of ownership or registration for the vehicle.

(6) What if there is no indication that my vehicle is from a nontitle or nonregistration jurisdiction, and no other jurisdiction has a record of my vehicle?

If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record for your vehicle, you need to follow ownership in doubt procedures in WAC 308-56A-210.

[Statutory Authority: RCW 46.01.110, 01-20-010, § 308-56A-115, filed 9/20/01, effective 10/21/01; 99-01-014, § 308-56A-115, filed 12/7/98, effective 1/7/99; 93-14-084, § 308-56A-115, filed 6/30/93, effective 7/31/93; Order MV 208, § 308-56A-115, filed 7/31/74.]

WAC 308-56A-140 Department temporary permit.

(1) What is a department temporary permit? A department temporary permit is a permit issued in lieu of registration and license plates when:

(a) The vehicle is not sold by a licensed Washington dealer;

(b) The vehicle is not currently licensed in Washington; and

(c) Proper vehicle documentation is not available but is likely to be available within sixty days.

(2) If I am unable to obtain proper documentation within sixty days, what options are available to me? When documents are not expected to be received within sixty days, you may choose to:

(a) Not obtain the department temporary permit and wait to register until all documents are received to register your vehicle; or

(b) Obtain the department temporary permit and if you do not receive the documentation within sixty days, you will be unable to use the vehicle after the department temporary permit expires.

(3) Where do I obtain a department temporary permit? Department temporary permits are available at all Washington vehicle license agencies.

(4) What fees are required to be paid when applying for a department temporary permit? In addition to other fees prescribed by law, the department temporary permit fee, title application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

(5) How do I display the department temporary permit? The hard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

(6) How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight? If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220 for gross weight license already purchased.

(7) How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit? You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license agency.

(8) What fees are required to be paid when clearing a department temporary permit? In addition to other fees as

prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

(9) How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit, if the original is not available? If the department temporary permit was issued at a vehicle licensing agency/subagency:

(a) You may obtain a photocopy of the certificate portion of the department temporary permit only at the county's auditor/agent office in the same county you obtained the original department temporary permit.

(b) If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

(10) How do I obtain a replacement for the department temporary permit placard which is displayed in the vehicle window? You may obtain a replacement department temporary permit placard at any vehicle services office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.

(11) How do I obtain a replacement department permit if both the application/registration certificate and the display placard are lost, stolen, or destroyed? You may obtain a photocopy of the vehicle title application/registration certificate portion of the department temporary permit only at the issuing county's auditor/agent office. If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit placard may also be obtained at these locations.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 99-12-031, § 308-56A-140, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 93-14-084, § 308-56A-140, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050, 92-03-077, § 308-56A-140, filed 1/14/92, effective 2/14/92; Order MV 208, § 308-56A-140, filed 7/31/74.]

WAC 308-56A-150 Certificate of vehicle inspection.

(1) When is a certificate of vehicle inspection required? A certificate of vehicle inspection, signed by an authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

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

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

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent, for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing;

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

(e) A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;

(f) A kit vehicle not previously titled as such (if no vehicle identification number previously assigned);

(g) A street rod not previously titled as such;

(h) A glider kit not previously titled as such;

(i) Questionable as to ownership;

(j) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

(k) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) What fee is charged for a Washington state patrol VIN inspection? The VIN inspection fee is fifty dollars as authorized by chapter 46.12 RCW unless:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) Who is authorized to perform a vehicle inspection? Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other competent inspecting agencies designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) How long is a vehicle certificate of inspection valid? The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) Thirty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With structural change in, or modification of, body or frame changing the class designation or body type;

(v) Referred for inspection for any reason not listed.

(b) Sixty days for vehicles:

(i) From a foreign jurisdiction;

(ii) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.

(c) One year for vehicles required to be inspected under subsection (1)(a) through (k) of this section and held for sale by a licensed dealer.

(5) Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid other than in Washington state? In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.

(6) Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001? The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this

state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is not stolen. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.

[Statutory Authority: RCW 46.01.110. 01-20-010, § 308-56A-150, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-21-098, § 308-56A-150, filed 10/20/99, effective 11/20/99. 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.

(1) **How is a model year assigned to a vehicle?** The model year for a vehicle, as defined in RCW 46.04.251 is the model year assigned by the manufacturer.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers shall adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards shall be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers shall designate the model year on the manufacturer's certificate of origin (MCO) or similar documents.

(3) **How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles?** 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 year as provided in subsection (2) 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.

(4) **How will a model year be assigned to my vehicle if the manufacturer did not assign one?** If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, is a street rod, assembled or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections shall 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.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 shall not be the model year of the vehicle the kit replicates.

(2003 Ed.)

(5) 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 remanufactured 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 documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

- (i) Frame and chassis structure;
- (ii) Power train;
- (iii) Steering system;
- (iv) Suspension system; and
- (v) 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, 46.12.040 and 46.16.216. 99-12-031, § 308-56A-160, filed 5/25/99, effective 6/25/99. 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-200 Replacement Washington certificate of ownership. (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

- (a) Lost;
- (b) Mutilated;
- (c) Stolen; or
- (d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certificate of ownership?** You need to provide an explanation of the disposition of the certificate of ownership that you are replacing and a vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. This information may be presented to the department on a notarized or certified:

- (a) Approved affidavit of loss form, letter of request from the owner of record; or
- (b) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records shall sign the request for the replacement certificate of ownership. Their signatures must be certified or notarized in accordance with WAC 308-56A-275.

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(4) What do I do if I find my certificate of ownership after I receive a replacement? Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-12-031, § 308-56A-200, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-200, filed 7/31/74.]

WAC 308-56A-210 Ownership in doubt. (1) What does an applicant do if they are unable to provide an acceptable release of interest as defined in WAC 308-56A-105 from the owner(s) of record for a vehicle?

When an applicant is unable to provide an acceptable release of interest, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. Such judgment is required if ownership of the vehicle is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is unnecessary as described in (a) of this subsection. The applicant shall:

(i) Provide evidence of ownership of the vehicle such as, but not limited to, a bill of sale;

(ii) Obtain a Washington state patrol VIN inspection;

(iii) Make a reasonable effort to determine ownership of the vehicle by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vehicle may request the name and address of the owner(s) of record for that vehicle from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vehicle.

(A) If a record is found, the applicant shall send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter shall contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If no record is found, or the previous owner did not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant shall provide an affidavit of request for bonded title or registration without title form explaining how the vehicle was acquired;

(iv) Determine whether to bond the vehicle and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vehicle is a Washington state vehicle dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record as found in (b)(i) of this subsection. A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vehicle as determined by one of the following:

(A) Information provided by any guide book or other publication of recognized standing in the vehicle industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) If I have a bonded certificate of ownership, how can I get a certificate of ownership without the bonded notation?

In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(3) If I have a three-year registration only, how can I obtain a certificate of ownership?

In order to get a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(4) Can I sell the vehicle when there is a bonded certificate of ownership or has a three-year registration only?

Yes. A bonded certificate of ownership may be released and provided to the buyer the same as any other certificate of ownership. If there is a registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section or shall apply to the department for ownership in doubt as described in subsection (1)(b) of this section and complete the time remaining on the previous ownership in doubt period.

[Statutory Authority: RCW 46.01.110. 99-01-014, § 308-56A-210, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380. 96-03-047, § 308-56A-210, filed 1/11/96, effective 2/11/96; Order MV 208, § 308-56A-210, filed 7/31/74.]

WAC 308-56A-215 Erasures and alterations and incorrect information. (1) Will the department accept a certificate of ownership application for certificate of ownership or supporting documents if it has been altered? The department may refuse to accept any certificate of ownership when ownership or vehicle information has been altered. A replacement ownership document may be required.

(2) What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vehicle dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a release of interest.

(d) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 99-12-031, § 308-56A-215, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-215, filed 7/31/74.]

WAC 308-56A-250 Signature of registered owner on application—Exceptions. (1) **When is the signature of a registered owner(s) required?** Each registered owner is required to sign the application for certificate of ownership **except when:**

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation is used in lieu of the signature or signatures;

(c) The legal owner applies for a duplicate title certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vehicle;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) **If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required?** Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 46.01.110, 99-08-065, § 308-56A-250, filed 4/5/99, effective 5/6/99; 92-15-024, § 308-56A-250, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-250, filed 7/31/74.]

WAC 308-56A-265 Releasing interest. (1) **How does an owner release interest in a vehicle?** A vehicle owner(s) or secured party who intends to release interest in a vehicle shall:

(a) Sign the release of interest provided on the certificate of ownership; or

(b) Sign a release of interest document or form approved by the department.

(2) **What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest?** Secured parties who intend to release

their interest in a vehicle may provide one of the following if accompanied by the most recently issued certificate of ownership:

(a) Their properly completed official lien release form; or

(b) A release of interest on its official letterhead, if the secured party is a business entity.

(3) **How is the release of interest submitted on an electronically generated Washington certificate of ownership?** If the Washington certificate of ownership is a paperless title, the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(4) **When do signatures releasing interest need to be notarized or certified?** An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-56A-275.

(5) **Are there situations when signatures would not need to be notarized or certified in order to release interest?** Yes, the following are situations where notarized or certified is not required:

(a) A signature releasing interest on the certificate of ownership issued by the department or another jurisdiction;

(b) A signature releasing interest on an affidavit in lieu of title printed at a Washington paperless title institution's location;

(c) When there is a secured party and:

(i) The secured party is a business; and

(ii) Release of interest in a vehicle is in accordance with subsection (2)(a) or (b) of this section; and

(iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(d) A release of interest or bill of sale from the registered owner when the vehicle is from a jurisdiction which does not title this type of vehicle;

(e) A release of interest or a bill of sale from a wrecker or insurance company.

(6) **When is a registered owner's release of interest not required?** A release of interest is not required when a registered owner is identified as a lessee or sublessee on an ownership document.

(7) **What documentation may be used in lieu of a release of interest?** Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:

(a) Bill of sale;

(b) Affidavit in lieu of title with the release of interest portion properly completed;

(c) Release of interest form;

(d) Letter of release;

(e) Affidavit of repossession;

(f) Abandoned vehicle report;

(g) Chattel or landlord lien form;

(h) Certificate of junk vehicle form; or

(i) Other documentation approved by the department.

[Statutory Authority: RCW 46.01.110, 99-08-065, § 308-56A-265, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-265, filed 7/31/74.]

WAC 308-56A-270 Forms of signature. (1) **What signature format is acceptable to the department?** The department will accept:

(a) The signature of an individual in the same form as the name appears on the application or on the certificate of ownership.

(b) The signature containing initials corresponding to the first letter of the given name(s).

(c) The signature containing a given name(s) corresponding to the initials.

(d) Common nicknames such as Bob for Robert, Jim for James, Betty for Elizabeth, etc.

(e) The signature, any memorandum, name stamp, mark or sign made with the intent to authenticate and application for certificate of ownership or registration of any person provided in RCW 9A.04.110(23).

(2) **What form of signature is required for business owned vehicles?** Signatures for business owned vehicles must include:

(a) The name of the business or a commonly accepted abbreviation for the business;

(b) The signature of the person designated to sign on behalf of the business; and

(c) The title or position of that person.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070, 02-01-123, § 308-56A-270, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110, 99-08-065, § 308-56A-270, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-270, filed 7/31/74.]

WAC 308-56A-275 Certification of signature. Who may certify signatures?

(1) Signatures shall be notarized by a notary public or certified by agents and subagents appointed by the director to conduct vehicle title and registration activities on behalf of the department. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. These employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vehicle title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vehicle dealer activities; and

(b) Persons authorized by a Washington licensed vehicle dealer, if the vehicle is sold by that dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) The person certifying the signatures shall require proof of identification. Approved identification is:

(a) Drivers license; or

(b) Any photo identification card; or

(c) Any two of the following:

(i) A nationally or regionally recognized credit card (signed);

(ii) A signed ID card issued by a city, county, state or federal government agency;

(iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or

(d) Other documentation satisfactory to the person certifying the signature.

[Statutory Authority: RCW 46.01.110, 99-08-065, § 308-56A-275, filed 4/5/99, effective 5/6/99; 88-20-035 (Order TL/RG 44), § 308-56A-275, filed 9/30/88; Order MV 208, § 308-56A-275, filed 7/31/74.]

WAC 308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned. Who is responsible for removal, storage, and disposal fees if a vehicle has been reported stolen after it was reported sold, and is subsequently abandoned?

If a report of sale has been properly filed with the department prior to the date the vehicle was reported stolen, the purchaser shown on that report of sale shall be responsible for removal, storage, and disposal fees. If a report of sale has not been properly filed, the registered owner on the department records remains liable.

[Statutory Authority: RCW 46.01.110, 99-01-014, § 308-56A-295, filed 12/7/98, effective 1/7/99.]

WAC 308-56A-300 Application for certificate of ownership for abandoned vehicles. What ownership document does the department require to issue a certificate of ownership for a vehicle which has been abandoned? A properly completed, department required, abandoned vehicle report - affidavit of sale form, as provided in chapter 46.55 RCW.

[Statutory Authority: RCW 46.01.110 and 46.12.101, 99-13-150, § 308-56A-300, filed 6/21/99, effective 7/22/99. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1, 87-21-012 (Order TL/RG/36), § 308-56A-300, filed 10/9/87; Order MV 208, § 308-56A-300, filed 7/31/74.]

WAC 308-56A-305 Law enforcement sale. (1) What ownership document does the department require to issue a certificate of ownership for a vehicle which has been purchased at a law enforcement sale? The department requires, in addition to other documents required by chapters 46.01 and 46.12 RCW:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from law enforcement to the purchaser stating that the vehicle was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order from any district or superior court of any county of this state authorizing law enforcement to sell the vehicle.

(2) **Does the sale of a vehicle at a law enforcement sale remove any previous security interest?** Yes, security interests are released upon the sale of a vehicle at a law enforcement sale.

[Statutory Authority: RCW 46.01.110 and 46.12.101, 99-13-150, § 308-56A-305, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-305, filed 7/31/74.]

WAC 308-56A-310 Personal property lien—Chattel, landlord. (1) **What is a chattel lien?** For the purposes of this section a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vehicle at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vehicle at the owner's request may obtain a lien on such vehicle. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) **What document does the department require to issue a certificate of ownership for a vehicle obtained through the chattel lien process?** In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vehicle to the claimant.

(3) **When is a court order required by the department to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is an existing lien holder on record; or

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien claimed against the vehicle.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(4) **What is a landlord lien?** For the purposes of vehicle licensing and titling, a landlord lien is an encumbrance on a vehicle as security for the payment of moneys owing for rent.

(5) **What documents does the department require to issue a certificate of ownership for a vehicle, obtained through the landlord lien process?** In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vehicle to the claimant.

(6) **When does the department require a court order to issue a certificate of ownership as a result of a landlord lien?** A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) The vehicle owner of record is someone other than the person owing for rent; or

(c) There is an existing lien holder on record.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien against the vehicle.

(i) In order to remove any existing lien holders from the record, the court order must specifically authorize the removal of any lien. If it does not, the claimant may:

(A) Negotiate with the lien holders to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(7) **Why is a court order required for a landlord lien if there is a lien holder on the existing record?** In order to record a secured interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-56A-310, filed 10/18/01, effective 11/18/01. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-310, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-310, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-310, filed 7/31/74.]

WAC 308-56A-315 Name change. What documentation does the department require to change my name shown on the certificate of ownership? In addition to other documents required by chapters 46.01 and 46.12 RCW, the department requires:

(1) A court order if the name was changed by a court order; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-315, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-315, filed 7/31/74.]

WAC 308-56A-320 Transfer by court order. (1) **What does the department require if ownership of a vehicle is awarded by court order?** In addition to other documents required by chapters 46.01 and 46.12 RCW, the department requires:

(a) A copy of the Washington state court order, or certification from the clerk of court confirming the courts action, for vehicles titled in Washington state;

(b) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same

jurisdiction as the court action, example: California court order and California vehicle ownership documents;

(c) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction;

(d) Obtain a certificate of ownership in their name from a foreign jurisdiction.

(2) **What information needs to be on the court order for the department to accept it?** The department requires at minimum, the court order to contain:

(a) The name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded, including the vehicle identification number or Washington license plate, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) **Does the department require all pages of the final court order?** No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vehicle and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

(4) **Does the copy of the court order need to be certified?** The copy of the court order does not need to be certified.

(5) **What does the department require if the court order does not describe the vehicle by vehicle identification number or Washington license plate number?** The department requires a certified or notarized statement from the owner describing the vehicle in the court order by year, make and VIN.

(6) **Does the court order allow the department to remove the security interest recorded on the current certificate of ownership?** The department shall:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order. The new owner may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-320, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-320, filed 7/31/74.]

WAC 308-56A-325 Owner incompetent. (1) What documentation does the department require to show guardianship has been appointed for a person who has

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been declared incompetent? The department requires a copy of an order from any district or superior court of competent jurisdiction.

(2) **How is the interest of a person who has been declared incompetent by the court recorded on the certificate of ownership issued by the department?** The department will record on the certificate of ownership the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent. Example: John Doe GDN, Estate of Mary Smith.

(3) **Who releases interest on a vehicle ownership document if the owner is declared incompetent?** Only the court appointed guardian may release interest in a vehicle owned by an individual who has been declared incompetent. The release of interest must be accompanied by a copy of the court order appointing the guardian if guardianship is not recorded on the current certificate of ownership.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-325, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-325, filed 7/31/74.]

WAC 308-56A-330 Owner bankrupt. Who releases interest in a vehicle when an owner has been declared bankrupt? The owner or a trustee appointed by the court has the authority to release interest on a vehicle certificate of ownership when the owner has been declared bankrupt. The release of interest shall be accompanied by a copy of the court order appointing the trustee.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-330, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-330, filed 7/31/74.]

WAC 308-56A-335 Owner deceased. (1) What titling options are available when a vehicle owner is deceased?

(a) The vehicle can be titled in the name of the estate; or

(b) The vehicle ownership may be released by a personal representative and transferred into the name of a new owner; or

(c) The surviving owner may transfer into their name if joint tenancy was indicated on the certificate of ownership.

(2) **How can a vehicle be titled in the name of the estate of the deceased?** The signature of a personal representative as described in RCW 11.02.005(1) is required to release interest for the deceased owner. The vehicle may then be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A copy of the court order appointing or confirming the personal representative must be attached to the application for certificate of ownership.

(3) **How will the name of the estate be shown on the certificate of ownership?** The name will be shown as "Estate of (deceased's name)."

(4) **What do I need as documentation to release or transfer interest in a vehicle acquired from an estate of a deceased person?**

If the estate is:

(a) Administered:

(i) Letters of testamentary; or

- (ii) Letter of administration; or
- (iii) Certificate of county clerk.
- (b) Joint tenants with rights of survivorship:
Copy of death certificate.
- (c) Community property:
 - (i) Copy of the death certificate; and
 - (ii) A copy of the community property agreement.
- (d) Not administered:
 - (i) Copy of death certificate; and
 - (ii) Affidavit of inheritance; or
 - (iii) Affidavit of succession.

[Statutory Authority: RCW 46.01.110, 01-03-002, § 308-56A-335, filed 1/4/01, effective 2/4/01; 99-06-037, § 308-56A-335, filed 2/26/99, effective 3/29/99; Order MV 208, § 308-56A-335, filed 7/31/74.]

WAC 308-56A-405 Acquired from United States government. A licensed vehicle dealer who acquires vehicles from an agency of the United States government may title the vehicles under "title purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time.

[Order MV 208, § 308-56A-405, filed 7/31/74.]

WAC 308-56A-410 No application required. A Washington vehicle dealer need not apply for title in his own name when:

- (1) A vehicle is acquired that is titled and the title is properly released; or
- (2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;
- (3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

[Order MV 208, § 308-56A-410, filed 7/31/74.]

WAC 308-56A-415 Application in dealers name. A Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released.

[Order MV 208, § 308-56A-415, filed 7/31/74.]

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s).

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

(4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the vehicle is physically delivered to the customer/purchaser.

(5) The application copies shall be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and the date on which the vehicle is physically delivered to the customer/purchaser must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is physically delivered to the customer/purchaser.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Vehicle purchaser's names;
- (b) Vehicle identification;
- (c) Dates of vehicle sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

[Statutory Authority: RCW 46.70.160 and 46.70.110, 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124, 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110, 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160, 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

WAC 308-56A-450 Glider kits. (1) **What is a glider kit?** A glider kit consists of a new cab, chassis, front axle, fenders and air-hose equipment designed for assembly with an existing truck or truck-tractor's rear axle(s), and power train.

(2) **How are glider kits described on a certificate of ownership?** The following identifiers will be shown on the certificate of ownership:

(a) The model year of the vehicle as designated by the kit manufacturer or the Washington state patrol;

(b) The make of the vehicle will be the make of the kit;

(c) The series and body type will include the initials GL;

(d) The identification number of the vehicle as determined by an authorized vehicle identification inspector.

(3) **What documents shall be submitted with an application for certification of ownership for glider kits?** The application for certificate of ownership shall be accompanied by the following documents:

(a) The previously issued certificate of ownership, bill(s) of sale or manufacturer's certificate of origin (MCO);

(b) The previously issued gross weight license when applying for credit against the registration fee, if applicable;

(c) A certificate of inspection by an authorized member of the Washington state patrol or other personnel authorized by the director verifying the vehicle identification number and of component parts not included in the glider kit MCO;

(d) A certified weight slip showing the new scale weight of the vehicle;

(e) An MCO or bill of sale of the kit;

(f) A declaration of value form provided by the department.

[Statutory Authority: RCW 46.01.110.00-04-046, § 308-56A-450, filed 1/27/00, effective 2/27/00; 92-15-024, § 308-56A-450, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-450, filed 7/31/74.]

WAC 308-56A-455 Assembled and homemade vehicles. (1) **What constitutes an assembled vehicle?** An assembled vehicle is a vehicle that has been put together by using major component parts from two or more commercially manufactured vehicles. Further, major component parts often carry separate identification numbers. For the purposes of this section major component parts include replacement of those listed in RCW 46.80.010(3). Assembled vehicles are not glider kits, custom built, replica, or kit vehicles.

(2) **What constitutes a homemade vehicle?** A homemade vehicle is a vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer or has been put together from parts and materials other than major component parts.

(3) **What is the difference between an assembled vehicle and a homemade vehicle?** The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

(4) **How do I apply for a certificate of ownership for my assembled vehicle?** The application for certificate of ownership must be accompanied by the following documents:

(a) The certificate of ownership for each vehicle used in the assembly of the vehicle or bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. The bill(s) of sale shall include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the part being sold, including the make, model and identification or serial number;

(iii) The date of sale;

(iv) The purchase price of the part; and

(v) The stock number if from a Washington licensed wrecker.

(b) A statement of fact from an authorized member of the Washington state patrol or other personnel authorized by the director verifying the vehicle identification number, make, model, year and roadworthiness.

(c) A declaration of value form provided by the department.

(5) **What happens if I must remove, destroy or conceal a vehicle identification number during assembly of my vehicle?** Prior to the assembly of a vehicle that will involve the removal, destruction, or concealment of any vehicle identification number, the parts shall be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact. After assembly and a vehicle identification number has been removed, destroyed or concealed, a new vehicle identification number will be determined and assigned by an authorized member of the Washington state patrol, or other personnel authorized by the director and a new statement of fact will be issued.

(6) **How do I apply for a certificate of ownership for my homemade vehicle?** The application for certificate of ownership must be accompanied by the following documents:

(a) Bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes and shall include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the vehicle or part being sold, including the make, model and identification or serial number;

(iii) The date of sale; and

(iv) The purchase price of the vehicle or part.

(b) A statement from an authorized member of the Washington state patrol or other personnel authorized by the director verifying the vehicle identification number, make, model, year and roadworthiness.

(c) A declaration of value form provided by the department.

[Statutory Authority: RCW 46.01.110. 00-04-046, § 308-56A-455, filed 1/27/00, effective 2/27/00; 92-15-024, § 308-56A-455, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-455, filed 7/31/74.]

WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt. (1) **What is a destroyed or wrecked vehicle?** For the purposes of this section:

(a) A destroyed vehicle means a vehicle of any age that has been reported wrecked or destroyed by an insurance company, licensed wrecker, scrap processor or the owner and includes a salvage vehicle as defined in RCW 46.12.005; and

(b) A wrecked vehicle is defined in RCW 46.80.010(6).

(2) **Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department?** Destroyed vehicles may be reported to the department by:

(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:

(i) An insurance company in possession of a certificate of ownership for a vehicle that has been destroyed submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss, and for a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount. If this statement is not provided when required, the department will treat the report as if the insurance company indicated that the market value threshold was met; or

(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section); and

(iii) For a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section. If this statement is not provided when required, the department will treat the report as if the insurance company indicated that the market value threshold was met.

(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss under RCW 46.12.070 by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "DESTROYED," the date of loss and a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the reports as if the government or self-insured entity stated that the market value threshold was met.

(c) Registered or legal owners:

(i) The registered or legal owner submits to the department the certificate of ownership under RCW 46.12.070, properly released, indicating on the face of the ownership document "DESTROYED," the date and location of destruction and whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the owner indicated that the market value threshold was met; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner

as (c)(i) of this subsection and a written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090 including a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the report indicated that the market value threshold was met.

(3) **What are the "market value threshold amount" and the criteria used to increase the amount?** The "market value threshold amount" is six thousand five hundred dollars effective June 13, 2002, as set by RCW 46.12.005. The market value threshold amount will be increased based on an increase in the expenditure category "used cars and trucks" of the Consumer Price Index for all Urban Consumers compiled by the Bureau of Labor Statistics, United States Department of Labor, or its successor, for the West Region as provided by RCW 46.12.005.

(4) **Is the market value threshold applied to all motor vehicles that are reported destroyed, wrecked or damaged?** No. The market value threshold is applied to motor vehicles that are at least six years old but not more than twenty years old and are incorporated into the Consumer Price Index expenditure category "used cars and trucks" which includes, but is not limited to, used passenger cars, light-duty trucks with a gross weight of 12,000 pounds or less, and sport utility vehicles (SUVs).

(5) **After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle?** After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized or certified.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The owner must sign the bill of sale and the owner's signature must be notarized or certified.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

(6) **When is an insurance claim considered settled?** For the purpose of this section, those vehicles described in 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.

(7) **If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain**

with the vehicle? Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

(8) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked? Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(9) What does "WA REBUILT" mean on a Washington certificate of ownership? The "WA REBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle:

(a) Is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030; or

(b) Is a used car or truck with a model year at least six years but not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030 and the vehicle, just prior to the time it was wrecked, destroyed or damaged, met the value requirements as defined in RCW 46.12.005.

(10) Will the certificate of ownership or vehicle registration always indicate "WA REBUILT" for a vehicle described in subsection (9) of this section? Yes, the certificate of ownership or vehicle registration certificate shall prominently display a "WA REBUILT" designation on the front of the document unless the brand was applied in error. This designation will continue to appear on every subsequent certificate of ownership or vehicle registration certificate issued for this vehicle.

(11) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation and fees are required to obtain a certificate of ownership? The documentation required to obtain a certificate of ownership after the vehicle's destruction is:

(a) All documents and fees required by chapters 46.01, 46.12, and 46.16 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts for all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.

[Statutory Authority: RCW 46.01.110. 02-19-016, § 308-56A-460, filed 9/9/02, effective 10/10/02; 01-20-010, § 308-56A-460, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110 and 46.12.070. 00-06-025, § 308-56A-460, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110. 92-15-024, § 308-56A-460, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-56A-460, filed 1/29/91, effective 3/1/91; Order MV 208, § 308-56A-460, filed 7/31/74.]

WAC 308-56A-500 Definitions. The definitions set forth in RCW 65.20.020 shall apply to WAC 308-56A-505. 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) "Affixed" means attached.

(2) "Brands" means a notation on the certificate of ownership and vehicle registration certificate that records a special circumstance or condition involving a vehicle that stays with the vehicle registration or certificate of ownership.

(3) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

(4) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

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

(6) "Department" means the same as described in RCW 46.04.162.

(7) "Department temporary permit" is a permit temporarily issued in lieu of permanent registration and license plates when required documentation is unavailable.

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

(9) "Joint tenancy with rights of survivorship" means owners who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(10) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(11) "Legal owner" means the same as described in RCW 46.04.270.

(12) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety stan-

dards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(13) "Person" means the same as described in RCW 46.04.405.

(14) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(15) "Registered owner" means the same as described in RCW 46.04.460.

(16) "Transferee" means a person to whom a 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, when applicable.

(17) "Transferor" means a person who transfers ownership in a 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, when applicable.

[Statutory Authority: RCW 46.01.110. 02-19-016, § 308-56A-500, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 65.20.110. 00-13-083, § 308-56A-500, filed 6/20/00, effective 7/21/00; 00-06-004, § 308-56A-500, filed 2/18/00, effective 3/20/00; 90-11-091, § 308-56A-500, filed 5/18/90, effective 6/18/90.]

WAC 308-56A-505 Elimination of manufactured home title—Eligibility. (1) **May I eliminate the vehicle title on my manufactured home?** You may eliminate the vehicle title on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the vehicle title on my manufactured home?** You must complete and record a manufactured home title elimination application. The application to eliminate title under chapter 46.12 RCW, and record ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) **What conditions must be met before the certificate of ownership can be eliminated?** The following conditions must be met before the certificate of ownership will be eliminated:

(a) The manufactured home must be affixed or be in the process of being affixed to the land.

(b) The building permit office certification box on the application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040 (3).

(c) If the title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.

(d) The county auditor's recording office must certify that the manufactured home title elimination application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.

(e) The completed application must be recorded in the county auditor's office in the county in which the manufactured home and land are located.

(4) **How do I record my manufactured home title elimination with the department?** To record your manufactured home title elimination you must:

(a) Submit the recorded manufactured home title elimination application to the department for processing;

(b) Pay the applicable fees; and

(c) Receive a confirmation letter from the department that your manufactured home title has been eliminated.

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) A fee of fifteen dollars for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.

(d) A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

[Statutory Authority: RCW 65.20.110. 01-11-069, § 308-56A-505, filed 5/14/01, effective 6/14/01; 00-06-004, § 308-56A-505, filed 2/18/00, effective 3/20/00; 90-11-091, § 308-56A-505, filed 5/18/90, effective 6/18/90.]

WAC 308-56A-525 Vehicle seller's report of sale. (1) **What is a vehicle seller's report of sale?** A vehicle seller's report of sale is a document or electronic record transaction that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

(2) **Who must file a vehicle seller's report of sale?** With the exception of certain vehicle transfers by registered Washington vehicle dealers, Washington law (RCW 46.12.101) requires submission of a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading or disposing of your vehicle, but does not include the creation, deletion or change of a security interest.

(3) **When must a vehicle seller's report of sale be filed?** Vehicle seller's report of sale must be submitted within five days of the date of sale, gift, trade or other dispo-

sition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

(4) **Who is the seller?** The seller is the current registered owner of record according to the computer file kept by the department.

(5) **Why complete and file a vehicle seller's report of sale?** It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

(6) **Who is the purchaser?** The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vehicle.

(7) **What information is required on the vehicle seller's report of sale?** You are required to provide information contained in RCW 46.12.101.

(8) **How do I file my vehicle seller's report of sale?** You may file your seller's report of sale in the following ways:

- (a) Through your local vehicle licensing office;
- (b) Mail it to the department;
- (c) Through the Internet.

(9) **Is there a fee for recording a vehicle seller's report of sale?** Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

(10) **May a vehicle seller's report of sale be removed from my vehicle record?** Yes. As a registered owner, you may have a vehicle seller's report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle seller's report of sale from your vehicle record.

(11) **How will I prove that I filed a vehicle seller's report of sale?**

(a) When you file a vehicle seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vehicle;
- (iii) Name and address of agent/subagent where filed;
- (iv) Date of sale;
- (v) Purchase price;
- (vi) Name(s) and address of seller;
- (vii) Name(s) and address of transferee (buyer).

(b) When you file a vehicle seller's report of sale on line, you will be provided a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vehicle;
- (iii) Date of sale;
- (iv) Purchase price;

(v) Name(s) and address of seller;

(vi) Name(s) and address of transferee (buyer).

When you mail a vehicle seller's report of sale to the department, you **will not** receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

[Statutory Authority: RCW 46.01.110 and 46.12.101. 02-24-014, § 308-56A-525, filed 11/25/02, effective 12/26/02.]

WAC 308-56A-530 Vehicles brands and comments.

(1) **What is a brand?** For the purposes of this section a brand is a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle.

(2) **What brands are assigned to vehicles by the department?** Brands used by the department include, but are not limited to:

- (a) Former exempt, as defined in RCW 46.16.020;
- (b) Former for hire, as defined in RCW 46.72.010;
- (c) Former taxicab, as described in RCW 46.72.010;
- (d) Rebuilt as required in RCW 46.12.075, when a vehicle reported destroyed under RCW 46.12.070 or 46.80.090 and WAC 308-56A-460 meets the definition of salvage vehicle in RCW 46.12.005;
- (e) Street rod as defined in RCW 46.04.571;
- (f) Nonconformity uncorrected or safety defect uncorrected as defined in RCW 19.118.021 (13) and (18);
- (g) Former rental, designation used on a certificate of ownership when a vehicle is removed from a rental fleet and sold as nonrental;
- (h) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18);
- (i) Not eligible for road use as described in RCW 46.09.020.

More than one brand may appear on the vehicle registration or certificate of ownership.

The department will carry forward all brands and jurisdiction codes shown on foreign certificates of ownership/titles. Brands that do not match Washington terminology or that are not listed below will be shown as "nonstandard." Brands carried forward from foreign certificates of ownership/titles may use the same terminology as a Washington brand, but may not have the same definition as the Washington brand. Other brands not used in Washington but carried forward from other jurisdictions are:

- (A) Junk;
- (B) Destroyed;
- (C) Salvage.

Vehicles not reported to DOL as destroyed and then sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.075 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

The jurisdiction code will be identified as "XX."

(3) **What brands are carried forward from other jurisdictions?** In addition to the brands listed in subsection (2) of this section, the department will apply the following brands assigned by other jurisdictions together with the applicable jurisdiction code: Destroyed, salvage, junk. Any other brands assigned by another jurisdiction will be identified by the words "nonstandard."

(4) **Why is a brand used?** A brand is used in the circumstances above for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vehicle.

(5) **Will the department remove a brand?** The department will only remove a brand if:

- (a) The brand was applied in error; or
- (b) A vehicle branded not eligible for road use has been modified according to the manufacturer specifications and federal and state standards in such a way to qualify the vehicle for highway use;
- (c) The lemon law administrator certifies that a vehicle branded nonconformity uncorrected should be branded nonconformity corrected;
- (d) The lemon law administrator certifies that a vehicle branded safety defect uncorrected should be branded safety defect corrected.

If a former rental brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(6) **Where are brands located on the documents?** The brand is located in the comments/brands section of the certificate of ownership and vehicle registration. The "WA REBUILT" will show as a banner across the certificate of ownership.

(7) **What is a comment?** For the purposes of this section a comment is an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) **What comments could the department print on certificates of ownership?**

- (a) Comments relating to the ownership that include: Bonded, leased, JTWROS.
- (b) Comments relating to tax liability that include: Use tax waived - gift, value code, value year.
- (c) Comments relating to the type of title transaction, which include duplicate, and reprint.
- (d) Miscellaneous comments that include: Safety defect uncorrected, safety defect corrected, nonconformity uncorrected, nonconformity corrected, return to manufacturer, not eligible for road use.

(9) **What brands and/or comments could the department print on vehicle registration certificates?** Brands and/or comments printed on vehicle registration certificates may include, but are not limited to:

- (a) "Vehicle Driver And Owner Subject To Federal Drug Program" Title 49 CFR Part 382;
- (b) "Rebuilt" or "WA REBUILT";
- (c) "CVSEF PAID" or "commercial vehicle safety enforcement fee paid";

(d) "Because scale weight exceeds gross weight, D.O.T. permit also required";

(e) "Commercial vehicle safety enforcement fee not paid";

(f) "Display tab on back license plate" only - front plate is still required;

(g) "*Check vehicle data base record for actual expiration date";

(h) "Replica";

(i) "Proof of FHVUT verified";

(j) "Safety defect";

(k) "Safety defect corrected";

(l) "Nonconformity uncorrected";

(m) "Nonconformity corrected";

(n) "No title issued" or "no title issued - ownership in doubt";

(o) "Excise exempt NRM";

(p) "Excise exempt native American";

(q) "Excise exempt van pool";

(r) "Excise exempt rideshare";

(s) "Registration only";

(t) "Prorated gross weight to be more than 16,000";

(u) "Additional owners on record";

(v) "Not eligible for road use";

(w) "Perm plt";

(x) "Use tax waived: Gift";

(y) "Return to mfg.";

(z) "Permanent fleet vehicle";

(aa) "*Perm";

(bb) "Color";

(cc) Comments relating to the ownership; bonded, leased, JTWROS, registration only;

(dd) Tax liability DAV, native American, NRM, value code/year, use tax option, rideshare, POW, tax code 95, double transfer;

(ee) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration;

(ff) Miscellaneous gift, ride, previous plate VIN flag, farm vehicle restrictions, Federal Drug Program (Title 49 CFR Part 382) vehicle color, odometer code, RETURN TO MFG, not eligible for road use (NEFRU).

(10) **What comments would the department carry forward from other jurisdictions?** The department does not carry forward comments assigned by other jurisdictions.

(11) **Why are comments used?** Comments are used for consumer protection, to inform any subsequent owners and vehicle licensing personnel of the current tax liability, type of ownership, or title transaction type.

(12) **Will the department remove a comment?** The department will remove a comment if:

- (a) The comment was applied in error; or
- (b) The comment no longer applies.

[Statutory Authority: RCW 46.01.110. 02-19-016, § 308-56A-530, filed 9/9/02, effective 10/10/02.]

WAC 308-56A-640 Odometer disclosure statement.

(1) **When is an odometer disclosure statement required?** An odometer disclosure statement must be completed and submitted with every application for certificate of ownership

as required by RCW 46.12.124 and 49 Code of Federal Regulations, unless specifically exempted.

(2) **May a power of attorney be used to disclose the mileage of a vehicle?** The transferee and/or transferor may give a power of attorney to a disinterested third party for the purpose of odometer disclosure.

A secure power of attorney, power of attorney designated under chapter 11.94 RCW or other power of attorney approved by the department 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 for the purpose of odometer disclosure;

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

(c) A power of attorney may not be used to complete another power of attorney for the purposes of odometer disclosure.

(3) **What odometer disclosure statement forms will the department accept?** Odometer disclosure statement forms approved by the department include, but are not limited to:

(a) An odometer disclosure statement on a certificate of ownership issued by any jurisdiction which complies with the Federal Truth in Mileage Act; or

(b) The odometer disclosure/title extension statement; or

(c) A form issued/approved by a foreign jurisdiction which satisfies the provisions of RCW 46.12.124 or the Federal Truth in Mileage Act.

(4) **When is an odometer disclosure/title extension statement used?** An odometer disclosure/title extension statement is a form used:

(a) With a certificate of ownership when an odometer disclosure statement is required;

(b) If the certificate of ownership is unavailable; or

(c) If all reassignments on the certificate of ownership are full.

(5) **When must a vehicle dealer process an odometer disclosure statement as a transferee?** A vehicle dealer must process an odometer disclosure statement as a transferee and obtain the signature of the transferor when taking a vehicle in on trade, purchase, or otherwise acquiring a vehicle.

(6) **When must a vehicle dealer process an odometer disclosure statement as a transferor?** The vehicle dealer must complete an odometer disclosure statement as transferor when selling a vehicle at either wholesale or retail.

(7) **How is mileage disclosed when a vehicle is sold through an auction company?** The seller/consignor signs as the transferor and the successful bidder/buyer signs as the transferee.

(8) **How long must vehicle dealers and auction companies maintain odometer disclosure statements?** The vehicle dealer or vehicle dealers doing business as an auction company must keep all odometer disclosure statement records for five years.

(9) **Can one vehicle dealer representative sign as transferee and transferor for the same transaction?** No.

One person cannot represent both the transferor and transferee for the purposes of odometer disclosure.

(10) **When are odometer statements needed for leased vehicles?** Odometer statements are needed for leased vehicles when; establishing and terminating or buying out a lease. 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. That notice may be given any time after execution of the lease contract and prior to the termination of the lease or transfer of ownership.

(a) When establishing a lease, the dealer or other transferor must disclose the mileage to the lessee on a written odometer statement, and the lessee must acknowledge the written odometer statement as the transferee.

(b) When terminating a lease, the lessee as the transferor must disclose the mileage to the lessor and provide the lessor with a copy of the odometer disclosure statement.

(c) 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.

(11) **Who discloses the mileage on the odometer disclosure statement on a lease buyout?** The lessee shall disclose the mileage on the odometer disclosure statement as transferee if the lessee purchases the vehicle at the termination of the lease. A transferor signature is not required on the odometer disclosure statement when submitted with the application for certificate of ownership.

(12) **Is an odometer statement required when there is involuntary divestiture?** Yes. If the interest of an owner in a vehicle passes to another through involuntary divestiture, an odometer disclosure statement must be completed under RCW 46.12.124 and the rules under 49 Code of Federal Regulations.

(13) **When a vehicle is acquired by involuntary divestiture, are there any circumstances that may allow odometer disclosure statements to be completed by transferee only?** Yes. Circumstances that may allow odometer disclosure statements to be completed by only the transferee include, but are not limited to:

(a) Auction sale of an abandoned vehicle by a registered tow truck operator;

(b) Chattel/landlord lien;

(c) Court order;

(d) Divorce;

(e) Estate liquidation;

(f) Repossession;

(g) Seized vehicle;

(h) Sheriff sale.

[Statutory Authority: RCW 46.01.110 and 46.12.030. 00-06-020, § 308-56A-640, filed 2/23/00, effective 3/25/00. 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.]

Chapter 308-57 WAC MOTOR VEHICLE EXCISE TAX

WAC

308-57-005

Definitions.

308-57-010	Premise for assessing RTA excise tax.
308-57-020	Modified vehicles.
308-57-030	Declaration of value.
308-57-110	RTA excise tax fee schedule.
308-57-140	RTA excise tax exemptions.
308-57-210	RTA excise tax in even dollars.
308-57-230	Fleet abatement.
308-57-240	Nonfleet abatement.

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

308-57-120	Excise tax fee schedules two and six. [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.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.
308-57-130	Excise tax fee schedule three. [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.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.
308-57-135	Excise tax fee schedule four. [Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-135, filed 5/28/97, effective 6/28/97.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.
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.
308-57-500	Personal use motor vehicle excise tax credit—Qualifications. [Statutory Authority: RCW 46.12.225 and 46.01.110. 99-13-151, § 308-57-500, filed 6/21/99, effective 7/22/99.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.

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

(2003 Ed.)

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

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

(3) "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.

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

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

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

(7) "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.

(8) "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.

(9) "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.

(10) "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.

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

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-005, filed 6/6/01, effective 7/7/01; 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 RTA excise tax. All trailers and all vehicles where MSRP is not available are taxed according to the most recent purchase price and purchase year and the depreciation rates in the RTA excise tax fee schedule. All other vehicles as noted on the first MSRP, the year of service or value year are taxed using the value of the vehicle and the RTA 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. 01-12-099, § 308-57-010, filed 6/6/01, effective 7/7/01; 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.]

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WAC 308-57-020 Modified vehicles. All new or unused vehicles modified by a licensed manufacturer, shall be taxed according to the MSRP provided by the modifying manufacturer plus the cost involved in converting the vehicle. Modified vehicles include, but are not limited to, vans, pickups, utility vehicles and limousines, incomplete vehicles and kits. 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, 01-12-099, § 308-57-020, filed 6/6/01, effective 7/7/01; 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 value 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 RTA excise tax.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-57-030, filed 6/6/01, effective 7/7/01; 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 RTA excise tax fee schedule. Vehicles with the following use classes are assessed RTA excise tax as defined in RCW 81.104.160:

- CAB (taxicab)
- COM (commercial) (if powered and the scale weight is six thousand pounds or less)
- CYC (motorcycle)
- 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)
- LOG (if powered and under six thousand pounds scale weight or if nonpowered)
- 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, 01-12-099, § 308-57-110, filed 6/6/01, effective 7/7/01; 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 308-57-140 RTA excise tax exemptions. The following vehicles are exempt from RTA excise taxes imposed in chapter 81.104 RCW:

- (1) Vehicles with tax code 95 (vehicles taxed as personal property, such as mobile homes);
- (2) Vehicles with the following use classes:
 - C/G (converter gear),
 - CMB (combination),
 - CMP (campers),
 - COM (commercial if powered over 6,000 pounds scale weight or commercial nonpowered),

- EX (exempt),
- FAR (farm),
- FCB (farm combination),
- FED (federally owned),
- FEX (farm exempt),
- F/H (for hire if over 6,000 pounds scale weight and more than six seats),
- FIX (fixed load),
- H/C (horseless carriage),
- H/D (house moving dolly),
- LOG (if powered and over 6,000 pounds scale weight),
- MOB (mobile home),
- PED (moped),
- ORV (off road vehicle),
- RES (restored),
- SCH (private school),
- SNO (snowmobile), or
- SNX (exempt snowmobile),
- STA (stage if over 6,000 pounds scale weight and more than six seats),
- TOW (tow trucks),
- TRK (if over 6,000 pounds scale weight and 12,000 pounds or less gross weight),
- TVL (travel trailer);
- (3) Vehicles registered under WAC 308-96A-050, (non-resident members of the armed forces);
- (4) Vehicles registered under WAC 308-96A-400, (Indian tribes and tribal members);
- (5) Vehicles registered under WAC 308-96A-046, (disabled American veterans or former prisoner of war);
- (6) Vehicles registered under WAC 308-96A-180, (rental cars);
- (7) Passenger motor vehicles registered under WAC 308-96A-175 and 308-96A-176, ride-sharing and transportation needs ride-sharing vehicles;
- (8) Vehicles registered under WAC 308-96A-063, Foreign organization special license plate;
- (9) Vehicles registered under RCW 46.16.305, Medal of Honor recipients.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-57-140, filed 6/6/01, effective 7/7/01; 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 RTA excise tax in even dollars. RTA excise taxes are rounded to the nearest whole dollar.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-57-210, filed 6/6/01, effective 7/7/01; 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 308-57-230 Fleet abatement. A fleet vehicle, which is required to have a December registration expiration date, will be charged RTA 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 RTA excise tax will be charged at the current depreciation rate.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-57-230, filed 6/6/01, effective 7/7/01; 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 will be assessed RTA 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. 01-12-099, § 308-57-240, filed 6/6/01, effective 7/7/01; 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.]

Chapter 308-61 WAC

UNAUTHORIZED AND ABANDONED VEHICLES

WAC

- 308-61-026 Definitions—Registered tow truck operator.
- 308-61-105 Application.
- 308-61-108 Miscellaneous licensing provisions.
- 308-61-115 Identification of licensee's vehicles.
- 308-61-125 Business hours.
- 308-61-135 Miscellaneous provisions.
- 308-61-145 Specifications and posting of signs.
- 308-61-158 Storage of vehicles.
- 308-61-168 Disputed impound.
- 308-61-175 Procedures for selling vehicles.
- 308-61-185 Lien provisions.
- 308-61-190 After sale.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-61-010 Definitions—General. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-010, filed 1/6/86. Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-010, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-010, filed 9/7/79; Order MV 451, § 308-61-010, filed 9/26/77; Order MV 174, § 308-61-010, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-015 Definitions—Vehicles. [Order MV 451, § 308-61-015, filed 9/26/77; Order MV 174, § 308-61-015, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.
- 308-61-020 Definitions—Persons subject to regulation. [Order MV 451, § 308-61-020, filed 9/26/77; Order MV 174, § 308-61-020, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.
- 308-61-025 Definitions. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-025, filed 1/6/86. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-025, filed 9/7/79; Order MV 451, § 308-61-025, filed 9/26/77; Order MV 174, § 308-61-025, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-027 Normal or regular business hours. [Order MV 451, § 308-61-027, filed 9/26/77.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-030 Established place of business. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-030, filed 1/6/86. Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683),

- § 308-61-030, filed 5/27/82; Order MV 451, § 308-61-030, filed 9/26/77; Order MV 174, § 308-61-030, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-035 Segregation of vehicles, required. [Order MV 174, § 308-61-035, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.
- 308-61-040 Documents supporting acquisition of vehicles. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-040, filed 1/6/86. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-040, filed 9/26/77; Order MV 451, § 308-61-040, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-050 Grounds for denial, suspension, revocation and, in the case of a registered tow truck operator, also a civil fine—Unlawful practices. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-050, filed 1/6/86. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-050, filed 9/7/79; Order MV 174, § 308-61-050, filed 10/19/73.] Repealed by 88-06-025 (Order DLR 164), filed 2/25/88. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080.
- 308-61-100 Registered disposers—Application. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-100, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-100, filed 9/7/79; Order MV 174, § 308-61-100, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-110 Registered disposers—General procedures and requirements. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-110, filed 5/27/82. Statutory Authority: RCW 46.52.115. 80-02-053 (Order 573-DOL), § 308-61-110, filed 1/16/80; 79-10-012 (Order 554-DOL), § 308-61-110, filed 9/7/79; Order MV 451, § 308-61-110, filed 9/26/77; Order MV 174, § 308-61-110, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-120 Registered disposers—Procedures for taking custody. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-120, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-120, filed 9/7/79; Order MV 174, § 308-61-120, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-130 Registered disposers—Procedures for sale. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-130, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-130, filed 9/7/79; Order MV 451, § 308-61-130, filed 9/26/77; Order MV 174, § 308-61-130, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-140 Registered disposers—Procedures after sale. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-140, filed 9/7/79; Order MV 174, § 308-61-140, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-150 Registered disposers—Grounds for denial, suspension, revocation—Unlawful practices. [Order MV 174, § 308-61-150, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-155 Law enforcement procedures for impounding. [Statutory Authority: RCW 46.52.115. 80-02-053 (Order 573-DOL), § 308-61-155, filed 1/16/80. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-155, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-160 Law enforcement notification stickers. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-160, filed 9/7/79.] Repealed by 86-03-

- 011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-165 Placing vehicles in custody. [Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-165, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-170 Vehicles impounded or taken into custody. [Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-170, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-180 Hearing requests. [Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-180, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-200 Wreckers—Application for license. [Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-200, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-200, filed 9/7/79; Order MV 174, § 308-61-200, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-205 Expiration of motor vehicle wrecker's license. [Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225, 86-08-028 (Order DLR-091), § 308-61-205, filed 3/26/86.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-210 Wreckers—Special plates. [Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-210, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-210, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-220 Wreckers—General procedures and requirements. [Statutory Authority: RCW 46.79.080 and 46.80.140, 87-01-005 (Order DLR-112), § 308-61-220, filed 12/5/86; 82-12-038 (Order DOL 684), § 308-61-220, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-220, filed 9/7/79; Order MV 174, § 308-61-220, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-230 Wreckers—Procedures for acquiring vehicles and vehicle parts. [Statutory Authority: RCW 46.55.190, 90-01-060, § 308-61-230, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-230, filed 9/7/79; Order MV 451, § 308-61-230, filed 9/26/77; Order MV 174, § 308-61-230, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-240 Wreckers—Records and procedures for monthly reports. [Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-240, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-240, filed 5/27/82; Order MV 451, § 308-61-240, filed 9/26/77; Order MV 174, § 308-61-240, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-250 Wreckers—Must furnish bill of sale for parts. [Order MV 451, § 308-61-250, filed 9/26/77; Order MV 174, § 308-61-250, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-260 Wreckers—Selling used vehicles. [Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-260, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-260, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-270 Wreckers—Additional grounds for denial, suspension, revocation or civil fine assessment—Unlawful practices. [Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-270, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-270, filed 9/7/79; Order MV 451, § 308-61-270, filed 9/26/77; Order MV 174, § 308-61-270, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-300 Hulk hauler—Application for license. [Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-300, filed 9/7/79; Order MV 451, § 308-61-300, filed 9/26/77; Order MV 174, § 308-61-300, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-305 Expiration of hulk hauler license. [Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225, 86-08-028 (Order DLR-091), § 308-61-305, filed 3/26/86.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-310 Hulk hauler—Special plates. [Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-310, filed 9/7/79; Order MV 451, § 308-61-310, filed 9/26/77; Order MV 174, § 308-61-310, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-320 Hulk hauler—General procedures and requirements. [Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-320, filed 5/27/82. Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-320, filed 9/7/79; Order MV 451, § 308-61-320, filed 9/26/77; Order MV 174, § 308-61-320, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-330 Hulk hauler—Procedures for acquiring and selling vehicles. [Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-330, filed 2/25/88. Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-330, filed 9/7/79; Order MV 174, § 308-61-330, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-340 Hulk hauler—Grounds for denial, suspension, revocation—Unlawful practices. [Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-340, filed 9/7/79; Order MV 174, § 308-61-340, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-400 Scrap processor—Application for license. [Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225, 86-08-028 (Order DLR-091), § 308-61-400, filed 3/26/86. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-400, filed 5/27/82. Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-400, filed 9/7/79; Order MV 174, § 308-61-400, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-405 Expiration of scrap processor license. [Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225, 86-08-028 (Order DLR-091), § 308-61-405, filed 3/26/86.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-410 Scrap processor—Special plates. [Statutory Authority: RCW 46.79.080, 79-10-010 (Order 552-DOL), § 308-61-410, filed 9/7/79; Order MV 451, § 308-61-410, filed 9/26/77; Order MV 174, § 308-61-410, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.

- 308-61-420 Scrap processor—General procedures and requirements. [Statutory Authority: RCW 46.79.080 and 46.80.140. 87-01-005 (Order DLR-112), § 308-61-420, filed 12/5/86; 82-12-038 (Order DOL 684), § 308-61-420, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-420, filed 9/7/79; Order MV 174, § 308-61-420, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-430 Scrap processor—Procedures for acquiring vehicles for demolition. [Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-430, filed 2/25/88. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-430, filed 9/7/79; Order MV 174, § 308-61-430, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-440 Scrap processor—Procedures for monthly reports. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-440, filed 9/7/79; Order MV 174, § 308-61-440, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.
- 308-61-450 Scrap processor—Grounds for denial, suspension, revocation—Unlawful practices. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-450, filed 9/7/79; Order MV 174, § 308-61-450, filed 10/19/73.] Repealed by 93-08-076, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140.

WAC 308-61-026 Definitions—Registered tow truck operator. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit must state that the sale was conducted properly pursuant to chapter 46.55 RCW and must be notarized. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence must be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more. Concertina wire may be substituted for the two strands of barbed wire. The fencing requirement may be waived by the department where, due to the topography or zoning, a fence would be impracticable and the storage area is secure without a fence. Storage within an enclosed building will be considered secure and does not require a waiver. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a six-foot fence which will not require barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is graded and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department their possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document, prescribed by the department, and sent by the operator to the reg-

istered owner, legal owner (lien holder), lessor and lessee giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-026, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-026, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-026, filed 4/6/93, effective 5/7/93; 88-06-025 (Order DLR 164), § 308-61-026, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-026, filed 1/6/86.]

WAC 308-61-105 Application. What information must be included in an application for registration of a tow truck operator? The application for registration of a tow truck operator must include:

(1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.

(2) A current listing of the towing and storage rates of the operator on a form prescribed by the department.

(3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-105, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-105, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-105, filed 1/6/86.]

WAC 308-61-108 Miscellaneous licensing provisions.

(1) Staggered licensing - the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) The department must be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Any change of partners or of corporate officers or members of limited liability companies must be immediately reported to the department in writing. A complete change in ownership requires a new registration except in the case of a corporation or a limited liability company.

(6) An insurer must notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department must notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursu-

ant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

(7) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a registration unless such a hearing is requested.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-108, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-108, filed 12/10/99, effective 1/10/00; 90-01-060, § 308-61-108, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-108, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-108, filed 1/6/86.]

WAC 308-61-115 Identification of licensee's vehicles.

How must a registered tow truck operator identify its vehicles?

(1) All tow vehicles to be used in the operator's business which are operated on the public highways, must display the licensee's operator number plus the truck number, name, city of address and current business telephone number. Such information must be painted or permanently affixed to both sides of the vehicle. Each letter and numeral must be made with at least a half-inch stroke for the width and must be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-115, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-115, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-115, filed 1/6/86.]

WAC 308-61-125 Business hours. What business hours must a registered tow truck operator maintain?

(1) Business hours, for purposes of inspection of business records, place of business or towing equipment, must be 8:00 a.m. to 5:00 p.m. except for weekends and holidays. Normal business hours must be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator must post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator must maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property must be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-125, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-125, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-125, filed 1/6/86.]

WAC 308-61-135 Miscellaneous provisions. (1) The properly executed written authority to tow or other evidence

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of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices must indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The notification to be sent by first-class mail within twenty-four hours after the impound must be sent to any lessor or lessee, as well as to the last known registered and legal owner (lien holder) of the vehicle.

(7) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, must be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(8) As the record required in RCW 46.05.150(2) the registered tow truck operator must keep a copy of its twenty-four-hour impound notice to law enforcement.

(9) Information contained in the master log must include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of surplus funds.

Entries on the master log must be made within seventy-two hours following the activity being logged.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-135, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-135, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-135, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190. 90-01-060, § 308-61-135, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-135, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-135, filed 1/6/86.]

WAC 308-61-145 Specifications and posting of signs. How is the posting of signs on private and public property handled?

(1) Signs must measure at least 15" by 24" and the lettering thereon must be clearly visible to all who park.

(2003 Ed.)

(2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs must meet the same requirements as in the posting of private nonresidential property.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-145, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-145, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-145, filed 1/6/86.]

WAC 308-61-158 Storage of vehicles. How must the registered tow truck operator handle stored vehicles?

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished. The operator must not remove parts or equipment which are affixed to the vehicle.

(2) A vehicle being held for storage by agreement or being held under police authority, other than a suspended license impound, or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement or under police hold, other than a suspended license impound, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold other than a suspended license impound, or when the writ or court order is no longer in effect, the operator must begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator must keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) When a vehicle is being held pursuant to a suspended license impound, and the vehicle is not redeemed even after the payment of a security deposit, and upon expiration of the hold, the operator must send the notice provided in RCW 46.55.110(2) and schedule its auction accordingly.

(5) Vehicles in the custody of an operator must be kept entirely within a secure area owned or operated under that registration.

(6) An operator must not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-158, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-158, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-158, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-158, filed 1/6/86.]

WAC 308-61-168 Disputed impound. What should the registered tow truck operator do when a court hearing has been requested?

(1) Where a timely request has been made for a district or municipal court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle

at public auction must not take place until after the court has disposed of the request.

(2) The administrative hearings officer, provided in RCW 46.55.240 (1)(d), shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(3) Operators must maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-168, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-168, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-168, filed 4/6/93, effective 5/7/93. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-168, filed 1/6/86.]

WAC 308-61-175 Procedures for selling vehicles. How should a registered tow truck operator properly identify a vehicle in its custody and prepare for a vehicle auction?

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number must be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted. The publisher need not reside in that same county.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator must conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which must be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the appropriate law enforcement agency to verify the vehicle identification number of an unidentified vehicle. All such information must be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle must be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and must not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the

surplus funds must be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

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

(10) Auctions may be held on Saturdays or Sundays which are not legal holidays.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-175, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-175, filed 12/10/99, effective 1/10/00; 91-20-121, § 308-61-175, filed 9/30/91, effective 10/31/91. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-175, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-175, filed 1/6/86.]

WAC 308-61-185 Lien provisions. What charges are proper for the registered tow truck operator to include in the towing and storage lien?

(1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

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

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-185, filed 12/10/99, effective 1/10/00; 91-20-121, § 308-61-185, filed 9/30/91, effective 10/31/91; 90-01-060, § 308-61-185, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-185, filed 1/6/86.]

WAC 308-61-190 After sale. What documentation follows the abandoned vehicle auction and who may claim surplus auction funds?

(1) Following the auction of an abandoned vehicle the operator must give to the successful bidder an affidavit of sale, as defined, which must disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to RCW 46.55.130 (2)(h):

(a) The claiming individual must show reasonable proof of their identity and the claim must be in writing and must be notarized.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

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(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

[Statutory Authority: RCW 46.55.190. 02-20-035, § 308-61-190, filed 9/24/02, effective 10/25/02; 00-01-058, § 308-61-190, filed 12/10/99, effective 1/10/00; 90-01-060, § 308-61-190, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-190, filed 1/6/86.]

Chapter 308-63 WAC WRECKERS

WAC

308-63-010	Definitions—General.
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308-63-130	Termination of business.
308-63-140	Sale, transfer or other disposition of noncorporate licensee.
308-63-160	Incorporation of licensee while licensed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-63-150	Partial sales transfer or disposition of noncorporate licensee. [Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-150, filed 4/6/93, effective 5/7/93.] Repealed by 00-13-019, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.80.140.
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WAC 308-63-010 Definitions—General. (1) Department - means the department of licensing of the state of Washington.

(2) Director - means the director of the department of licensing.

(3) Destroy - means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Acquire - shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-63-080.

(5) Custody - means the possession of a vehicle that the wrecker owns but for which ownership documents required in WAC 308-63-080 have not been received, or a vehicle

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placed for safekeeping by a law enforcement officer or others.

(6) **Obscure** - means to screen the wrecker activity from public view.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-010, filed 1/24/01, effective 2/24/01. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-010, filed 4/6/93, effective 5/7/93.]

WAC 308-63-020 Definitions. May I acquire a vehicle or a vehicle part on a bill of sale? (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-020, filed 4/6/93, effective 5/7/93.]

WAC 308-63-030 Established place of business.

What is a vehicle wrecker place of business? A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished. It must conform with local zoning regulations.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-030, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-030, filed 4/6/93, effective 5/7/93.]

WAC 308-63-040 Wreckers—Application for license. How must I apply for a vehicle wrecker license?

An original or renewal application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police of any city with a population over five thousand; otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that the applicant's vehicle(s) are properly identified in accordance with WAC 308-63-070(5).

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated by the applicant for towing or transportation of vehicles in the conduct of the business. Each endorsement shall identify the vehicle by

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make, model, year or other adequate description, and identification number.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-040, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-040, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-040, filed 4/6/93, effective 5/7/93.]

WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire? (1) A motor vehicle wrecker's license shall expire twelve consecutive months from the date of issuance.

(2) Motor vehicle wrecker license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-050, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-050, filed 4/6/93, effective 5/7/93.]

WAC 308-63-060 Wreckers—Special plates. How do I use the special vehicle wrecker license plates?

All vehicles used for towing or transporting vehicles by a vehicle wrecker on the highways of this state in the conduct of the business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles, the applicant shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles shall display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-060, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-060, filed 4/6/93, effective 5/7/93.]

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

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

(c) All enclosures and barriers shall be kept in good repair.

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

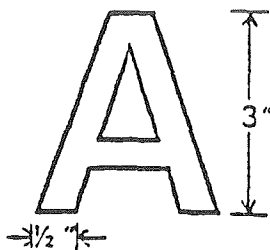
(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and shall be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-070, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-070, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-070, filed 4/6/93, effective 5/7/93.]

WAC 308-63-080 Wreckers—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts? Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-56A-460(3).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55.230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-080, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-080, filed 4/6/93, effective 5/7/93.]

WAC 308-63-090 Wreckers—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) The wrecker must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report shall contain such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates; provided that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and made available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

[Statutory Authority: Chapter 46.55 RCW. 02-19-036, § 308-63-090, filed 9/10/02, effective 10/11/02. Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-090, filed 6/12/00, effective 7/13/00. Statutory Authority:

RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-090, filed 4/6/93, effective 5/7/93.]

WAC 308-63-100 Wreckers—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No wrecker may sell a motor vehicle part unless he/she gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The wrecker shall retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-100, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-100, filed 4/6/93, effective 5/7/93.]

WAC 308-63-110 Wreckers—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license? (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-110, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-110, filed 4/6/93, effective 5/7/93.]

WAC 308-63-120 Statement of change in business structure, ownership interest or control. When must I report a change? Any person, firm, association, corporation or trust licensed under chapter 46.80 RCW must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-120, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-120, filed 4/6/93, effective 5/7/93.]

WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my wrecker license? A vehicle wrecker who terminates business shall, within ten days of such termination return the wrecker license and special license plates to the department for cancellation.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-130, filed 4/6/93, effective 5/7/93.]

WAC 308-63-140 Sale, transfer or other disposition of noncorporate licensee. What must I do if there is a change of ownership in my noncorporate license? Upon the sale, transfer or other disposition of an ownership interest in a noncorporate licensee:

(1) A new bond or rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must surrender to the department the special license plates. The new owners or transferees must purchase new plates in their own name.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-140, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-140, filed 4/6/93, effective 5/7/93.]

WAC 308-63-160 Incorporation of licensee while licensed. If my business is not a corporation, what do I do if I incorporate? A licensee which incorporates while licensed:

(1) Shall file an application for an appropriate license.

(2) Shall file a new bond with the department.

(3) The firm may request the preincorporation license number upon application.

[Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-160, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-160, filed 4/6/93, effective 5/7/93.]

Chapter 308-65 WAC

HULK HAULERS/SCRAP PROCESSORS

WAC

308-65-010	Definitions—General.
308-65-020	Definitions.
308-65-030	Established place of business.
308-65-040	Hulk hauler—Application for license.
308-65-050	Expiration of hulk hauler license.
308-65-060	Hulk hauler—Special plates.
308-65-070	Hulk hauler—General procedures and requirements.
308-65-080	Hulk hauler—Procedures for acquiring and selling vehicles.
308-65-090	Scrap processor—Application for license.
308-65-100	Expiration of scrap processor license.
308-65-110	Scrap processor—Special plates.
308-65-120	Scrap processor—General procedures and requirements.
308-65-130	Scrap processor—Procedures for acquiring vehicles for demolition.
308-65-140	Scrap processor—Procedures for monthly reports.
308-65-150	Statement of change in business structure, ownership interest or control.
308-65-160	Termination of business.
308-65-170	Sale, transfer or other disposition of noncorporate licensee.
308-65-190	Incorporation of licensee while licensed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-65-180	Partial sales transfer or disposition of noncorporate licensee. [Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-180, filed 4/6/93, effective 5/7/93.] Repealed by 00-13-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.79.080.
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WAC 308-65-010 Definitions—General. Demolish. To demolish means the rendering of vehicle salvage into

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recyclable metals, for example, by means of a hydraulic baler and shears or a shredder operated by a licensed scrap processor.

[Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-010, filed 4/6/93, effective 5/7/93.]

WAC 308-65-020 Definitions. (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-020, filed 4/6/93, effective 5/7/93.]

WAC 308-65-030 Established place of business. What must I do for a place of business? (1) Hulk hauler. A hulk hauler's established place of business is an address at which the hulk hauler receives mail and can normally be reached.

(2) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders or other equipment for recycling vehicle salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-030, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-030, filed 4/6/93, effective 5/7/93.]

WAC 308-65-040 Hulk hauler—Application for license. How must I apply for the hulk hauler license? The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require, and in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler denied, suspended, or revoked and on what dates and what grounds.

(2) A certification from a member of the Washington state patrol that his/her vehicle(s) are properly identified in accordance with WAC 308-65-070(5).

The license may be renewed prior to the expiration date by filing a renewal application, securing a signature of the

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appropriate member of the Washington state patrol on his/her application, and paying a renewal fee of ten dollars.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-040, filed 6/12/00, effective 7/13/00; 94-12-052, § 308-65-040, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-040, filed 4/6/93, effective 5/7/93.]

WAC 308-65-050 Expiration of hulk hauler license.

When will my license expire? (1) A hulk hauler's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

(2) Motor vehicle hulk hauler license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-050, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-050, filed 4/6/93, effective 5/7/93.]

WAC 308-65-060 Hulk hauler—Special plates. How must I display the hulk hauler license plates? All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set which charges include the reflectorization fee required by RCW 46.16.237.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-060, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-060, filed 4/6/93, effective 5/7/93.]

WAC 308-65-070 Hulk hauler—General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

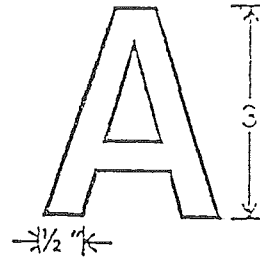
(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he/she shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

(3) Inspection of transport vehicle. Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(4) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehi-

cle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.79.080. 94-12-052, § 308-65-070, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-070, filed 4/6/93, effective 5/7/93.]

WAC 308-65-080 Hulk hauler—Procedures for acquiring and selling vehicles. On what ownership documents may I buy and sell vehicles/hulks? (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor upon obtaining ownership documents in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing only a registration certificate or other approved ownership documents as follows:

(a) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

(b) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.

(c) Affidavit of sale from a registered tow truck operator.

(d) A court order.

(e) Acquisition from wreckers licensed by the department may be supported by obtaining the wrecker's invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor or vehicle wrecker purchasing the vehicles listed therein.

(f) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions that have had their titles surrendered to a state after having been declared a total loss and for vehicles of the type to which titles are not issued.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he/she shall have in his/her possession ownership documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his/her possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that the hulk hauler may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-080, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-080, filed 4/6/93, effective 5/7/93.]

WAC 308-65-090 Scrap processor—Application for license. How must I apply for a scrap processor license?

The application for a scrap processor's license shall contain, in addition to any other information the department may require, evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental [Policy] Act, chapter 43.21C RCW.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-090, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-090, filed 4/6/93, effective 5/7/93.]

WAC 308-65-100 Expiration of scrap processor license. When does my license expire? (1) A scrap processor's license shall expire twelve consecutive months from the date of issuance.

(2) Any special license plates issued to a scrap processor shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-100, filed 4/6/93, effective 5/7/93.]

WAC 308-65-110 Scrap processor—Special plates. What special license plates are available? Vehicles owned or operated on the highways of this state by a scrap processor and used by the scrap processor in gathering vehicle hulks or salvage shall bear regular license plates and, in addition, hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16.237; they expire simultaneously with the scrap processor's license.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-110, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-110, filed 4/6/93, effective 5/7/93.]

WAC 308-65-120 Scrap processor—General procedures and requirements. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

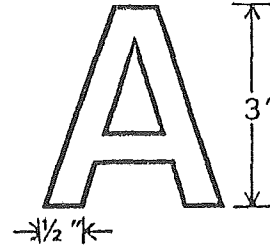
(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate

law enforcement officers and authorized representatives of the department.

(4) Destroying of license plates. All license plates coming into the possession of the scrap processor shall be destroyed by the scrap processor prior to forwarding the monthly report to the department under RCW 46.79.020.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-120, filed 4/6/93, effective 5/7/93.]

WAC 308-65-130 Scrap processor—Procedures for acquiring vehicles for demolition. On what ownership documents may I acquire vehicles? Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish ownership documents, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing a registration certificate only or other approved ownership documents as follows:

(1) Affidavit of lost or stolen title and release of interest from the owner.

(2) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.

(3) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions, for vehicles that have had their titles surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(4) Affidavit of sale from a registered tow truck operator.

(5) A court order.

(6) Invoice or bill of sale from wrecker.

(7) Scrap processors may acquire vehicle salvage from out-of-state provided that the out-of-state salvage company submits an affidavit certifying its rightful and true possession of the vehicles or parts contained in the bulk shipment and that he/she has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

(8) Vehicle parts may be acquired by use of an invoice or bill of sale which describes the part and identifies the seller by name and address.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-130, filed 4/6/93, effective 5/7/93.]

WAC 308-65-140 Scrap processor—Procedures for monthly reports. How must I file monthly reports to the department? (1) Must maintain books and files.

(a) The scrap processor shall maintain the following books and files of all vehicles, acquired other than from a wrecker or out-of-state salvage company, which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) For vehicles acquired from out-of-state salvage companies, an invoice listing the vehicles and the affidavit of compliance with the out-of-state jurisdiction.

(d) For vehicle parts, an invoice or bill of sale describing the part and identifying the seller by name and address. That record will be available for inspection.

(e) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form prescribed by the department, listing each vehicle, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) of this section, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he/she retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he/she acquires vehicles for salvage from other than wreckers licensed by the department.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-140, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-140, filed 4/6/93, effective 5/7/93.]

WAC 308-65-150 Statement of change in business structure, ownership interest or control. When must I report a change in business structure or ownership? Any person, firm, association, corporation or trust licensed under chapter 46.79 RCW must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

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[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-150, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-150, filed 4/6/93, effective 5/7/93.]

WAC 308-65-160 Termination of business. A hulk hauler or scrap processor who terminates his business shall return his/her license and special license plates to the department for cancellation within ten business days of such termination.

[Statutory Authority: RCW 46.79.080. 94-12-052, § 308-65-160, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-160, filed 4/6/93, effective 5/7/93.]

WAC 308-65-170 Sale, transfer or other disposition of noncorporate licensee. What if there is a partial change in ownership of the company? Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

(1) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(2) The former owner must surrender to the department all special license plates. The new owner or transferee must purchase new plates in its own name.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-170, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-170, filed 4/6/93, effective 5/7/93.]

WAC 308-65-190 Incorporation of licensee while licensed. What if I incorporate while licensed? A licensee which incorporates while licensed shall file an application for an appropriate license.

The firm may request the preincorporation license number.

[Statutory Authority: RCW 46.79.080. 00-13-020, § 308-65-190, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-65-190, filed 4/6/93, effective 5/7/93.]

Chapter 308-66 WAC MOTOR VEHICLE DEALERS AND MANUFACTURERS

WAC

308-66-110	Definitions.
308-66-120	Dealer's license application.
308-66-135	Expiration of dealer and manufacturer licenses.
308-66-140	Place of business and places of business.
308-66-145	Established place of business—Waiver procedure.
308-66-150	Warranty practices.
308-66-152	Unlawful practices.
308-66-155	Consignment.
308-66-157	Listing.
308-66-160	Dealer's and manufacturer's license plates.
308-66-165	Vehicle sales transactions.
308-66-170	Denial, suspension or revocation of license.
308-66-175	Buyer's agent—Standard disclosures.
308-66-180	Record of transactions.
308-66-182	Records—Buyer's agents.
308-66-190	Transfer of certificate of title by dealer.
308-66-195	Possession of certificates of ownership.
308-66-200	Transfer of vehicle to another dealer.
308-66-210	Statement of change in business structure, ownership interest or control.
308-66-211	Termination of business.
308-66-212	Sale, transfer or other disposition of noncorporate licensee.
308-66-214	Incorporation of licensee while licensed.
308-66-220	Display of vehicles by combination wrecker-dealer.

308-66-225	Remanufactured vehicles in whole or in part.
308-66-227	Disclosure of title brands.
308-66-240	Bond cancellation, closure notice.

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

308-66-130	Salesman's license application. [Order MV 170, § 308-66-130, filed 7/16/73; Order 70-08-04, § 308-66-130, filed 8/6/70; Order 2, § 308-66-130, filed 1/29/68.] Repealed by 87-01-016 (Order DLR 115), filed 12/9/86. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1.
308-66-156	Guaranteed title. [Statutory Authority: RCW 46.70.160. 91-03-092, § 308-66-156, filed 1/18/91, effective 2/18/91.] Repealed by 98-20-039, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160.
308-66-196	Possession of custom documents. [Statutory Authority: RCW 46.01.110. 93-14-084, § 308-66-196, filed 6/30/93, effective 7/31/93.] Repealed by 98-20-039, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160.
308-66-205	Vehicle odometer disclosure. [Statutory Authority: RCW 46.70.160. 96-19-025, § 308-66-205, filed 9/9/96, effective 10/10/96; 90-24-054, § 308-66-205, filed 12/3/90, effective 1/3/91.] Repealed by 98-20-039, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160.
308-66-206	Secure odometer power of attorney forms. [Statutory Authority: RCW 46.70.160. 90-24-054, § 308-66-206, filed 12/3/90, effective 1/3/91.] Repealed by 96-19-025, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160.
308-66-213	Partial sales transfer or disposition of noncorporate licensee. [Order MV 170, § 308-66-213, filed 7/16/73; Order 70-08-04, § 308-66-213, filed 8/6/70.] Repealed by 91-20-057, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160.
308-66-215	Mergers and consolidations of corporations. [Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-215, filed 9/24/91, effective 10/25/91; Order MV 170, § 308-66-215, filed 7/16/73; Order 70-08-04, § 308-66-215, filed 8/6/70.] Repealed by 96-19-025, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160.
308-66-230	Titles—Combination tow truck operator-dealer. [Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-230, filed 12/9/86; Order 69-1, § 308-66-230, filed 8/28/69; Order 2, § 308-66-230, filed 1/29/68.] Repealed by 96-19-025, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160.

WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever a dealer closes his place of business during normal business hours, a sign must be posted on the main door of the business stating the time that he will next be open for business or where he may be contacted.

(4) An "employee" of a dealer is a person on the payroll who appears on the record of the dealer as an employee for

whom social security, withholding tax, and all deductions required by law have been made.

(5) A "broker" shall mean any person, partnership, corporation, or association acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.

(6) An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will prescribe the form of the card.

(7) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(8) Current service agreement - The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of said manufacturer's or distributor's new vehicles which qualify for adjustments under the said manufacturer's or distributor's warranty.

(9) New vehicle warranty - The warranty extended by a manufacturer or distributor to the first retail purchaser.

(10) "Closing" shall mean the process of completion of sale transaction.

(11) "Completion of sale" in the case of a consigned vehicle shall mean purchaser has possession of vehicle, all liens against vehicle are paid, seller has sale proceeds, and warranty of title to vehicle has been accomplished.

(12) "Listing" shall mean a contract between a seller of a used mobile/manufactured home and a listing dealer for the dealer to locate a willing purchaser of that listed used mobile/manufactured home.

(13) "Seller," as it relates to listing dealers, shall mean a person who lists a used mobile/manufactured home with a listing dealer.

(14) "Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile/manufactured home listed through a listing dealer.

(15) "Consignment" shall mean an arrangement whereby a vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

(16) "Consignee" shall mean a vehicle dealer who accepts delivery or to whom a vehicle is entrusted for the purpose of sale on behalf of another.

(17) "Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.

(18) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

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

(20) "Used vehicle" in keeping with RCW 46.04.660, and for purposes of the requirement for a service agreement in RCW 46.70.101 (1)(a)(vii), a vehicle will be considered used if it meets the following requirements:

(a) It has been titled or registered to a bona fide retail purchaser/lessee for a period of 90 days or more; and

(b) The vehicle has been operated (driven) to the extent that its odometer registers 3,000 miles or more.

However, the requirements of (a) and (b) of this subsection will not apply if a bona fide retail purchaser/lessee sells, trades, or otherwise disposes of the vehicle prior to its having met those requirements. To document such an exemption, the subsequent wholesaling and retailing dealer must keep, as a dealer business record, a notarized affidavit from either the bona fide retail purchaser/lessee, or in the case of an imported vehicle, a notarized affidavit from the importer of the vehicle. That affidavit will be prescribed by the department and must confirm that the retail purchaser/lessee was a bona fide retail purchaser/lessee.

(21) A "bona fide retail purchaser/lessee" is one who purchases or leases a vehicle for the purpose of using it, rather than for the purposes of resale or lease.

[Statutory Authority: RCW 46.70.160. 02-12-062, § 308-66-110, filed 5/31/02, effective 7/1/02; 98-20-039, § 308-66-110, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-110, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-110, filed 12/9/86; Order MV 170, § 308-66-110, filed 7/16/73; Order 70-08-04, § 308-66-110, filed 8/6/70; Order 69-1, § 308-66-110, filed 8/28/69; Order 2, § 308-66-110, filed 1/29/68.]

WAC 308-66-120 Dealer's license application. (1) Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and residential addresses of all owners of ten percent or more of the assets of the firm;

(b) The name and address of the principal place of business of the firm;

(c) The names and addresses of each and every sub-agency of the firm, if any;

(d) A current balance sheet of assets and liabilities which shall have been prepared within ninety days of its submission;

(e) A statement of whether or not the applicant or any partner, member, officer, director, owner of ten percent or more of the assets of the firm, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(f) A detailed list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.

(2) An applicant shall appear for a personal interview if requested by the department.

(3) The department may require a credit report for each party named on each application for a dealer's license.

(4) An applicant shall provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

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(5) The bank reference for verifying financial condition consisting of:

(a) The name of applicant's bank, a person to contact at that bank concerning applicant's financial condition, or

(b) A letter of credit current within last 90 days, or

(c) A flooring agreement, if with a financial institution, or

(d) A line of credit with a financial institution.

(6) The department may require an applicant for a vehicle dealer license to provide evidence that the business location conforms to all zoning and land use ordinances.

(7) A corporation applicant shall provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The name and address on the license application and all required supporting documents must be the same. The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.

(9) A certification of completion in the dealer education program:

(a) At least one principal of each company applying for an original vehicle dealer license must receive certification in the dealer education program required by RCW 46.70.041 (1)(l).

(b) The department encourages as many principals of each company as possible to obtain such certification.

(c) For annual dealer license renewals, either a company principal or a managing employee may complete the continuing education program. The continuing education certificate will indicate that the dealership has fulfilled the requirement.

(d) Certifications for either original or renewal applications will be valid for twelve months.

[Statutory Authority: RCW 46.70.160. 02-12-062, § 308-66-120, filed 5/31/02, effective 7/1/02; 98-20-039, § 308-66-120, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-120, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-120, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-120, filed 12/9/86; Order MV 170, § 308-66-120, filed 7/16/73; Order 70-08-04, § 308-66-120, filed 8/6/70; Order 69-1, § 308-66-120, filed 8/28/69; Order 2, § 308-66-120, filed 1/29/68.]

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

[Statutory Authority: RCW 46.70.160 and 46.70.085. 91-20-057, § 308-66-135, filed 9/24/91, effective 10/25/91. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-66-135, filed 3/26/86.]

WAC 308-66-140 Place of business and places of business. (1) A dealer shall advise the department of each and every:

(a) Name under which the firm does business, and

(b) Location at which the firm does business.

If there is any addition, deletion or change in the above, the dealer shall so inform the department within ten days of such action.

(2) A dealer shall designate one name and one location as the principal name and principal place of business of the firm.

(a) All other locations that are physically and geographically separated from the principal place of business shall be designated and licensed as subagencies of that dealership;

(b) All other names shall be designated and licensed as subagencies of that dealership;

(c) If a dealer is required to obtain a subagency license under (2)(a) of this section, he/she shall not be required to obtain an additional subagency license under (2)(b) of this section, unless he does business under more than one name at that location;

(3) The director shall fail to renew, suspend or revoke a subagency license of a dealership if the dealer ceases to maintain "an established place of business" at that subagency location.

(4) All temporary subagencies shall be covered by the bond of the dealer's principal place of business.

(5) A vehicle dealer that is unable to locate his/her used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) Vehicle sales lot is contained within the same city block, or

(b) Directly across the street, or

(c) Is within sight, and

(d) Location is zoned properly, and

(e) Dealer bond covers sales lot.

(6) If sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed cancelled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

[Statutory Authority: RCW 46.70.160, 98-20-039, § 308-66-140, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160 and 46.70.023, 91-20-057, § 308-66-140, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-140, filed 12/9/86; Order MV 170, § 308-66-140, filed 7/16/73; Order 69-1, § 308-66-140, filed 8/28/69; Order 2, § 308-66-140, filed 1/29/68.]

WAC 308-66-145 Established place of business—Waiver procedure. (1) An applicant for a vehicle dealer license who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All required documents and fees for an original application as provided for in RCW 46.70.041, 46.70.061, 46.70.070, and WAC 308-66-120, with the exception of a

leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted to the applicant, the applicant must provide evidence of leasehold or real property ownership to the department before the license will be issued.

(b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:

(i) Specific nature or type of activity the applicant intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) Detailed statement which identifies the unique circumstances necessitating the request for waiver, and,

(iv) Any other information the department may require.

(2) A licensee who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All required documents and fees, as provided for in RCW 46.70.061 and WAC 308-66-140, with the exception of a leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted the licensee must provide evidence of leasehold or real property ownership to the department within thirty days of waiver approval.

(b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:

(i) Specific nature or type of activity the licensee intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) Detailed statement which identifies the unique circumstances necessitating the request, and,

(iv) Any other information the department may require.

(3) Upon receipt by the department of all the required information, the director or the director's designee will review the request for waiver of any established place of business requirement(s) and issue a final determination in writing.

(4) A waiver granted under section (3) will remain in effect only as long as the unique circumstance(s) under which the waiver was originally granted have not changed or until the director lifts the waiver for cause.

[Statutory Authority: RCW 46.70.160, 98-20-039, § 308-66-145, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-145, filed 12/9/86.]

WAC 308-66-150 Warranty practices. (1) It shall not be considered unlawful under the provisions of RCW 46.70.180 (14)(f) for a vehicle manufacturer to provide under the terms of any warranty that a purchaser of a vehicle must make warranty claims against only the manufacturer of an integral part of a vehicle if the manufacturer of that integral part has assumed a direct warranty obligation thereon to the purchaser and does, in fact, provide facilities or agencies within the states of Washington, Oregon or Idaho to discharge such warranty obligation.

(2) No manufacturer need make reimbursement under RCW 46.70.101 (2)(j) except to dealers selling its product at retail or to the dealers holding units purchased from the manufacturer for resale at retail: Provided, however, That if the

warranty agreement between the dealer and the manufacturer requires prior approval by the manufacturer, such approval must be given within a reasonable time and in no event later than ten days, except in emergency situations where the life, health, or safety of the occupant or owner requires immediate action.

[Statutory Authority: RCW 46.70.160, 96-19-025, § 308-66-150, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 - 46.70.180, 90-20-086, § 308-66-150, filed 9/28/90, effective 10/29/90; Order MV-446, § 308-66-150, filed 9/16/77; Order MV 170, § 308-66-150, filed 7/16/73; Order 70-08-04, § 308-66-150, filed 8/6/70; Order 69-1, § 308-66-150, filed 8/28/69; Order 2, § 308-66-150, filed 1/29/68.]

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

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), include, but are not limited to representations such as "one hundred percent financing" if the terms of the purchase involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it shall be listed on the security agreement containing the vehicle's description, not on a separate agreement.

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

(a) Clear and conspicuous within an advertisement shall mean:

(i) In the case of a television advertisement, the information required to be disclosed shall be completely disclosed audibly, visually, or a combination thereof.

(A) If made visually, shall be made in a type size sufficiently large to be read with reasonable ease; shall appear on the television screen for at least seven seconds; shall be in print type of a color or shade that contrasts readily with the background; shall not be obscured by other words or images appearing on the television screen; and

(B) If made audibly, shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average television listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(ii) In the case of a radio advertisement, the information required to be disclosed shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average radio listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(iii) In the case of a printed advertisement, the information required to be disclosed shall be made in a type size which shall be sufficiently large to be read with reasonable ease and shall be made in relatively close proximity to each of the terms which require that the disclosures be made; disclosures shall be made in such color and contrast so as not to be obscured by other words or pictures appearing in the advertisement.

(b) Examples of words, phrases, or initials which are not easily comprehended by persons other than those closely allied with the vehicle industry, and that may not be used without explaining their meaning in the same advertisement, include but are not limited to: Executive; capitalized cost reduction, o.a.c., c.f., f.o.b. The words annual percentage rate may be abbreviated to read A.P.R. or apr.

(4) Examples of false, deceptive or misleading, and thereby unlawful statements or representations within the meaning of RCW 46.70.180(1) include, but are not limited to:

(a) Advertising a used vehicle for sale that is not available at the time the advertisement is placed;

(b) Advertising a new vehicle as available for immediate delivery if it is available only on order;

(c) Advertising any offer in connection with the sale of a vehicle or model or type of vehicle without disclosing any material limitations, including, but not limited to, the time limit, or that there is no time limit on the offer;

(d) Advertising using a picture:

(i) Of a new vehicle which does not substantially show the same vehicle offered for sale; or

(ii) Of a used vehicle which is not the same vehicle offered for sale;

(e) Causing an advertisement to be placed by a dealer or dealer representative that does not identify the dealer by his/her complete business name, or by the word "dealer" or abbreviation "DLR";

(f) Incorporating in the dealer's name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the use of "wholesale," when a dealer's business is substantially retail, or "discount" when the price and policy of a dealer does not provide substantial discounts;

(g) Advertising a not-new vehicle manufactured less than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," or "rental" may be used in conjunction therewith, but not so as to create ambiguity as to whether a said vehicle is new, used, or a demonstrator.

(h) Advertising a "rebuilt vehicle" for sale with knowledge as defined in RCW 46.70.101 (1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;

(i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;

(j) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or

(ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: Provided, however, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;

(j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;

(k) Adding charges, costs, or items to the advertised price, except those allowed by statute, other than the selling price of additional equipment ordered by the purchaser, sales tax, and license fees. "Additional equipment ordered by the purchaser" shall not include options already installed on the vehicle at the time of advertising;

(l) Expressing "advertised price" as a combination of:

(i) Dollar figures and words unless all component figures and the total dollar figure is expressed; or

(ii) Dollar figures and dollar figures unless all component figures and the total dollar figure is expressed;

(m) Advertising that a new vehicle or model or type of vehicle will be sold for a certain amount above or below invoice or cost without:

(i) Disclosing the actual dollar amount being referred to as "invoice";

(ii) Stating the final, total price for each vehicle, which may exclude sales taxes and license fees; and

(iii) Computing invoice as the actual cost to the dealer to get each vehicle from the manufacturer.

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

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

(o) Advertising or offering:

(i) Any rebate that is not an authorized manufacturer's rebate paid directly to the consumer, which the consumer may apply to the purchase; and

(ii) Any manufacturer's rebate for which the manufacturer requires any financial participation by the dealer, without also clearly and conspicuously stating the following disclosure: "Dealer participation in this rebate program may increase vehicle price before rebate";

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

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

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

(s) Advertising a vehicle or model or type of vehicle for sale at a financing rate which has been bought down by the dealer, without disclosing the actual annual percentage rate.

(5) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(a) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(b) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(6) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state the amount or percentage of the down payment required, or that no down payment is required, the amount of any payment or the number of payments or the period of repayment, the amount of any finance charge or that there is no charge for credit, unless it states clearly and conspicuously all of the following items:

(a) The cash price or the amount of the loan as applicable;

(b) The amount or percentage of the down payment required, or that no down payment is required, as applicable;

(c) The number, amount, and frequency of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate;

(e) The deferred payment price or the sum of the payments as applicable;

(f) The specific model or type of vehicle(s) to which the advertised offer applies; and

(g) Any other conditions material to the advertised offer.

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

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-152, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.180 and 46.70.160. 91-03-019, § 308-66-152, filed 1/7/91, effective 2/7/91. Statutory Authority: RCW 46.70.160 - 46.70.180. 90-20-086, § 308-66-152, filed 9/28/90, effective 10/29/90.]

WAC 308-66-155 Consignment. (1) Contract.

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180 for a vehicle dealer to accept any vehicle on consignment without first reducing the consignment to writing.

(b) *Minimum information required for consignment contracts.*

(i) The names of the parties to the contract including the identity of the legal owner.

(ii) A statement by the consignor that the consignor guarantees to deliver the title to the consignee upon sale of the vehicle, as well as a statement by the consignor indicating the location of the title and the unpaid balance of the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon price which the consignor will receive for his vehicle.

(vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.

(vii) The signatures of the parties to the contract.

(viii) If no price has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the vehicle dealer will be entitled upon the sale of the consigned vehicle.

(2) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authorization from the consignor prior to the sale of the subject vehicle.

(3) Requirements for selling consigned vehicles.

(a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, shall be placed in a trust account as required under RCW 46.70.180(9), and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied as provided in the consignment agreement. It shall be considered an unlawful practice for a vehicle dealer or salesperson to commingle funds received on a consigned vehicle with the assets of the dealer and the salesperson until all terms of the agreement have been completed.

(b) The amount due a consignor from the date of completion of sale of the consigned vehicle shall be paid by the consignee immediately where title has been delivered to the purchaser, and in all cases shall be paid within ten days.

(c) The dealer shall give to the consignor a copy of the purchase order used to complete the sale at the same time payment is made pursuant to (b) of this subsection.

(4) Consignee's duty to transfer title.

(a) The sale of consigned vehicles imposes the same duty under RCW 46.70.122 to the consignee to promptly execute the assignment and warranty of title as in any other sale.

(b) Prior to accepting a vehicle for consignment and offering it for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180(1).

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-155, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-155, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.028. 91-20-057, § 308-66-155, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-155, filed 12/9/86; Order MV-352, § 308-66-155, filed 3/4/76.]

WAC 308-66-157 Listing. (1) Dealer responsibilities.

(a) The listing dealer shall be responsible for negotiating the agreement between seller and purchaser as follows:

(b) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(c) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(d) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(e) A legible copy of the agreement to purchase shall be retained in the listing dealer's files.

(f) A copy of the agreement between purchaser and dealer to disburse any funds from the trust account to pay liens against the used mobile/manufactured home shall be retained in the dealer's files.

(2) At the time the sale is closed, the listing dealer may pay outstanding liens out of the trust account prior to paying the sale proceeds to the seller.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-157, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-157, filed 12/9/86.]

WAC 308-66-160 Dealer's and manufacturer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090. Prospective customers, when not accompanied by a dealer or member of his firm, shall be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates shall be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When a foreign-plated vehicle is sold to a resident of the state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:

(a) The purchaser must have applied to his home state's vehicle licensing authority to register the vehicle in his own name, or

(b) The purchaser must have obtained a trip permit to move the vehicle from the dealer's place of business to his own state.

(3) An employee of a dealer shall carry an employee identification card when operating any vehicle bearing dealer's plates.

(4) Dealer's plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) An employee of a dealer shall carry an employee identification card when operating any vehicle bearing dealer's plates.

(6) Dealer's plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer's plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide accurate records reflecting the use of dealer plates.

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

[Statutory Authority: RCW 46.70.160, 98-20-039, § 308-66-160, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-160, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.090, 91-20-057, § 308-66-160, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160, 86-21-025 (Order DLR-114), § 308-66-160, filed 10/8/86; Order MV 170, § 308-66-160, filed 7/16/73; Order 70-08-04, § 308-66-160, filed 8/6/70; Order 69-1, § 308-66-160, filed 8/28/69; Order 2, § 308-66-160, filed 1/29/68.]

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

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

WAC 308-66-170 Denial, suspension or revocation of license. (1) When the license of a vehicle dealer has been suspended or revoked, the department shall post a closure notice at or near the principal entry to the place of business. Such notice shall include a statement that the dealership is closed as to the sale of vehicles because of the suspension or revocation of a license. In case of a suspension, the duration of the suspension shall be stated on the notice. A dealer shall not remove any closure notice without permission from an authorized representative of the director.

(2) Practices inimical to the health and safety of the citizens of the state of Washington pursuant to RCW 46.70.101 (1)(b)(viii) and (2)(k) shall include, but not be limited to, failure to comply with the following federal and state standards, as presently constituted and as hereafter amended, amplified or revised, pertaining to the construction and safety of vehicles:

(a) "Federal motor vehicle safety standards," 49 Code of Federal Regulations, part 571;

(b) "Control of air pollution from new motor vehicles and new motor vehicle engines," 40 Code of Federal Regulations, part 85;

(c) "Vehicle lighting and other equipment," chapter 46.37 RCW;

(d) Rules and regulations adopted by the Washington state patrol pursuant to RCW 46.37.005, Title 204 WAC;

(e) "Mobile/manufactured homes, commercial coaches, park trailers, and recreational vehicles," chapter 296-150B WAC;

(f) Housing and Community Development Act of 1974, Public Law 93-383, Title VI Mobile home construction and safety standards, §§ 603, 604, 610, 615, 616, 617.

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[Statutory Authority: RCW 46.70.160, 98-20-039, § 308-66-170, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-170, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.101, 91-20-057, § 308-66-170, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1, 87-01-016 (Order DLR 115), § 308-66-170, filed 12/9/86; Order MV-446, § 308-66-170, filed 9/16/77; Order MV 170, § 308-66-170, filed 7/16/73; Order 2, § 308-66-170, filed 1/29/68.]

WAC 308-66-175 Buyer's agent—Standard disclosures. The written agreement between a buyer's agent and its customer shall contain precisely the following disclosure language in a single paragraph on the first page of the agreement, in a type size sufficiently large to be read with reasonable ease:

NOTICE to customers concerning the nature and scope of BUYER'S AGENT activity. A licensed bonded vehicle dealer may act as a buyer's agent to arrange for you to purchase a new vehicle.

1. Your agreement with the buyer's agent must:

- Be in writing.
- Set forth the terms of the agreement.
- Disclose total fees or other compensation to be received from you.
- State whether or not any portion of the fee is refundable.

2. While arranging for you to purchase your new vehicle the buyer's agent must NOT:

- Receive or pay any vehicle purchase moneys.
- Sign any vehicle purchase order, contract, odometer statement or title document.
- Have the name of the buyer's agent appear on the purchase order, sales contract or title.
- Sign any other document relating to the purchase, sale or transfer of the new vehicle.
- Use a power of attorney (POA) to do any of the above prohibited acts. However, the buyer's agent may use a POA to deliver the license plates to the customer.

3. The buyer's agent must NOT:

- Pay to or receive from a dealer any purchase moneys, fees, gratuities or rewards.
- Claim or state that the buyer's agent offers, obtains or guarantees the lowest price.
- Arrange for a new vehicle through an out-of-state dealer without disclosing to the customer in writing that the vehicle will not have Washington state lemon law coverage.

[Statutory Authority: RCW 46.70.180(13) as amended in 1995 by SHB 2179, 96-24-041, § 308-66-175, filed 11/27/96, effective 12/28/96.]

WAC 308-66-180 Record of transactions. (1) The record of purchase and sale of vehicles maintained by a dealer shall, where applicable, include, but not be limited to:

(a) A description of the vehicle, which shall include those items of description required on the Washington application for title, and in the case of a retail sale requiring a title transfer, a copy of the computer-generated title application processed by a license agent showing fees paid to the state;

(b) The Washington license plate number assigned to the vehicle upon transfer;

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(c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580, or if a licensed vehicle dealer auction company conducting wholesale consignment sales, the odometer disclosure record for such sales as required in 49 Code of Federal Regulations, part 580.9;

(d) The purchase order shall be dated and include the business name of the dealer and a description of any trade-in vehicle by year, make and vehicle identification number.

(2) The record of purchase and sale of the vehicle shall be maintained on all transactions whether at retail or wholesale.

[Statutory Authority: RCW 46.70.160. 96-19-025, § 308-66-180, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160. 90-24-054, § 308-66-180, filed 12/3/90, effective 1/3/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-180, filed 12/9/86; Order MV 170, § 308-66-180, filed 7/16/73; Order 2, § 308-66-180, filed 1/29/68.]

WAC 308-66-182 Records—Buyer's agents. Dealers shall keep for a period of five years the following records concerning their buyer's agent activities:

(1) A copy of the required written agreement with the customer.

(2) A record of any fees received from the customer.

[Statutory Authority: RCW 46.70.180(13) as amended in 1995 by SHB 2179. 96-24-041, § 308-66-182, filed 11/27/96, effective 12/28/96.]

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold or disposed of by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within forty-five calendar days commencing with the sale or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Under the following conditions a dealer may be granted an additional interval, not to exceed forty-five days in which to apply for title in the customer's name:

(a) The lien holder fails to deliver the vehicle title to the dealer within the required time period; and

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied; or

(d) The director may excuse any situations in which applications are delayed for reasons beyond the control of the dealer.

(2) The dealer shall in every case sign or type his/her name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.

(3) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

(2003 Ed.)

[Statutory Authority: RCW 46.70.160 and 46.70.110. 99-02-049, § 308-66-190, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160. 96-19-025, § 308-66-190, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-66-190, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.70.160, 46.12.120 and [46.12].124. 91-20-057, § 308-66-190, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160. 90-24-054, § 308-66-190, filed 12/3/90, effective 1/3/91; 90-10-013, § 308-66-190, filed 4/20/90, effective 5/21/90; Order MV 170, § 308-66-190, filed 7/16/73; Order 2, § 308-66-190, filed 1/29/68.]

WAC 308-66-195 Possession of certificates of ownership. (1) For each used vehicle kept in the dealer's inventory unless the certificate of ownership is in the possession of the person holding a security interest in the dealer's inventory, a vehicle dealer shall have possession of a separate certificate of ownership of either the following ownership documents:

(a) A separate certificate of ownership in the name of the dealer, or the dealer's immediate vendor, properly assigned; or

(b) Evidence that the dealer owns the vehicle, such as a bill of sale, and evidence that the dealer has satisfied or paid off any legal owner on the vehicle.

(2) If there is a legal owner on any vehicle acquired by the dealer, the dealer shall obtain possession of the title by paying off any balance due to the legal owner no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. For purposes of this section, a dealer acquires a vehicle when the dealer takes possession of the vehicle and an authorized representative of the dealer unconditionally accepts the written offer to purchase and financing has been approved in accordance with RCW 46.70.180(4).

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-195, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-66-195, filed 10/13/94, effective 11/13/94; Order MV 170, § 308-66-195, filed 7/16/73.]

WAC 308-66-200 Transfer of vehicle to another dealer. When a dealer sells a vehicle to a second dealer, the first dealer shall fill out an assignment either on the secure title, on an odometer extension form or on an equivalent document if the vehicle is exempt from requiring an odometer disclosure. The retailing dealer shall complete the dealer's report of sale on the application accompanying the transfer of title into the name of the purchaser.

[Statutory Authority: RCW 46.70.160. 96-19-025, § 308-66-200, filed 9/9/96, effective 10/10/96; Order MV 170, § 308-66-200, filed 7/16/73; Order 2, § 308-66-200, filed 1/29/68.]

WAC 308-66-210 Statement of change in business structure, ownership interest or control. (1) Any person, firm, association, corporation, entity or trust licensed as a dealer under RCW 46.70.021 must, within ten days following any change in its business structure or a ten percent change in its ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, ten percent stockholders, managing partners, members or trustees, must file within ten days of assuming such function an application and

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a legal and financial history, including corporation number if a corporation.

(2) Any person, member, firm, association, corporation, entity or trust licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW shall advise the department within ten days of the change and/or addition to:

- (a) The business structure of the licensee;
- (b) The mailing address of a licensee;

(c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. If the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in its lists of dealers.

(3) Any and all changes affecting the applicability of a bond, if posted, shall be reflected by appropriate endorsement to such bond.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-210, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-210, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-210, filed 12/9/86; Order MV 170, § 308-66-210, filed 7/16/73; Order 70-08-04, § 308-66-210, filed 8/6/70; Order 69-1, § 308-66-210, filed 8/28/69; Order 2, § 308-66-210, filed 1/29/68.]

WAC 308-66-211 Termination of business. A dealer or a manufacturer who terminates the business shall return the license and special license plates to the department for cancellation within ten business days of such termination.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-211, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-211, filed 9/9/96, effective 10/10/96; Order MV 170, § 308-66-211, filed 7/16/73; Order 70-08-04, § 308-66-211, filed 8/6/70.]

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of fifty-one percent ownership interest in a noncorporate licensee a new application for the appropriate license is required and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may be assigned to the new license.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-212, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-212, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-212, filed 9/24/91, effective 10/25/91; Order MV 170, § 308-66-212, filed 7/16/73; Order 70-08-04, § 308-66-212, filed 8/6/70.]

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

The special license plates issued to the original licensee(s) may be assigned to the new licensee.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-214, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-214, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.041. 91-20-057, § 308-66-214, filed 9/24/91, effective 10/25/91; Order MV 170, § 308-66-214, filed 7/16/73; Order 70-08-04, § 308-66-214, filed 8/6/70.]

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WAC 308-66-220 Display of vehicles by combination wrecker-dealer. A dealer who is also an auto wrecker shall keep vehicles held for resale physically separated from vehicles which have been or are to be dismantled for parts. Vehicles not in running condition will be considered as part of the wrecking operation and are to be stored within the fenced wrecking area.

[Order 70-08-04, § 308-66-220, filed 8/6/70; Order 2, § 308-66-220, filed 1/29/68.]

WAC 308-66-225 Remanufactured vehicles in whole or in part. (1) If the remanufacturing process of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(2) At no time shall a vehicle that falls within the purview of WAC 308-56A-455 or 308-56A-460 be considered remanufactured by a manufacturer.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-225, filed 12/9/86.]

WAC 308-66-227 Disclosure of title brands. The disclosure of any title brand required in RCW 46.70.101 (1)(b)(xi) shall be clearly made on the face of the purchase order.

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-227, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-227, filed 9/9/96, effective 10/10/96.]

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

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

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

[Statutory Authority: RCW 46.70.160. 98-20-039, § 308-66-240, filed 9/30/98, effective 10/31/98. Statutory Authority: RCW 46.70.160 and 46.70.070. 91-20-057, § 308-66-240, filed 9/24/91, effective 10/25/91.]

Chapter 308-67 WAC

VEHICLE DEALER MANUFACTURER FRANCHISE DISPUTES

WAC

308-67-010

Petition fee—Vehicle manufacturers and dealers.

WAC 308-67-010 Petition fee—Vehicle manufacturers and dealers. The filing fee for petitioning the department of licensing concerning franchise disputes pursuant to sec-

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tions 4, 11(6), and 18(4), chapter 415, Laws of 1989, shall be \$500.00.

[Statutory Authority: 1989 c 415 §§ 4, 11(6), 18(4) and 19. 90-03-022, § 308-67-010, filed 1/10/90, effective 2/10/90.]

Chapter 308-72 WAC MOTOR VEHICLE FUEL TAX

WAC

308-72-50901	Waiving of bond requirement.
308-72-720	Dishonored checks.
308-72-800	Definitions.
308-72-805	Payment due dates for motor vehicle fuel taxes.
308-72-810	Collateral requirements in lieu of surety bond(s).
308-72-815	Cancellation or revocation of motor vehicle fuel license(s).
308-72-820	Tax exempt transactions.
308-72-830	Tax exempt sales.
308-72-835	Tax exempt losses.
308-72-840	Delinquent account notification process.
308-72-845	Refund for bad debt loss (other than a motor fuel supplier).
308-72-850	Records.
308-72-855	IFTA records.
308-72-860	Investigatory power.
308-72-865	Invoices issued by licensees.
308-72-870	Minimum tax payment/refund.
308-72-880	Filing of refund claims for nonlicensees.
308-72-885	Interest assessment on refund claims.
308-72-890	Invoice requirements for refunds to nonlicensees.
308-72-895	Refund records.
308-72-900	Refunds to dealer delivering fuel exclusively for marine use.
308-72-905	Power take-off use.
308-72-910	On board computers or recording devices.
308-72-915	Special rules and requirements for fuel tax refunds.
308-72-920	Use tax.
308-72-925	Mitigation of penalties and interest.
308-72-930	Appeals.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-72-010,	308-72-020, 308-72-030, 308-72-040, 308-72-050, 308-72-060, 308-72-070, 308-72-080, 308-72-090, 308-72-100, 308-72-110, 308-72-120, 308-72-130, 308-72-140, 308-72-150, 308-72-160, 308-72-170, 308-72-180, 308-72-190, 308-72-200, 308-72-210, 308-72-220, 308-72-230, 308-72-240, 308-72-250, 308-72-260, 308-72-270, 308-72-280, 308-72-290, 308-72-300, 308-72-310, 308-72-320, 308-72-350, 308-72-355, 308-72-360, 308-72-365, 308-72-370, 308-72-375, 308-72-380, 308-72-385, 308-72-390. [Regulation I through XI, § 308-72-010 through 308-72-320 and 308-72-350 through 308-72-390, filed 3/23/60.] Repealed by Order 107MV, filed 9/10/71.
308-72-500	Motor vehicle fuel. [Order 107MV, § 308-72-500, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-501	Exports. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-501, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-502	Sale or distribution at wholesale. [Statutory Authority: RCW 82.36.435. 88-23-015 (Order PFT 88-004), § 308-72-502, filed 11/7/88; 88-07-095 (Order PFT 88-003), § 308-72-502, filed 3/22/88.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-72-503	Motor vehicle fuel supplier. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-503, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-504	Bona fide wholesale merchant. [Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-504, filed 3/22/88.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.

308-72-505	Electronic fund transfers. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-505, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
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.
308-72-508	Requirements to qualify for a motor vehicle fuel distributor license. [Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-508, filed 3/22/88.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-72-509	Bonding requirements. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-509, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-509, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
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.
308-72-512	Cancellation of license. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-512, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-512, filed 3/22/88.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-520	Reports. [Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-520, filed 6/14/90, effective 7/15/90; Order 474-DOL, § 308-72-520, filed 12/30/77; Order 107MV, § 308-72-520, filed 9/10/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-72-530	Import deliveries. [Order 107MV, § 308-72-530, filed 9/10/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-72-540	Tax exempt transactions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-540, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-540, filed 6/14/90, effective 7/15/90; 88-07-095 (Order PFT 88-003), § 308-72-540, filed 3/22/88; Order 107MV, § 308-72-540, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-542	Tax exempt sales to qualified personnel of foreign governments. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-542, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-542, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
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.
308-72-550	Tax exempt losses. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-550, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-550, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-555	Delinquent account notification process. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-555, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
308-72-557	Refund for bad debt loss (other than a motor fuel supplier). [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-557, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01,

- effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-560 Records. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-560, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-560, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-570 Invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-570, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-570, filed 6/14/90, effective 7/15/90; Order 107MV, § 308-72-570, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-600 Tax refund. [Order 107MV, § 308-72-600, filed 9/10/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
- 308-72-610 Refund claim number. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-610, filed 11/19/98, effective 1/1/99; Order 470-DOL, § 308-72-610, filed 12/30/77; Order MV 175, § 308-72-610, filed 10/24/73; Order 107MV, § 308-72-610, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-615 Interest assessment on refund claims. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-615, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-620 Filing of claim. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-620, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-620, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-630 Invoice requirements, seller responsibility. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-630, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-630, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-640 Records. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-640, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-640, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-650 Refunds to dealer delivering fuel exclusively for marine use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-650, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-650, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-660 Power take-off use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-660, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-660, filed 5/10/94, effective 6/10/94; Order 107MV, § 308-72-660, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-665 On board computers or recording devices. [Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-665, filed 5/10/94, effective 6/10/94.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-670 Auxiliary engines. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-670, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-670, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-680 Gasoline lost or destroyed. [Order 107MV, § 308-72-680, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-690 Special rules and requirements for fuel tax refunds. [Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-690, filed 5/10/94, effective 6/10/94; 90-13-037 (Order PFT 90-03), § 308-72-690, filed 6/14/90, effective 7/15/90; Order 107MV, § 308-72-690, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-700 Use tax. [Order 107MV, § 308-72-700, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.
- 308-72-710 Mitigation of penalties and interest. [Statutory Authority: RCW 82.36.435. 92-01-016, § 308-72-710, filed 12/6/91, effective 1/6/92.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.

WAC 308-72-50901 Waiving of bond requirement.

(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes. The department may waive the bonding requirement of a licensed distributor if, upon determination by the department, the licensed distributor has sufficient financial instruments to extinguish any Washington state fuel tax liability, including penalties and interest, incurred while acting as a licensed distributor.

(2) **What is considered a financial instrument?** For purposes of this rule, a financial instrument is either:

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability incurred by the distributor; or

(b) Lawful money of the United States, or bonds or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?** You may qualify to have your bonding requirement waived upon:

(a) Filing a notarized statement with the department stating that your line(s) of credit with your financial institution(s) and your fuel supplier(s) is at a sufficient amount to include product cost and state fuel taxes. You must indicate the name of the financial institution(s), the account number(s) and dollar value of your line(s) of credit, and the name(s) of your fuel supplier(s). You must authorize the department to access this information with your financial institution(s) and supplier(s) for verification purposes; or

(b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department as security for performance under chapter 82.36 RCW; and

(c) Providing the department with documentation, satisfactory to the department, indicating that the supplier(s) will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the line(s) of credit, if applicable.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.36 RCW and 308-72 WAC.

(5) **What if I no longer maintain a line of credit or financial instrument?** You must provide a surety bond to the department in the amount required by chapter 82.36 RCW, with a coverage commencement date on or before the date the line of credit or financial instrument was extinguished.

[Statutory Authority: RCW 82.36.435 and 82.38.260. 02-02-010, § 308-72-50901, filed 12/20/01, effective 1/20/02.]

WAC 308-72-720 Dishonored checks. (1) **What will happen if my check becomes dishonored?** A dishonored check represents failure to pay motor vehicle fuel taxes, fees and/or penalties and interest when due, and the department

will enforce such motor fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2), 00-08-032, § 308-72-720, filed 3/28/00, effective 4/28/00.]

WAC 308-72-800 Definitions. (1) "Gasoline" means finished gasoline and gasoline blendstocks as defined in Code of Federal Regulations (CFR) 48.481-1 (e)(3). Finished gasoline means all products (including gasohol) that are commonly or commercially known or sold as gasoline and are suitable for use as motor fuel. The product must have an octane rating of 75 or more.

(2) "Export" means to obtain motor vehicle fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the motor vehicle fuel tax, motor vehicle fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in that state, province, or country of destination.

(3) "Motor vehicle fuel" means any product commonly or commercially sold as gasoline as defined in CFR 48.481-1 (e)(3). The blending of any product(s) or chemical(s) with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles shall be considered a motor vehicle fuel subject to the provisions of chapter 82.36 RCW.

(4) "Motor vehicle fuel supplier" means a person who is licensed as a supplier under chapter 82.36 RCW, and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on motor vehicle fuel in the bulk transfer-terminal system.

(5) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of motor vehicle fuel.

[Statutory Authority: RCW 82.36.435, 01-22-072, § 308-72-800, filed 11/1/01, effective 12/2/01.]

WAC 308-72-805 Payment due dates for motor vehicle fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your motor vehicle fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your motor vehicle fuel tax by electronic funds transfer, then payment is due on the next state business day. (For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.)

[Statutory Authority: RCW 82.36.435, 01-22-072, § 308-72-805, filed 11/1/01, effective 12/2/01.]

WAC 308-72-810 Collateral requirements in lieu of surety bond(s). (1) **What other forms of collateral will the department accept in lieu of a surety bond?** The department will accept certificates of deposit of lawful money of the United States in any of the following forms:

(a) Automatically renewable certificate(s) of deposit insured by the federal deposit insurance corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(b) Certificate(s) of deposit or share account issued by a savings and loan association insured by the federal savings and loan insurance corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(c) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington credit union share guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(d) Cash deposits are acceptable, however interest will not accrue.

(2) **Do I earn interest on my certificates of deposit?** Yes, the certificate and/or the assignment forms shall contain the provision that interest earned will be payable to the depositor. Assignments may only be canceled upon written authorization of the department.

[Statutory Authority: RCW 82.36.435, 01-22-072, § 308-72-810, filed 11/1/01, effective 12/2/01.]

WAC 308-72-815 Cancellation or revocation of motor vehicle fuel license(s). (1) **Under what circumstances will my license be canceled?** Pursuant to RCW 82.36.190, a license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee, the cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of motor vehicle fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new surety bond or to make deposits (cash) in accordance with RCW 82.36.060, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in RCW 82.36.190.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all motor vehicle fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-815, filed 11/1/01, effective 12/2/01.]

WAC 308-72-820 Tax exempt transactions. (1) **When are export transactions tax exempt?** Exemption of the motor vehicle fuel tax may be claimed under the following circumstances:

(a) Fuel owned by the exporter and delivered by the exporter to a customer at a point outside the state by means of equipment owned and operated or controlled by the licensee.

(b) By a licensee for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the licensee claiming the export actually and, in fact, retains title to, and control over, said fuel until actual delivery to its destination out of the state of Washington.

(2) **When are sales to the United States armed forces and National Guard tax exempt?** A licensed supplier is authorized to remove motor vehicle fuel from the bulk transfer terminal system without the imposition of the tax when the motor vehicle fuel is delivered:

(a) To the United States armed forces or National Guard under a bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of motor vehicle fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions and qualified personnel maintain tax exempt credit card accounts. Motor vehicle fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

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[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-820, filed 11/1/01, effective 12/2/01.]

WAC 308-72-830 Tax exempt sales. (1) **How are tax exempt sales reported to the department?** Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) **What if the delivery is onto a federally recognized Indian reservation or onto Indian country?** In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-830, filed 11/1/01, effective 12/2/01.]

WAC 308-72-835 Tax exempt losses. (1) **What is considered a tax exempt loss?** Credit for or a refund of the motor vehicle fuel tax paid may be taken when the licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost if documents in support of the loss are submitted to the department for approval as provided in RCW 82.36.370.

(2) **What is acceptable proof of loss?** Acceptable proof of loss shall consist of:

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedure(s) used in the determination of the quantity of fuel lost;

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate and/or deal with fuel losses; or witness to the loss;

(c) A bill of lading or other shipping document(s);

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(3) **Are deductions for losses from bulk storage allowed?** Yes, motor vehicle fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system, is allowed as a deduction as provided in RCW 82.36.370.

(4) **How long shall I retain my evidence substantiating my loss?** Documentary evidence substantiating losses shall be retained by the licensee for five years.

(5) **May I claim a deduction for unproved losses?** No, unproved losses will be considered as distribution and subject to fuel tax.

(6) **Am I liable for fuel taxes when one of my employees or agents causes a loss of fuel?** Yes, charges for losses

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made by employees or agents of the licensee who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be accounted for and supported by proof.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-835, filed 11/1/01, effective 12/2/01.]

WAC 308-72-840 Delinquent account notification process. (1) **What steps must be taken when a licensed motor vehicle fuel distributor does not pay a licensed motor vehicle fuel supplier the motor vehicle fuel tax when due?**

(a) When a licensed distributor does not pay a licensed supplier the motor vehicle fuel taxes that are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the motor vehicle fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of motor vehicle fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

- (a) Posting notification of the suspension on the department's website;
- (b) Transmission of the notification via electronic mail or facsimile; and
- (c) Mailing of the notification via U.S. mail.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-840, filed 11/1/01, effective 12/2/01.]

WAC 308-72-845 Refund for bad debt loss (other than a motor fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.36.373 if you:

- (a) Are a licensed motor vehicle fuel importer, motor vehicle fuel blender, or motor vehicle fuel distributor; and
- (b) Paid tax on an account found to be a worthless accounts receivable; and
- (c) Charged off the amount as a bad debt on your federal income tax return; and
- (d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

- (a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and
- (b) Invoices supporting fuel sales being claimed as bad debt; and
- (c) Name and address of the purchaser; and
- (d) Motor vehicle fuel tax return; or
- (e) Refund claim form.

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(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

(4) **If motor vehicle fuel tax previously declared as worthless accounts receivable is collected, how is it remitted to the department?**

(a) A motor vehicle fuel importer or motor vehicle fuel blender that collects any motor vehicle fuel tax previously taken as a tax refund on a worthless accounts receivable must remit the motor vehicle fuel tax with the tax return for the reporting period the motor vehicle fuel tax was collected in.

(b) A motor vehicle fuel distributor must remit the motor vehicle fuel tax collected, with a form provided by the department, no later than the last state business day of the month following the month of collection.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-845, filed 11/1/01, effective 12/2/01.]

WAC 308-72-850 Records. What motor vehicle fuel records must be kept? Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of motor vehicle fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(1) Physical inventories of bulk storage plants taken at the close of each calendar month.

(2) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(3) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports and other documents relative to the acquisition of fuel.

(4) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursements of fuel.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-850, filed 11/1/01, effective 12/2/01.]

WAC 308-72-855 IFTA records. Are there additional recordkeeping requirements for IFTA motor vehicle fuel users when leasing a vehicle? Yes. A lessor of a vehicle who is an IFTA motor vehicle fuel user shall also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid motor vehicle fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-855, filed 11/1/01, effective 12/2/01.]

WAC 308-72-860 Investigatory power. What investigatory powers does the department have? For the purpose of any investigation or proceeding under this chapter and chapter 82.36 RCW, the director or any designated officer may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda,

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agreements, or other documents or records which the director deems relevant or material to the inquiry.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-860, filed 11/1/01, effective 12/2/01.]

WAC 308-72-865 Invoices issued by licensees. (1)

When is an invoice issued? Every licensee shall issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) What information must appear on each invoice?

Each invoice must include the following information:

- (a) The name and address of the seller;
- (b) The name, address, and motor vehicle fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery (month, day and year);
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (f) Name of carrier transporting fuel;
- (g) Name of product sold;
- (h) The number of U.S. gallons of product sold (must indicate net or gross gallons);
- (i) The price per gallon and total amount charged;
- (j) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax;
- (k) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(3) What happens if a purchaser's invoice is lost or destroyed? If an invoice is lost or destroyed the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) What documentation does a licensed supplier, importer or blender need in order to support taxable motor vehicle fuel consumed for their own use? Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) What documentation does a distributor need in order to claim a refund for nontaxable use of motor vehicle fuel? If motor vehicle fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the motor vehicle fuel and the type(s) of equipment it is used in.

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[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-865, filed 11/1/01, effective 12/2/01.]

WAC 308-72-870 Minimum tax payment/refund.

What is the minimum tax payment or refund? Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-870, filed 11/1/01, effective 12/2/01.]

WAC 308-72-880 Filing of refund claims for nonlicensees. (1) How do I apply for a refund?

Any person claiming a refund of the motor vehicle fuel tax must make application to the department and be issued a refund permit number.

(2) When can I file a refund claim? A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) Do I need to send in my invoices with the refund claim request? If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) How shall I account for my inventory on my refund claim form? Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund claim request? Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) Who may sign a refund claim form? The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices be in a different name than what is on the claim form? No, invoices made out in other names will not be accepted.

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(8) **Can I request that my refund be assigned to another person?** Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) **How long will it take until I receive my refund?** Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-880, filed 11/1/01, effective 12/2/01.]

WAC 308-72-885 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-885, filed 11/1/01, effective 12/2/01.]

WAC 308-72-890 Invoice requirements for refunds to nonlicensees. (1) What are the invoice requirements? The seller of motor vehicle fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection: Provided, That each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) **What information must be included on the invoice?** Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;
- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **Will the department accept invoices with altered, corrected or erased information?** Invoices that indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) **What happens if I issued an incorrect invoice to the purchaser?** Sellers of fuel shall issue a corrected invoice

to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-890, filed 11/1/01, effective 12/2/01.]

WAC 308-72-895 Refund records. (1) What records does the department require to be retained by each claimant? Each claimant shall retain records that reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used.

Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund. If the claimant maintains electronic invoices, paper copies of these invoices or other documentation containing required information must be produced, upon demand of the department.

(2) **What records must be maintained to support a refund claim for each of the following uses?**

(a) Use of fuel from bulk storage. Fuel purchased and delivered into bulk storage for taxable and nontaxable use must be accounted for by detail withdrawal records to show the manner in which used.

(b) Use of fuel from other than bulk storage. Fuel purchased in small containers, ten gallons or less, for nonhighway use should be identified by the purchaser on the purchase invoice, i.e., boats, tractors, power saws, etc.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-895, filed 11/1/01, effective 12/2/01.]

WAC 308-72-900 Refunds to dealer delivering fuel exclusively for marine use. (1) When can a marine dealer file a refund claim? Marine dealers may file claim for refund under the following conditions:

(a) Motor vehicle fuel must be delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser;

(b) The purchaser must be a holder of a valid motor vehicle fuel tax refund claim number at the time of sale.

(2) **What documentation is needed to apply for a refund for a marine dealer?** The purchaser must provide the dealer with a refund claim number at the time of purchase and the refund claim shall be supported by:

(a) Invoices covering fuel deliveries into the dealer's storage facilities.

(b) Invoices covering tax exempt sales of motor vehicle fuel. These invoices shall, in addition to the applicable invoice requirements of WAC 308-72-630, contain:

(i) A Washington registration number or an official registration number from another jurisdiction;

(ii) The applicable sales tax;

(iii) A statement on the invoice indicating the fuel has been sold without the Washington state fuel tax.

(c) A marine exemption certificate issued by the department, completed by the marine dealer and signed by the purchaser assigning refund rights to the distributor.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-900, filed 11/1/01, effective 12/2/01.]

WAC 308-72-905 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) **What formula does the department use in determining power take-off usage for fuel and heating oil pumping?**

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take-off unit on a delivery truck at the rate of three-fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. Fuel oil delivery truck operators must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting documentation.

(b) For gasoline used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%

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Others

7.5%

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-905, filed 11/1/01, effective 12/2/01.]

WAC 308-72-910 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, the use of on board computers or recording devices for the production of mileage records required by the International Fuel Tax Agreement (IFTA) shall be governed by the requirements or procedures adopted by the International Fuel Tax Agreement (IFTA).

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-910, filed 11/1/01, effective 12/2/01.]

WAC 308-72-915 Special rules and requirements for fuel tax refunds. (1) **Can I claim a refund for motor vehicle fuel used in my recreational snowmobile?** No. Motor vehicle fuel tax refunds are prohibited by RCW 46.10.160(2).

(2) **Can I claim a refund for motor vehicle fuel used in my unlicensed recreational off road vehicles, all terrain vehicles and snowmobiles?** No, any recreational use of off road vehicles, all terrain vehicles and snowmobiles, although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid.

(3) **Can I claim a refund for motor vehicle fuel used in my unlicensed off road vehicles, all terrain vehicles and snowmobiles?** Yes, if the motor vehicle fuel is used for non-recreational purposes such as farming, logging, and construction. Off road vehicles, all terrain vehicles and snowmobiles are defined in RCW 46.09.020, 46.10.010 (3) and (2) respectively.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-915, filed 11/1/01, effective 12/2/01.]

WAC 308-72-920 Use tax. (1) **Will use tax be deducted from my refund claim?** Yes, use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) **How is use tax computed?** The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be used for each refund claim submitted during a calendar year,

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unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-920, filed 11/1/01, effective 12/2/01.]

WAC 308-72-925 Mitigation of penalties and interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, assessments, and/or lack of complete records.

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department may review records, account history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-925, filed 11/1/01, effective 12/2/01.]

WAC 308-72-930 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, penalties and/or interest that you believe to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(3) **What happens if I fail to appear for my informal hearing without prior notification?** Failure to appear may result in the loss of your informal administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination you feel are in error and set forth the reasons for believing the decision should be amended. The department

will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) **When does my reassessment become final?** The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-930, filed 11/1/01, effective 12/2/01.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

308-77-005	Definitions.
308-77-015	Incidental use/exemptions.
308-77-025	Issuance of license.
308-77-035	Cancellation or revocation of special fuel license(s).
308-77-04401	Waiving of bond requirements.
308-77-075	Payment due dates for special fuel taxes.
308-77-085	Minimum tax payment/refund.
308-77-092	Refund for bad debt loss (other than a special fuel supplier).
308-77-093	Delinquent account notification process.
308-77-097	IFTA recordkeeping requirements.
308-77-099	Invoices issued by licensees.
308-77-101	Tax exempt sales.
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308-77-103	Mitigation of penalties and interest.
308-77-104	Filing of refund claim.
308-77-106	Use tax.
308-77-107	Interest assessment on refund claims.
308-77-109	Invoice requirements for refund to nonlicensees.
308-77-112	Power take-off use.
308-77-114	Unauthorized use of dyed diesel.
308-77-116	Records.
308-77-155	On board computers or recording devices.
308-77-170	Metric measurement.
308-77-180	Appeals.
308-77-240	Records for refund claims.
308-77-265	Tax exempt losses.
308-77-280	Natural gas, propane—Decal as evidence of payment of annual license fees.
308-77-290	Dishonored checks.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-77-010	Definitions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-010, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-010, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-010, filed 8/1/79; Order 475-DOL, § 308-77-010, filed 12/30/77; Order MV-191, § 308-77-010, filed 3/27/74; Order MV-137, § 308-77-010, filed 6/1/72; Order 114 MV, § 308-77-010, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-020	Incidental use/exemptions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-020, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-020, filed 8/1/79; Order 114 MV, § 308-77-020, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
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.
308-77-032	Special fuel dealer's license. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-032, filed 8/1/79.] Repealed by 98-24-011, filed

unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-920, filed 11/1/01, effective 12/2/01.]

WAC 308-72-925 Mitigation of penalties and interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, assessments, and/or lack of complete records.

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department may review records, account history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-925, filed 11/1/01, effective 12/2/01.]

WAC 308-72-930 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, penalties and/or interest that you believe to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(3) **What happens if I fail to appear for my informal hearing without prior notification?** Failure to appear may result in the loss of your informal administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination you feel are in error and set forth the reasons for believing the decision should be amended. The department

will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) **When does my reassessment become final?** The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-930, filed 11/1/01, effective 12/2/01.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

308-77-005	Definitions.
308-77-015	Incidental use/exemptions.
308-77-025	Issuance of license.
308-77-035	Cancellation or revocation of special fuel license(s).
308-77-04401	Waiving of bond requirements.
308-77-075	Payment due dates for special fuel taxes.
308-77-085	Minimum tax payment/refund.
308-77-092	Refund for bad debt loss (other than a special fuel supplier).
308-77-093	Delinquent account notification process.
308-77-097	IFTA recordkeeping requirements.
308-77-099	Invoices issued by licensees.
308-77-101	Tax exempt sales.
308-77-102	Appeals.
308-77-103	Mitigation of penalties and interest.
308-77-104	Filing of refund claim.
308-77-106	Use tax.
308-77-107	Interest assessment on refund claims.
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308-77-116	Records.
308-77-155	On board computers or recording devices.
308-77-170	Metric measurement.
308-77-180	Appeals.
308-77-240	Records for refund claims.
308-77-265	Tax exempt losses.
308-77-280	Natural gas, propane—Decal as evidence of payment of annual license fees.
308-77-290	Dishonored checks.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-77-010	Definitions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-010, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-010, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-010, filed 8/1/79; Order 475-DOL, § 308-77-010, filed 12/30/77; Order MV-191, § 308-77-010, filed 3/27/74; Order MV-137, § 308-77-010, filed 6/1/72; Order 114 MV, § 308-77-010, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-020	Incidental use/exemptions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-020, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-020, filed 8/1/79; Order 114 MV, § 308-77-020, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
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.
308-77-032	Special fuel dealer's license. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-032, filed 8/1/79.] Repealed by 98-24-011, filed

	11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	
308-77-034	Special fuel user's license. [Statutory Authority: RCW 82.38.260, 92-01-014, § 308-77-034, filed 12/6/91, effective 1/6/92; 90-13-038 (Order PFT 90-04), § 308-77-034, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-034, filed 1/6/89. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-034, filed 8/1/79.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	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.
308-77-040	Issuance of license. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-040, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260, 92-01-014, § 308-77-040, filed 12/6/91, effective 1/6/92; 90-13-038 (Order PFT 90-04), § 308-77-040, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-040, filed 1/6/89. Statutory Authority: RCW 82.38.260, 86-02-058 (Order TL-RG-24), § 308-77-040, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-040, filed 8/1/79; Order 475-DOL, § 308-77-040, filed 12/30/77; Order MV-191, § 308-77-040, filed 3/27/74; Order MV-175, § 308-77-040, filed 10/24/73; Order 114 MV, § 308-77-040, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.	308-77-091
		Electronic fund transfers. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-091, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-042	Special fuel user bond. [Statutory Authority: RCW 82.38.020(12), 82.38.110 and 82.38.260, 89-03-034 (Order PFT 89-01), § 308-77-042, filed 1/11/89.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	308-77-095
		Minimum tax payment. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-095, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170, 94-11-029, § 308-77-095, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-095, filed 8/1/79.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-044	Bonding requirements. [Statutory Authority: RCW 82.38.020(12), 82.38.110 and 82.38.260, 89-03-034 (Order PFT 89-01), § 308-77-044, filed 1/11/89.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	308-77-100
		Credit for bad debt losses of special fuel dealers. [Statutory Authority: RCW 82.38.260, 91-03-018, § 308-77-100, filed 1/7/91, effective 2/7/91; 79-08-140 (Order 548 DOL), § 308-77-100, filed 8/1/79; Order MV-137, § 308-77-100, filed 6/1/72; Order 114 MV, § 308-77-100, filed 11/26/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-77-045	Expiration of license. [Statutory Authority: RCW 82.38.260, 86-02-058 (Order TL-RG-24), § 308-77-045, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-045, filed 8/1/79.] Repealed by 00-16-045, filed 7/26/00, effective 8/26/00. Statutory Authority: Chapters 46.87 and 82.38 RCW.	308-77-105
		Refund for bad debt loss (other than a special fuel supplier). [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-105, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-050	Cancellation or revocation of license. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-050, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-050, filed 8/1/79; Order 114 MV, § 308-77-050, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.	308-77-110
		Allowance of credit or refund of tax paid. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-110, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-110, filed 8/1/79; Order 114 MV, § 308-77-110, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-060	Special fuel dealers' liability for the tax. [Statutory Authority: RCW 82.37.170, 94-11-029, § 308-77-060, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-060, filed 1/6/89. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-060, filed 8/1/79; Order 475-DOL, § 308-77-060, filed 12/30/77; Order 114 MV, § 308-77-060, filed 11/26/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	308-77-115
		Delinquent account notification process. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-115, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
308-77-065	Tax liability on leased motor vehicles. [Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-065, filed 8/1/79; Order MV-137, § 308-77-065, filed 6/1/72.] Repealed by 86-02-058 (Order TL-RG-24), filed 12/31/85. Statutory Authority: RCW 82.38.260.	308-77-120
		Tax reports. [Statutory Authority: RCW 82.38.260, 90-13-038 (Order PFT 90-04), § 308-77-120, filed 6/14/90, effective 7/15/90; 79-08-140 (Order 548 DOL), § 308-77-120, filed 8/1/79; Order MV-175, § 308-77-120, filed 10/24/73; Order 114 MV, § 308-77-120, filed 11/26/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-77-070	Exemptions. [Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-070, filed 8/1/79; Order 475-DOL, § 308-77-070, filed 12/30/77; Order MV-175, § 308-77-070, filed 10/24/73; Order 114 MV, § 308-77-070, filed 11/26/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.	308-77-125
		Tax rate change. [Statutory Authority: RCW 82.38.260, 90-13-036 (Order PFT 90-02), § 308-77-125, filed 6/14/90, effective 7/15/90.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
308-77-080	Exemption from payment of tax to a designated special fuel dealer. [Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-080, filed 8/1/79;	308-77-130
		Ten day reports and payments by special fuel dealer. [Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-130, filed 8/1/79; Order 114 MV, § 308-77-130, filed 11/26/71.] Repealed by 98-24-011, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435 and 82.38.260.
		Exemption of user from tax reporting. [Order MV-175, § 308-77-140, filed 10/24/73; Order MV-137, § 308-77-140, filed 6/1/72; Order 114 MV, § 308-77-140, filed 11/26/71.] Repealed by 79-08-140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.
		Records, receipts and invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-150, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-150, filed 8/1/79; Order 114 MV, § 308-77-150, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
		Sales invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260, 98-24-011, § 308-77-160, filed

- 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-160, filed 8/1/79; Order 114 MV, § 308-77-160, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-165 Export sales. [Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-165, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-165, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 90-13-038 (Order PFT 90-04), § 308-77-165, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-190 Audit appeal procedure. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-190, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-190, filed 8/1/79.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-200 Tax refund. [Order 114 MV, § 308-77-200, filed 11/26/71.] Repealed by 79-08-140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.
- 308-77-210 Claim for refund. [Order MV-137, § 308-77-210, filed 6/1/72; Order 114 MV, § 308-77-210, filed 11/26/71.] Repealed by 79-08-140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.
- 308-77-215 Mitigation of penalties and interest. [Statutory Authority: RCW 82.38.260. 92-01-014, § 308-77-215, filed 12/6/91, effective 1/6/92.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-220 Filing of refund claim. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-220, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-220, filed 8/1/79; Order 114 MV, § 308-77-220, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-225 Interest assessment on refund claims. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-225, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-230 Invoice requirements for refund purposes. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-230, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-230, filed 8/1/79; Order 114 MV, § 308-77-230, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-250 Power take-off use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-250, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-250, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 91-03-017, § 308-77-250, filed 1/7/91, effective 2/7/91; 79-08-140 (Order 548 DOL), § 308-77-250, filed 8/1/79; Order MV 137, § 308-77-250, filed 6/1/72; Order 114 MV, § 308-77-250, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-260 Auxiliary engines. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-260, filed 11/19/98, effective 1/1/99; Order 114 MV, § 308-77-260, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-270 Repealer. [Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.] Repealed by 00-16-045, filed 7/26/00, effective 8/26/00. Statutory Authority: Chapters 46.87 and 82.38 RCW.

WAC 308-77-005 Definitions. (1) "Special fuel" as defined in RCW 82.38.020(23) includes diesel fuel, propane, natural gas, kerosene and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the

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highways except fuel that is subject to the tax imposed by chapter 82.36 RCW.

(2) "Publicly owned fire fighting equipment" means equipment owned and used exclusively for fire fighting by any agency or political subdivision of the state of Washington.

(3) "Farmer" means any person engaged in the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

(4) "Logging company" means any person engaged in the business of cutting timber.

(5) "Construction company" means any person, firm, partnership or corporation who or which is engaged in the business of a contractor.

(6) "Contractor" means any person in the pursuit of an independent business that undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, improvement attached to real estate, including the installation of carpeting and/or floor covering, the erection of scaffolding, roofing and siding.

(7) "Export" means to obtain special fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the special fuel tax, special fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country and the exporter must be licensed or registered, if required, in the state, province, or country of destination.

(8) "Special fuel supplier" means a person who is licensed as a supplier under chapter 82.38 RCW and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on special fuel in the bulk transfer-terminal system.

(9) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of special fuel.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-005, filed 11/1/01, effective 12/2/01.]

WAC 308-77-015 Incidental use/exemptions. (1) **When is fuel used during the incidental operation of a nonlicensed vehicle exempt the special fuel tax?** Fuel is exempt the special fuel tax if the vehicle is not licensed or required to be licensed under chapter 46.16 or 46.87 RCW and is operated between two pieces of private property for a distance not exceeding fifteen miles. The movement of the vehicle must be incidental to the primary use of the vehicle.

(2) **Are there any circumstances in which off highway fuel use is considered taxable?** If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway does not exceed one mile.

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A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one point to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of special fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions, and qualified personnel maintain tax-exempt credit card accounts. Special fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-015, filed 11/1/01, effective 12/2/01.]

WAC 308-77-025 Issuance of license. (1) **If I have separate businesses at different locations or more than one fleet of vehicles, can I obtain more than one license?** Yes. Fuel tax licensees who conduct business at separate locations or operate more than one fleet of vehicles may request a license for each separate business location and/or fleet.

(2) **When is a special fuel tax trip permit required?** If you are not an International Fuel Tax Agreement licensee, a special fuel tax permit must be purchased when entering this state if the vehicle being operated has:

(a) Two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds; or

(b) Three or more axles regardless of weight; or

(c) Is a combination of vehicles, when the combined gross vehicle weight or registered gross vehicle weight exceeds twenty-six thousand pounds.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-025, filed 11/1/01, effective 12/2/01.]

WAC 308-77-035 Cancellation or revocation of special fuel license(s). (1) **Under what circumstances will my special fuel license be canceled?** A license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee. The cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of special fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new or additional surety bond or to make deposits in accordance with RCW 82.38.130, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file a new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

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(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in chapter 82.38 RCW.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all special fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-035, filed 11/1/01, effective 12/2/01.]

WAC 308-77-04401 Waiving of bond requirements.

(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes. The department may waive the bonding requirement of a licensed distributor if, upon determination by the department, the licensed distributor has sufficient financial instruments to extinguish any Washington state fuel tax liability, including penalties and interest, incurred while acting as a licensed distributor.

(2) **What is considered a financial instrument?** For purposes of this rule, a financial instrument is either:

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability incurred by the distributor.

(b) Lawful money of the United States, or bonds or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?** You may qualify to have your bonding requirement waived upon:

(a) Filing a notarized statement with the department stating that your line(s) of credit with your financial institution(s) and your fuel supplier(s) is at a sufficient amount to include product cost and state fuel taxes. You must indicate the name of the financial institution(s), the account number(s) and dollar value of your line(s) of credit, and the name(s) of your fuel supplier(s). You must authorize the department to access this information with your financial institution(s) and supplier(s) for verification purposes; or

(b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department, as security for performance under chapter 82.38 RCW; and

(c) Providing the department with documentation, satisfactory to the department, indicating that the supplier(s) will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the line(s) of credit, if applicable.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.38 RCW and 308-77 WAC.

(5) **What if I no longer maintain a line of credit or financial instrument?** You must provide a surety bond to the department in the amount required by chapter 82.38 RCW, with a coverage commencement date on or before the

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date the line of credit or financial instrument was extinguished.

[Statutory Authority: RCW 82.36.435 and 82.38.260. 02-02-010, § 308-77-04401, filed 12/20/01, effective 1/20/02.]

WAC 308-77-075 Payment due dates for special fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your special fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your special fuel tax by electronic funds transfer, then payment is due on the next state business day. (For example, if the payment due date falls on Saturday, you must submit payment by Monday.)

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-075, filed 11/1/01, effective 12/2/01.]

WAC 308-77-085 Minimum tax payment/refund. **What is the minimum tax payment or refund?** Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-085, filed 11/1/01, effective 12/2/01.]

WAC 308-77-092 Refund for bad debt loss (other than a special fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.38.071 if you:

- (a) Are a licensed special fuel importer, special fuel blender, or special fuel distributor; and
- (b) Paid tax on an account found to be a worthless accounts receivable; and
- (c) Charged off the amount as a bad debt on your federal income tax return; and
- (d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

- (a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and
- (b) Invoices supporting fuel sales being claimed as bad debt; and
- (c) Name and address of purchaser; and
- (d) Special fuel tax return; or
- (e) Refund claim form.

(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

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(4) **If special fuel tax previously declared as a worthless account receivable is collected, how is it remitted to the department?**

(a) A special fuel importer or special fuel blender that collects any special fuel tax previously taken as a tax credit on a worthless account receivable must remit the special fuel tax with the tax return for the reporting period the special fuel tax was collected or on forms prescribed by the department.

(b) A special fuel distributor must remit the special fuel tax collected with a form provided by the department no later than the last state business day of the month following the month of collection.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-092, filed 11/1/01, effective 12/2/01.]

WAC 308-77-093 Delinquent account notification process. (1) **What steps must be taken when a licensed special fuel distributor does not pay a licensed special fuel supplier the special fuel tax when due?**

(a) When a licensed distributor does not pay a licensed supplier the special fuel taxes which are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the special fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of special fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

- (a) Posting notification of the suspension on the department's website;
- (b) Transmission of the notification via electronic mail or facsimile; and
- (c) Mailing of the notification via U.S. mail.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-093, filed 11/1/01, effective 12/2/01.]

WAC 308-77-097 IFTA recordkeeping requirements. **Are there additional recordkeeping requirements for IFTA special fuel users when leasing a vehicle?** Yes. A lessor of a vehicle who is an IFTA special fuel user shall also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid special fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-097, filed 11/1/01, effective 12/2/01.]

WAC 308-77-099 Invoices issued by licensees. (1) **When is an invoice issued?** Every licensee shall issue an

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invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) What information must appear on each invoice?

Each invoice must include the following information:

- (a) The name and address of the seller;
- (b) The name, address, and special fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery (month, day and year);
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (e) The physical address of the fuel delivery or exchange, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (f) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place;
- (g) Name of carrier transporting fuel;
- (h) Name of product sold;
- (i) The number of U.S. gallons of product sold (must indicate net or gross gallons);
- (j) The price per gallon and total amount charged;
- (k) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax.

(3) What happens if a purchaser's invoice is lost or destroyed? If an invoice is lost or destroyed, the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) What documentation does a licensed supplier, importer or blender need in order to support taxable special fuel consumed for their own use? Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) What documentation does a distributor need in order to claim a refund for nontaxable use of special fuel? If special fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the special fuel and the type(s) of equipment it is used in.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-099, filed 11/1/01, effective 12/2/01.]

WAC 308-77-101 Tax exempt sales. How are tax exempt sales reported to the department?

(1) Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Dis-

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bursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-101, filed 11/1/01, effective 12/2/01.]

WAC 308-77-102 Appeals. (1) What are the appeal procedures? Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and/or penalties which you believe to be due.

(2) What happens after the department receives the petition for an informal hearing? Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(3) What happens if I fail to appear for my informal hearing without prior notification? Failure to appear may result in the loss of your informal administrative appeal rights.

(4) What happens following my informal hearing? The department will make a determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) What if I do not agree with the department's informal hearing determination? You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination you feel are in error and set forth the reasons for believing the decision should be amended. The department will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) When does my reassessment become final? The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-102, filed 11/1/01, effective 12/2/01.]

WAC 308-77-103 Mitigation of penalties and interest. (1) Under what circumstances may a fee, penalty

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and/or interest be mitigated? The department, in its discretion, may mitigate, extinguish, and/or adjust fees, penalties, dyed special fuel penalties, and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, license revocation penalties, assessments, lack of complete records, and/or the unlawful use of dyed special fuel.

(2) How will the department determine whether fees, penalties and/or interest should be mitigated? The department may review records, account history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-103, filed 11/1/01, effective 12/2/01.]

WAC 308-77-104 Filing of refund claim. (1) How do I apply for a refund? Any person claiming a refund of the special fuel tax must make application to the department and be issued a refund permit number.

(2) When can I file a refund claim? A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) Do I need to send in my invoices with the refund claim request? If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) How shall I account for my inventory on my refund claim form? Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund claim request? Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) Who may sign a refund claim form? The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices be in a different name than what is on the claim form? No, invoices made out in other names will not be accepted.

(8) Can I request that my refund be assigned to another person? Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) How long will it take until I receive my refund? Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-104, filed 11/1/01, effective 12/2/01.]

WAC 308-77-106 Use tax. (1) Is use tax deducted from my refund claim? Yes, the use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) How is use tax computed? The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be used for each refund claim submitted during a calendar year, unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-106, filed 11/1/01, effective 12/2/01.]

WAC 308-77-107 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-107, filed 11/1/01, effective 12/2/01.]

WAC 308-77-109 Invoice requirements for refund to nonlicensees. (1) What are the invoice requirements? The seller of special fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection. Provided, That each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) What information must be included on the invoice? Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;

- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **Will the department accept invoices with altered, corrected or erased information?** Invoices which indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) **What happens if I issued an incorrect invoice to the purchaser?** Sellers of fuel must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

[Statutory Authority: RCW 82.38.260, 01-22-073, § 308-77-109, filed 11/1/01, effective 12/2/01.]

WAC 308-77-112 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) **What formula does the department use in determining power take-off usage?** For special fuel used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%

Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

[Statutory Authority: RCW 82.38.260, 01-22-073, § 308-77-112, filed 11/1/01, effective 12/2/01.]

WAC 308-77-114 Unauthorized use of dyed diesel.

(1) **Is there any dye concentration in diesel fuel for which the department cannot assess penalties for unlawful use?** No. The department may assess on any dyed diesel fuel found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

(2) **Who may the department assess a penalty for unlawful use of dyed diesel?** The department may assess:

- (a) The operator of the vehicle; and/or
- (b) The registered owner(s) of the vehicle; and/or
- (c) Any other person or entity responsible for the operation, maintenance or fueling of the vehicle.

(3) **If dyed diesel is discovered in the fuel supply tank(s) of vehicles, when must the fuel be removed from the involved vehicle(s)?** The dyed diesel fuel must be removed from the vehicle(s) within twenty-four hours from the time of discovery. Additional violations on the same vehicle(s) detected after the twenty-four-hour period will be considered as separate violations.

(4) **May the department assess dyed diesel penalties on the fuel in bulk storage tank(s)?** Yes, if the department determines that any dyed diesel fuel from the bulk storage tank(s) has been used for unlawful purposes in any vehicle(s). Fuel remaining in the bulk storage fuel tank(s) will be considered for on highway use.

(5) **How is the dyed diesel fuel in bulk storage tank(s) assessed?** Once dyed diesel fuel from bulk storage has been

used for unlawful purposes, an assessment will be based on the capacity or estimated quantity of dyed diesel fuel in the bulk storage tank(s) without regard to how this fuel will be used.

(6) What if the department or authorized representative is denied access to inspect the fuel in diesel vehicle(s) or bulk storage tank(s)? The penalty in RCW 82.38.170(13) will be applied to the capacity of the bulk storage tank(s) and/or to the vehicles subject to the refusal. All licenses issued under this chapter may be subject to cancellation and/or revocation under RCW 82.38.120(9) and 82.38.130.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-114, filed 11/1/01, effective 12/2/01.]

WAC 308-77-116 Records. What special fuel records must be kept? (1) Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of special fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be prepared by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month.

(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(c) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.

(d) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) What records must a licensed dyed special fuel user keep? The recordkeeping requirements of this section also apply to dyed special fuel:

(a) Purchased and used by licensed dyed special fuel users; and

(b) Authorized for use on the highway.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-116, filed 11/1/01, effective 12/2/01.]

WAC 308-77-155 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, the use of on board computers or recording devices for the production of mileage records required by RCW 82.32.140 shall be governed by the requirements or procedures adopted by the International Fuel Tax Agreement (IFTA).

[Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-155, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-155, filed 5/9/94, effective 6/9/94.]

WAC 308-77-170 Metric measurement. Can I report using metric measurements? No, tax reports submitted to the department must show all figures converted from liters to gallons (3.785 liters per gallon) and from kilometers to miles (1.6093 kilometers per mile).

[Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-170, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-170, filed 8/1/79.]

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WAC 308-77-180 Appeals. (1) **What are the appeal procedures?** Any person issued a notice of assessment under this chapter for taxes, any penalties, and/or interest may contest the notice by petitioning the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for an informal or formal hearing must be in writing and received by the department within thirty days after receipt of the notice of assessment. A petition will state the specific reasons why reassessment is sought and the amount of taxes, any penalties and/or interest that the petitioner believes to be due.

(2) **What happens after the department receives my petition for an informal hearing?** Upon receipt of your petition for an informal hearing, the department will establish the time and place for a hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the scheduled hearing, you may request the department to reschedule it. You may appear in person or may be represented by any person you have authorized to present the case.

(3) **What happens if I fail to appear for my informal or formal hearing without prior notification?** Failure to appear may result in the loss of your administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make a written determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the receipt of the determination, appeal in writing and request a formal hearing by an administrative law judge. This process is governed by the Administrative Procedure Act, chapter 34.05 RCW. Your appeal must indicate the portions of the determination you feel are in error and state the reasons for believing the decision should be amended. You will be given at least ten days written notice of the time and location that has been established for the formal hearing. Following the formal hearing, an initial order by the administrative law judge will be issued and served upon you. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(6) **Can I appeal the initial order of the administrative law judge?** Yes. The initial order of the administrative law judge must be appealed within twenty days of service. The appeal must specify the portions of the initial order to which exception is taken. The petition will be reviewed and a final order issued by the director.

[Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-180, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-180, filed 8/1/79.]

WAC 308-77-240 Records for refund claims. (1) **What records does the department require each claimant to retain?** Each claimant must retain records that reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for

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which the fuel is used. Each claimant must also keep on highway and off highway mileage records for each licensed vehicle.

If the claimant maintains electronic invoices, paper copies of these invoices must be produced, upon request of the department. Failure of the claimant to maintain the required records or to comply with the department's request for examination of the records will waive all rights to a refund.

(2) What additional records must be maintained to support a refund claim for fuel withdrawn from bulk storage? Fuel purchased and delivered into bulk storage must have detailed withdrawal records that account for taxable and nontaxable use.

[Statutory Authority: Chapters 46.87 and 82.38 RCW, 00-16-045, § 308-77-240, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-240, filed 8/1/79; Order 114 MV, § 308-77-240, filed 11/26/71.]

WAC 308-77-265 Tax exempt losses. (1) What is considered a tax-exempt loss? Special fuel lost or destroyed in this state while being transported in the equipment of a licensee or in the equipment of a common or contract carrier for a licensee will be considered as a taxable distribution. Credit for or a refund of the special fuel tax paid may be taken when the licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost provided the documents in support of the loss are submitted to the department for approval as provided in RCW 82.38.180.

(2) What is acceptable proof of loss? Acceptable proof of loss will consist of the following:

(a) An affidavit by a person having direct knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the loss, quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedure(s) used in the determination of the quantity of fuel lost;

(b) A signed statement by a federal or jurisdictional official who has authority to investigate and/or deal with fuel losses or a witness to the loss;

(c) A bill of lading or other shipping document(s); and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(3) Are deductions for losses from bulk storage allowed? Yes, special fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage plant, is allowed as a deduction.

(4) How long shall I retain my evidence substantiating my loss? Documentary evidence substantiating losses shall be retained by the licensee for five years.

(5) May I claim a deduction for unproven losses? No, unproven losses will be considered as a distribution and subject to the fuel tax.

(6) Am I liable for fuel taxes if one of my employees or agents cause a loss of fuel? Yes, charges for losses made by employees or agents of the licensee who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be substantiated by proof acceptable to the department.

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[Statutory Authority: Chapters 46.87 and 82.38 RCW, 00-16-045, § 308-77-265, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-265, filed 8/1/79; Order MV-137, § 308-77-265, filed 6/1/72.]

WAC 308-77-280 Natural gas, propane—Decal as evidence of payment of annual license fees. (1) Do I pay fuel tax when I purchase natural gas or liquefied petroleum gas (propane) for my licensed vehicle? No, once you have licensed your vehicle as being powered by natural gas or propane, you will pay an annual license fee in lieu of the fuel tax.

(2) What proof is required to purchase natural gas or propane for my vehicle? A decal will be issued that must be displayed on your vehicle that allows the purchase of natural gas or propane. This decal must be displayed in a conspicuous place on the vehicle near the fuel supply tank.

[Statutory Authority: Chapters 46.87 and 82.38 RCW, 00-16-045, § 308-77-280, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260, 81-14-048 (Order DOL 630), § 308-77-280, filed 6/30/81.]

WAC 308-77-290 Dishonored checks. (1) What will happen if my check becomes dishonored? A dishonored check represents failure to pay special fuel taxes, fees and/or penalties and interest when due, and the department will enforce such special fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) What form of payment does the department require for dishonored checks? Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) Are there any additional fees charged for a dishonored check (DHC)? Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2), 00-08-032, § 308-77-290, filed 3/28/00, effective 4/28/00.]

Chapter 308-78 WAC AIRCRAFT FUEL TAX

WAC

308-78-010	Definitions.
308-78-020	Bond requirements and collection.
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308-78-075	Invoices issued by licensees.
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308-78-100	Dishonored checks.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-78-060	Tax exempt losses. [Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-060, filed 9/20/99,
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effective 10/21/99; 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.] Repealed by 01-08-083, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.100.

WAC 308-78-010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW and chapter 308-72 WAC or a special fuel under chapter 82.38 RCW and chapter 308-78 WAC when used to propel an aircraft.

(2) "User" means any person other than a distributor who is certified to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

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

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 90-13-039 (Order PFT 90-05), § 308-78-010, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.42.030. 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308-78-020 Bond requirements and collection.

(1) **Are bonds required for aircraft fuel distributors?** Yes, every aircraft fuel distributor must be bonded as provided in chapter 82.36 RCW and/or chapter 82.42 RCW.

(2) **Can the department collect on bonds for unpaid aircraft fuel taxes?** Yes, the department may execute bonds on file under the provisions of chapters 82.36 and 82.42 RCW for unpaid aircraft fuel taxes.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-020, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 99-19-097, § 308-78-020, filed 9/20/99, effective 10/21/99; 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Required reports. (1) **What reports are required by the department for aircraft fuel tax and when are they due?** Every licensed distributor of aircraft fuel shall submit signed tax returns and schedules to the department, on or before the 25th day of each month, or as required by the department. Forms shall be furnished or approved by the department.

(2) **What if the payment due date falls on a Saturday, Sunday or state legal holiday?** Payment is due by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

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(3) Is a report due if I have no activity for the month?

Yes, a report shall be filed with the department for each calendar month even when no aircraft fuel was sold or used.

(4) Can tax return information be made available to other government agencies? Yes, the department routinely furnishes copies of schedules to government agencies or foreign jurisdictions.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-030, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 99-19-097, § 308-78-030, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-030, filed 6/14/90, effective 7/15/90; 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-035 Minimum tax payment/refund.

What is the minimum tax payment or refund? Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be allowed. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-035, filed 4/4/01, effective 5/5/01.]

WAC 308-78-040 Tax exempt sales by licensed distributors. When may a licensed distributor sell aircraft fuel without collecting the aircraft fuel tax? A licensed distributor may sell aircraft fuel without collecting the aircraft fuel tax, when delivery is made by the distributor to any of the following:

- (1) A destination outside the state;
- (2) United States or foreign government agencies;
- (3) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters;
- (4) Another licensed distributor;
- (5) To a purchaser who delivers the fuel for export under RCW 82.42.030 or 82.42.070; or
- (6) Into the bulk storage tank of a certified user.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-040, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 99-19-097, § 308-78-040, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-040, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use and circumstances. What are the conditions under which a refund of aircraft fuel tax can be claimed? Refund of the aircraft fuel tax paid may be claimed for the following uses or circumstances:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Administration Regulations, and local service commuters.

(2) Testing and experimental purposes in the manufacture or remanufacture of aircraft and for flight operations or experimental testing following manufacture, repair prior to

delivery to a customer, or experimental testing of another aircraft.

(3) Aircraft crew training in Washington state for certified air carriers.

(4) When applying pesticides, herbicides, or other agricultural chemicals under conditions defined in RCW 82.42.020.

(5) Exportation of fuel from this state for use outside this state under the same conditions as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(6) Use of fuel in nonhighway equipment, other than aircraft, as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(7) Sales to the United States or foreign government agencies by a distributor who has paid the aircraft fuel tax. The distributor shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the distributor of the purchaser's right to a refund.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-045, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-045, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-046 Tax exempt losses. (1) **What is considered a tax exempt loss?** You may claim an exemption if fuel is destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty.

(2) **May I claim an exemption for losses due to leakage?** Yes, if the verified leakage is five hundred gallons or more.

(3) **May I claim an exemption for losses of aircraft fuel due to evaporation, shrinkage, or unknown causes?** No, aircraft fuel losses due to evaporation, shrinkage, or unknown causes are not permitted.

(4) **What is acceptable proof of loss?** Acceptable proof of loss will consist of the following:

(a) An affidavit by a person having direct knowledge of the circumstances of the loss, explaining the circumstances surrounding the loss, quantity of fuel lost, fuel salvaged, disposition of salvaged fuel, and procedures used in determining the quantity of fuel lost;

(b) A signed statement by a federal or jurisdictional official who has authority to investigate fuel losses, or a witness to the loss;

(c) A bill of lading or shipping document;

(d) A statement by the licensee establishing ownership of the fuel at the time of loss.

(5) **How long must I retain my evidence substantiating the loss?** Documentary evidence substantiating losses shall be retained by the licensee for five years.

(6) **Am I liable for fuel taxes if one of my employees or agents causes a loss of fuel?** Yes, charges for losses made by employees or agents who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be substantiated by proof acceptable to the department.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-046, filed 4/4/01, effective 5/5/01.]

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WAC 308-78-050 Supporting documents for tax exempt transactions. **What types of supporting documents must be retained for tax exempt transactions?** The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed.

[Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-050, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.]

WAC 308-78-070 Records. (1) **What records must a distributor, certified user, or consumer of aircraft fuel maintain?** The following records must be maintained:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel;

(d) A withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn;

(e) Each person claiming an exemption from the aircraft fuel tax shall keep records of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(i) Flight or block time of each flight or series of flights;

(ii) Type of aircraft;

(iii) Purpose of each flight or series of flights;

(iv) Dates;

(v) Gallons consumed for each flight or series of flights.

(2) **How long must I retain my records?** Records shall be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment, and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-070, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-070, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-070, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-075 Invoices issued by licensees. (1) **When is an invoice issued?** Every licensee shall issue an invoice at the time of sale, distribution or use. If an electronic invoice is issued, a paper copy of the invoice must be produced if required by the department or to support a refund claim.

(2) **What information must appear on each invoice?** Each invoice must include the following information:

(a) The name and address of the seller;

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(b) The name, address and aircraft fuel tax number, if applicable, of the purchaser for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;

(c) The date of delivery (month, day and year);

(d) The location of the point of shipment. Alphanumeric codes are not allowed;

(e) The physical address of delivery, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are not allowed;

(f) Name of carrier transporting fuel;

(g) Name of product sold;

(h) The gross number of U.S. gallons of product sold;

(i) The price per gallon and the total amount charged;

(j) A statement on the invoice indicating whether the fuel has been sold with or without the Washington state fuel tax;

(k) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(3) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller shall issue a duplicate or copy containing all information that appeared on the original invoice. The copies shall be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must retrieve the incorrect invoice and issue a corrected invoice to the purchaser.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-075, filed 4/4/01, effective 5/5/01.]

WAC 308-78-080 Refunds. (1) **What do I have to do to claim a refund for aircraft fuel?** In order to claim a refund for aircraft fuel tax, you shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) **Is there a time limit to claim an aircraft fuel tax refund?** Yes, claims for refund may not be filed later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(3) **Can the department verify the validity of refund claims?** Yes, the department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-080, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-080, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

WAC 308-78-090 Mitigation of penalties and/or interest. (1) **Under what circumstances may fee, a penalty and/or interest be mitigated?** The department may mitigate, extinguish and/or adjust fees, penalties, and/or interest

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arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records, license revocation penalties and assessments.

(2) **How will the department determine whether fees, penalties and/or interest will be mitigated?** The department will review records, account history or other information in arriving at its decision.

(3) **What happens if I do not pay my tax assessment on time?** You will be assessed additional penalties and/or interest.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-090, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-090, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 82.42.040 and 82.42.100. 92-01-015, § 308-78-090, filed 12/6/91, effective 1/6/92.]

WAC 308-78-100 Dishonored checks. (1) **What will happen if my check becomes dishonored?** A dishonored check represents failure to pay aircraft fuel taxes, fees and/or penalties and interest when due, and the department will enforce such aircraft fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). 00-08-032, § 308-78-100, filed 3/28/00, effective 4/28/00.]

Chapter 308-80 WAC TRANSPORTERS

WAC

308-80-010

308-80-015

308-80-020

Transporters.

Expiration of motor vehicle transporter license.

Improper use of transporter license plates.

WAC 308-80-010 Transporters. (1) The term "transporter" applies only to those engaged in the business of delivering vehicles, not owned by said transporter, by driveaway or towaway methods and does not apply to motor freight carriers licensed under chapter 81.80 RCW to haul vehicles on trailers or semitrailers.

(2) The special license plates issued authorize driving or towing unlicensed vehicles in lieu of a temporary permit or license plates required under chapter 46.16 RCW.

(3) The special license plates issued shall be displayed as follows:

(a) On driveaway vehicles a front and rear plate of a set with the same number and letter suffix.

(b) On tractor and semitrailer or trailer combination, one of a set on the front of the towing unit and the other half of a

set with the same suffix letter on the rear of the semitrailer or trailer being delivered.

(c) When using a tow bar saddlemount, fullmount or lawful combination thereof: One of a set of plates on the front of the towing unit and one of a set of plates on the rear of each vehicle following.

[Order MV 447, § 308-80-010, filed 9/16/77; § 23, filed 11/5/63; § 23, filed 3/23/60.]

WAC 308-80-015 Expiration of motor vehicle transporter license. When does my transporter license expire?

(1) A motor vehicle transporter license shall expire twelve consecutive months from the date of issuance.

(2) Motor vehicle transporter license plates shall expire on the same date as the license expires.

[Statutory Authority: RCW 46.76.070. 00-13-018, § 308-80-015, filed 6/12/00, effective 7/13/00. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-80-015, filed 3/26/86.]

WAC 308-80-020 Improper use of transporter license plates. What are some improper uses of the transportation license plates?

Issuance of transporter license plates under chapter 46.76 RCW does not authorize driving or towing of vehicles on the public highways for the following purposes or in the following manner:

(1) On any vehicle in which a licensee has an ownership or equitable interest, provided a towing unit owned by a licensee to deliver vehicles owned by others shall display a transporter plate in addition to a regular plate for the purpose of identification.

(2) For personal transportation.

(3) By any one other than the licensee or a bona fide employee who is carried on the licensee's payroll records.

(4) Failure to display plates as required under WAC 308-80-010.

This rule shall not be construed to prevent a determination that other uses of such plates are improper.

[Statutory Authority: RCW 46.76.070. 00-13-018, § 308-80-020, filed 6/12/00, effective 7/13/00; Order MV 447, § 308-80-020, filed 9/16/77.]

Chapter 308-87 WAC

LIMOUSINE CARRIER BUSINESSES

WAC

308-87-010	Definitions.
308-87-020	Limousine carrier business liability and property damage insurance.
308-87-030	Nonresident.
308-87-040	Applications/vehicle certificates.
308-87-050	Licenses.
308-87-060	Fees.
308-87-070	Special needs vehicles and certificates.
308-87-080	Chauffeurs.

WAC 308-87-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Limousine" as defined in chapter 87, Laws of 1996.

(2) "Business owner" means operator or carrier as defined in chapter 87, Laws of 1996.

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(3) "Person or persons" means an individual, a corporation, association, joint stock association, partnership, limited liability partnership or limited liability companies, or their lessees, trustees, or receivers.

(4) "Public highway" includes every public street, road, or highway in this state.

(5) "Chauffeur" means any person with a valid Washington state driver's license and authorized to drive a limousine as defined in chapter 87, Laws of 1996.

(6) "Master license" as defined in chapter 19.02 RCW.

(7) "Vehicle certificate" is a limousine vehicle certificate issued by the department which must be carried in the limousine vehicle at all times. The vehicle certificate is not the vehicle registration.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-010, filed 8/1/96, effective 9/1/96.]

WAC 308-87-020 Limousine carrier business liability and property damage insurance.

(1) Limousine carrier businesses are required to maintain liability and property damage insurance for each vehicle as noted below:

Type of Coverage	Minimum Coverage Amount
Bodily injuries to one person:	\$100,000.00
Bodily injuries to all persons injured in any one accident:	\$1,000,000.00
Loss or damage in any one accident to property of others:	\$50,000.00

(2) The bond or certificate of insurance must be submitted before a vehicle certificate may be issued, reissued, or renewed. The bond or the certificate of insurance shall include: (a) The name of the insured in the same manner as will appear on the master license; (b) inception and expiration dates of coverage; (c) the name of the insuring company; (d) the policy number; and (e) the year, make, and vehicle identification number of each vehicle operated or intended to be operated.

(3) The director may refuse any insurance policy submitted with one or more of the following conditions present: (a) Any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, with the office of the insurance commissioner.

(4) Cancellation: In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

(5) All liability and property damage insurance policies issued to limousine carrier businesses shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(6) Proof of insurance must be carried in the vehicle at all times.

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[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-020, filed 8/1/96, effective 9/1/96.]

WAC 308-87-030 Nonresident. A nonresident business owner of the limousine vehicle(s) is one whose place of residence state does not participate in a reciprocal agreement with Washington state. Nonresident business owners are subject to any and all requirements and restrictions which apply to the resident business owner. Nonresident insurance certificates will not be accepted with any limiting clause or statement which may invalidate the coverage upon entrance into the state of Washington.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-030, filed 8/1/96, effective 9/1/96.]

WAC 308-87-040 Applications/vehicle certificates.

(1) All applications for a limousine carrier business license shall be on a master application and accompanied by a filing fee as listed in WAC 308-87-060 and RCW 19.02.075.

(2) To acquire a vehicle certificate for each vehicle intended to be operated as a limousine, the limousine carrier business shall submit to the department, the vehicle registration, the bond or the certificate of insurance, the vehicle inspection report, and the fee as defined in WAC 308-87-060.

(a) The certificate will be issued in the name of the business owner. The bond or certificate of insurance and vehicle registration must be issued in the exact name of the business owner that will appear on the master license.

(b) The vehicle registration must have the use class recorded as "F/H."

(3) Remittances shall be made by any legal tender as authorized by the department.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-040, filed 8/1/96, effective 9/1/96.]

WAC 308-87-050 Licenses. (1) The department will not issue a limousine carrier business license to any person who does not meet the requirements established in chapter 87, Laws of 1996 and chapters 308-87 WAC.

(2) A limousine carrier business license may not be leased, assigned, or otherwise transferred.

(3) The vehicle certificate must be renewed annually on or before the expiration date. No vehicle may continue to be operated as a limousine if its vehicle certificate has expired.

(4) The vehicle certificate renewal must include the vehicle inspection report and the bond or certificate of insurance.

(5) The limousine carrier business license must be renewed annually. No limousine carrier business owner may conduct business as a limousine carrier if the limousine carrier business license has expired.

(6) The department may cancel a limousine carrier business license issued under this chapter on any of the following grounds:

(a) Obtaining a limousine carrier business license by an application containing falsification or misrepresentation of any material information; or

(b) Failure of a business owner to complete the requirements for renewal of a limousine carrier business license and pay the business license renewal fees listed in WAC 308-87-

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060 and penalty fees listed in chapter 19.02 RCW within three calendar months after the license expiration date.

(7) The limousine carrier business owner whose limousine carrier business license was canceled may reapply for a limousine carrier business license if the reapplication is filed in the same manner required as for the original license.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-050, filed 8/1/96, effective 9/1/96.]

WAC 308-87-060 Fees. The department, as authorized in chapter 87, Laws of 1996, shall charge and collect the following fees:

New limousine carrier business application	\$40.00
Limousine carrier business renewal	40.00
New vehicle certificate	25.00
Vehicle certificate renewal	25.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00
Training course approval	25.00

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-060, filed 8/1/96, effective 9/1/96.]

WAC 308-87-070 Special needs vehicles and certificates.

(1) The department will issue special needs vehicle certificates to limousine carrier businesses. This certificate authorizes the use of rented or leased vehicles not owned by the limousine business. A separate certificate is required for each rented or leased vehicle operated as a limousine. The special needs vehicle certificate may be acquired by a licensed limousine carrier business at any time, but will expire on the current expiration date of the limousine business license, or the expiration of the insurance policy granting coverage to rented or leased vehicles, whichever occurs first, regardless of the date on which the certificate was issued.

(2) To acquire a special needs vehicle certificate, the limousine carrier business shall submit to the department, proof of insurance to cover the rented or leased vehicle.

(3) The certificate will be issued in the exact name of the business owner that will appear on the master license.

(4) The fee for each special needs vehicle certificate will be the same as a new vehicle certificate listed in WAC 308-87-060 and will not be prorated regardless of the length of time the certificate is valid.

(5) The rented or leased vehicle which is operated as a limousine must meet the definition of a limousine as stated in chapter 87, Laws of 1996, be in such safe condition as to be able to pass the limousine vehicle inspection, and be covered by insurance equivalent to that outlined in WAC 308-87-020 for the period in which it is operated as a limousine.

(6) The vehicle rental or lease agreement must specify a rental or lease period of no more than 30 days.

(7) The original special needs vehicle certificate, a copy of the rental or lease agreement, and a copy of the document certifying insurance coverage for the vehicle must each be carried in the rented or leased vehicle while it is being operated as a limousine.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-070, filed 8/1/96, effective 9/1/96.]

WAC 308-87-080 Chauffeurs. (1) Any person who is hired as a chauffeur either full time, part time, or in an intermittent hire capacity in Washington state on or after June 6, 1996 must meet the criteria listed in chapter 87, Laws of 1996.

(2) All persons who are currently hired as a chauffeur either full time, part time, or in an intermittent hire capacity in Washington state on June 5, 1996, but do not meet the criteria listed in chapter 87, Laws of 1996, have until December 31, 1996 to meet this criteria. Such persons must have met all requirements of chapter 87, Laws of 1996, in order to be qualified as a chauffeur on or after January 1, 1997.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-87-080, filed 8/1/96, effective 9/1/96.]

Chapter 308-88 WAC

RENTAL CAR TAXATION AND LICENSING

WAC

308-88-020 Application and registration of rental car businesses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-88-010 Definitions. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-010, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-010, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-030 Application for registration. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-030, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-030, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-040 Issuance of rental car business registration. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-040, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-040, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-050 Waiver of business registration requirements. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-050, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-060 Registration denial appeal procedure. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-060, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-070 Methods for registration of rental cars. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-070, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-080 Registration of rental cars. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-080, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-090 Rental car reciprocity. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-090, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-100 Use of rental cars restricted. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-100, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-110 Rental car temporary permits. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-110, filed

12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-120 Rental car license plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-120, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-130 Use of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-130, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-140 Removal/reassignment of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-140, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-150 Return of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-150, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-160 Vehicles removed from rental car operations. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-160, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

308-88-170 Rental cars registered in another jurisdiction—Temporary operating authority for Washington operations. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-170, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.

WAC 308-88-020 Application and registration of rental car businesses. (1) **What is the definition of a "place of business"?** For the purposes of this section: "Place of business" means a street address location within the state of Washington.

(2) **What is the first step in becoming a rental car business?** Applicants shall complete an application supplied by master licensing service.

(3) **What information is required for application as a rental car business?** Every complete application for a rental car business shall require:

(a) The business name and address of the principal place of business of the applicant.

(b) The business name and address on the application and all required supporting documents must be the same.

(c) Evidence that the corporation is authorized to do business in this state.

(4) **What will I receive as proof that I qualified as a rental car business?** Master licensing service's will assign you a rental car Washington tax registration number and a Unified Business Identifier (UBI) number if none has been previously issued.

(5) **How will I register my rental car vehicles?** Vehicle registration and annual renewals shall be made to the department of licensing.

(6) **Can I transfer my business registration number to another company?** No. The registration number issued by the master licensing service is not assignable or transferable, and is valid only for the rental car business in whose name it is issued. The name of the legal or registered owner of all rental vehicle registrations must be identical to the business name on the master business license application.

[Statutory Authority: RCW 46.01.110. 00-06-024, § 308-88-020, filed 2/23/00, effective 3/25/00. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-020, filed 12/11/92, effective 1/11/93.]

Chapter 308-89 WAC
TRANSPORTATION OF PASSENGERS IN
FOR HIRE VEHICLES

WAC

308-89-010	For hire liability and property damage insurance.
308-89-020	Definitions.
308-89-030	Nonresident.
308-89-040	Applications/for hire vehicle certificates.
308-89-050	Licenses.
308-89-060	Fees.

WAC 308-89-010 For hire liability and property damage insurance. (1) For hire businesses must maintain liability and property damage insurance for each vehicle as required in RCW 46.72.050.

(2) The bond or certificate of insurance must be submitted before a vehicle certificate may be issued, reissued, or renewed. The bond or the certificate of insurance shall include: (a) The name of the insured in the same manner as will appear on the master license; (b) operating name (c) inception and expiration dates of coverage; (d) the name of the insuring company; (e) the policy number; and (f) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

(3) The director may refuse any insurance policy submitted with one or more of the following conditions present: (a) Any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, [without the appropriate affidavit being filed] with the office of the insurance commissioner.

(4) Cancellation: In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-010, filed 10/11/85.]

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

WAC 308-89-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "For hire vehicle" as defined in chapter 87, Laws of 1996, RCW 46.72.010(1), 46.04.190, and such other vehicles used for the purpose of transporting passengers for compensation and not excluded in RCW or WAC.

(2) "Cabulance" cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise

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physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute;

(3) "Business owner" means operator or carrier as defined in chapter 87, Laws of 1996 and RCW 46.72.010(2).

(4) "Person or persons" means an individual, a corporation, association, joint stock association, partnership, limited liability partnership or limited liability companies, or their lessees, trustees, or receivers.

(5) "Public highway" includes every public street, road, or highway in this state.

(6) "Master license" as defined in chapters 19.02 RCW.

(7) "Vehicle certificate" is a for hire vehicle certificate issued by the department which must be carried in the for hire vehicle at all times. The vehicle certificate is not the vehicle registration.

(8) "Operating name" means trade name as defined in chapter 19.80 RCW.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-020, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-020, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-020, filed 10/11/85.]

WAC 308-89-030 Nonresident. A nonresident business owner of for hire vehicle(s) is one whose place of residence state does not participate in a reciprocal agreement with Washington state. Nonresident business owners are subject to any and all requirements and restrictions which apply to the resident business owner. Nonresident insurance certificates will not be accepted with any limiting clause or statement which may invalidate the coverage upon entrance into the state of Washington.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-030, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-030, filed 8/6/85.]

WAC 308-89-040 Applications/for hire vehicle certificates. (1) All applications for a for hire business license shall be on a master application and accompanied by a filing fee as listed in WAC 308-060 and RCW 19.02.075.

(2) To acquire a vehicle certificate for each vehicle intended to be operated as a for hire vehicle, the for hire business shall submit to the department, the vehicle registration, the bond or certificate of insurance, and fees as defined in WAC 308-89-060.

(a) The certificate will be issued in the name of the business owner and the operating name. The bond or certificate of insurance and vehicle registration must be issued in the exact name of the business owner and trade name that will appear on the master license.

(b) The vehicle registration must have the use class recorded as either "CAB" or "F/H".

(3) Remittances shall be made by any legal tender as authorized by the department.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-040, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-040, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-040, filed 8/6/85.]

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WAC 308-89-050 Licenses. (1) The department will not issue a for hire business license to any person who does not meet the requirements established in chapter 46.72 RCW and chapter 308-89 WAC.

(2) For hire business licenses may not be leased, assigned, or otherwise transferred.

(3) The vehicle certificate must be renewed annually on, or before the expiration date. Failure to renew prior to the expiration date will result in penalty fees as defined in chapter 19.02 RCW. No vehicle may continue to be operated as a for hire vehicle if its vehicle certificate has expired.

(4) The vehicle certificate renewal must include the bond or certificate of insurance.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-050, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-050, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-050, filed 8/6/85.]

WAC 308-89-060 Fees. The department, as authorized in RCW 46.72, shall charge and collect the following fees:

New for hire business application	\$20.00
New vehicle certificate	20.00
Vehicle certificate renewal	20.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-060, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-060, filed 5/29/92, effective 7/1/92.]

Chapter 308-90 WAC

VESSEL DEALER REGISTRATION

WAC

308-90-030	Definitions.
308-90-040	Dealer registration application form.
308-90-060	Display of registration.
308-90-070	Dealer registration numbers.
308-90-080	Registration fee—Renewal.
308-90-090	Change of business location.
308-90-100	Termination of business.
308-90-110	Statement of change in business structure, ownership interest or control.
308-90-120	Trust account.
308-90-130	Consignment.
308-90-140	Listing.
308-90-150	Title transfer.
308-90-160	Bond exemption.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-90-010	Promulgation authority. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-010, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-020	Organization. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-020, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-050	Branch location—Separate registration. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-050, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.

WAC 308-90-030 Definitions. (1) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-030, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-030, filed 7/1/83.]

WAC 308-90-040 Dealer registration application form. How do I apply for a vessel dealer registration?

(1) Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(a) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(b) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(c) The firm's business structure and place of organization.

(d) The uniform business identification number issued by the department of licensing.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-040, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

WAC 308-90-060 Display of registration. (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-060, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-060, filed 7/1/83.]

WAC 308-90-070 Dealer registration numbers. How do I use my dealer registration number and my registration card?

(1) The department shall assign a registration number to each firm registered as a dealer. In addition, the department shall issue a registration card, as ordered by the dealer, indicating the dealer number and separate suffix letters. The registration number shall be consistent with the standard num-

bering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX —)

(2) Dealer registration numbers may be displayed on vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023. No two vessels may display the same dealer registration number at the same time. The dealer registration card corresponding to the displayed registration number must be kept inside the vessel during such operation.

(3) Dealer registration numbers shall be displayed in three inch block numbers/letters on both sides of the forward one-half of the vessel. Dealer registration numbers may be affixed to a removable display fixture. The numbers/letters shall be displayed in a single line.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-070, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-070, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-070, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-070, filed 7/1/83.]

WAC 308-90-080 Registration fee—Renewal. What fees do I pay for the vessel dealer registration, its renewal and dealer decals?

(1) Any firm desiring to be a dealer must include with the application the required registration fee of one hundred twenty dollars.

(2) Vessel dealers must reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee of sixty dollars must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee, then in default, are received by the department. Registrations not renewed within thirty days of the renewal date shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023. The fee for the initial decal shall be forty dollars. Additional decals may be issued for a fee of twenty dollars for each set.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-080, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 88.02.060(4). 89-18-028, § 308-90-080, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-080, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

WAC 308-90-090 Change of business location. What must I do to change business locations?

The dealer must notify the department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form pro-

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vided by the department. The vessel dealer will be required to provide a list of all business locations of the firm when changing the business address of the firm's office.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-090, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-090, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

WAC 308-90-100 Termination of business. What do I do with the dealer registration upon termination of business?

The registration must be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location indicated on the registration the dealer must immediately notify the director of the termination and return the registration to the department; attention Dealer/Manufacturer Services.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-100, filed 2/20/02, effective 3/23/02. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-100, filed 7/1/83.]

WAC 308-90-110 Statement of change in business structure, ownership interest or control. What if the business structure or ownership changes?

Any person, firm, association, limited liability company (L.L.C.), corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file with the department a statement describing with particularity the change in its business structure or the change in its ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new L.L.C. members, corporate officers, directors, majority stockholders, managing partners, or managing trustees, must file within ten days of assuming such function.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-110, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-110, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

WAC 308-90-120 Trust account. (1) The dealer's separate trust account cannot accrue interest.

(2) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-120, filed 1/19/88.]

WAC 308-90-130 Consignment. How do I handle consignment sales?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in RCW 88.02.220, and those funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) If the sale of a consigned vessel is a retail sale the vessel dealer is required to transfer title as required by RCW 88.02.125.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-130, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-130, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-130, filed 1/19/88.]

WAC 308-90-140 Listing. How would I handle the trust account relative to listed vessels?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealer's trust account as required by RCW 88.02.220, and those funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale is completed, and at vessel delivery, the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) If the sale of a listed vessel is a retail sale the vessel dealer is required to transfer title as provided by RCW 88.02.125.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-140, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-140, filed 1/19/88.]

WAC 308-90-150 Title transfer. How must I handle the title in a retail sale?

(1) The vessel dealer is required to make application for title in the purchaser's name within thirty days following the retail sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type their firm name and vessel dealer number on the purchaser's application for title. An authorized agent must give their title.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-150, filed 2/20/02, effective 3/23/02; 92-06-009, § 308-90-150, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-150, filed 1/19/88.]

WAC 308-90-160 Bond exemption. How can I be exempt from the requirement for a surety bond?

(1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement to the department that they sell fifteen or fewer vessels per year none of which has a retail value of more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in RCW 88.02.188.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-160, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-160, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-160, filed 1/19/88.]

Chapter 308-91 WAC

RECIPROCITY AND PRORATION

WAC

308-91-030	Definitions.
308-91-040	General provisions.
308-91-050	Applications for proportional registration.
308-91-060	Reporting actual and estimated mileage and prorate percentage.
308-91-080	Temporary authorization permits TAPs.
308-91-090	Leased and rented vehicles.
308-91-095	Trip leasing.
308-91-120	Federal heavy vehicle use tax.

308-91-130	Hunter's permit.
308-91-140	Vehicle transaction fee.
308-91-150	Dishonored checks.
308-91-171	Mitigation of fees, penalties and/or interest.
308-91-172	Appeals.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-91-010	Proration and reciprocity agreements. [Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-010, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-010, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.
308-91-020	Instructions, procedures and declarations. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-020, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.
308-91-070	Quarterly licensing for proportionally registered vehicles. [Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-070, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-070, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-070, filed 12/28/83.] Repealed by 94-13-012, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.87.010(2).
308-91-100	Operation of rental vehicles. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-100, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.
308-91-110	Utility trailer rentals—Certified average registration plan. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-110, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.
308-91-160	Reciprocity for combinations of vehicles. [Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-160, filed 3/2/88.] Repealed by 90-16-072, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.01.110 and 46.87.010(2).
308-91-170	Washington fee/tax receipt. [Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-170, filed 3/2/88.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.

WAC 308-91-030 Definitions. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

For the purpose of this code, the terms "apportioned," "proration," "prorate," "International Registration Plan (IRP)," and "proportional registration" are synonymous.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs.

(2) "Base jurisdiction," means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

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

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

(5) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

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

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

(8) "Experience period." See "preceding year" definition.

(9) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(10) "Interstate or interjurisdiction movement" means vehicle movement between or through two or more jurisdictions.

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

(12) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(13) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

(14) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

(15) "Mileage year." See "preceding year" definition.

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

(17) "Preceding year" means the period of twelve consecutive months prior to July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought. This term is used interchangeably with experience period and mileage year.

(18) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends vehicle license reciprocity as provided for in chapter 46.85 RCW.

(19) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

(20) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that

some part of its weight and that of its load rests upon or is carried by the towing vehicle.

(21) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(22) "Trip lease" means a lease of vehicle(s) to a carrier (lessee) for a single interjurisdictional movement. The term may also include a similar intrajurisdictional movement where such movement is authorized under the laws of the jurisdiction.

(23) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 54,000 pounds) under RCW 46.87.040.

(24) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

(25) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

[Statutory Authority: RCW 46.87.010, 00-01-150, § 308-91-030, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 94-13-012, § 308-91-030, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2), 91-06-093, § 308-91-030, filed 3/6/91, effective 4/6/91; 90-16-072, § 308-91-030, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010 (1) and (2) and 46.87.020, 89-07-036 (Order PFT 89-04), § 308-91-030, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-030, filed 3/2/88. Statutory Authority: RCW 46.01.110, 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

WAC 308-91-040 General provisions. (1) Can carriers separate their apportionable vehicles into more than one fleet? Yes, carriers may separate their apportionable vehicles into two or more fleets.

(2) Can a fleet consist of both motor and nonmotor vehicles? No, a fleet must consist of either motor or nonmotor vehicles.

(3) What are proportional registration credentials? Proportional registration credentials consist of a current cab card, vehicle license plate and validation tabs.

(4) How must I display my cab card? The original cab card must be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, may be carried in the power unit. If you have renewed for a subsequent registration year but are still operating in the current registration year, you are required to carry both cab cards.

(5) Are photocopies of the cab card acceptable? Photocopies or other facsimiles of any cab card cannot be used for the power unit but may be used for any trailing unit.

(6) May my proportional registration credentials be transferred? Vehicle license plates and validation tabs may be transferred when moving the vehicles from one fleet to another fleet for the same registrant. Cab card(s) cannot be transferred under any circumstance.

(7) When must I surrender my proportional registration credentials? Cab card(s) must be surrendered in order to

receive license fee credit unless the supplement is filed electronically.

(8) **Under what circumstances may Washington license fees be adjusted?** For unpaid invoices, Washington license fees may be adjusted, in one-twelfth increments, if reasonable cause has been established. Reasonable cause may be considered as the demise of the registrant, destruction of a vehicle, theft or other cause the department determines otherwise acceptable. Washington license fees may also be adjusted by audit.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-040, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-040, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-040, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-040, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-040, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

WAC 308-91-050 Applications for proportional registration. (1) **How do I apply for proportional registration?** Application for proportional registration must be submitted to the prorate section. Incorrect, illegible, unsigned or incomplete applications may be returned.

(2) **What titling/registration options are available to owner-operators registering vehicles under the IRP?** Options available for owner-operators registering under the IRP are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name only. The cab card will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicles(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) **What titling/registration options are available to household goods carriers registering vehicles under the IRP?** Household goods carriers may register vehicles under the IRP in the following ways:

(a) When the agent is the lessor and the company is the lessee, you may title and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The IRP application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee; or

(b) Owner-operators, other than service representatives, who exclusively transport cargo for household goods carriers, shall register their vehicle in the carriers base jurisdiction. Registration shall be in both the owner-operator's name and that of the carrier as lessee.

(4) **What is a temporary letter of authority?** A temporary letter of authority, issued by the department that allows operation of a vehicle pending issuance of permanent credentials.

(5) **May I receive a temporary letter of authority?** Yes, you may receive a temporary letter of authority if the proportional registration supplement - Schedule "A & C" and supporting documents relating to such vehicles are acceptable, on file and under any of the following conditions:

(a) The applicant's proportional registration account is on active status and considered to be in good standing; or

(b) If you have an existing account and are starting a new fleet; or

(c) If the vehicle is currently prorated or fully licensed in the state of Washington and the registrant is establishing a new prorate account.

(6) **How long is the temporary letter of authority effective?** The department may determine the duration of the temporary letter of authority, not to exceed two months from the effective date.

(7) **How can I receive a temporary letter of authority?** A temporary letter of authority is issued in one of the following ways:

(a) Mail;

(b) Facsimile transmission; or

(c) At prorate and fuel tax licensing services offices.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-050, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-050, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-050, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-050, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-050, filed 12/28/83.]

WAC 308-91-060 Reporting actual and estimated mileage and prorate percentage. (1) **How does the preceding year mileage relate to the application Schedule B?** The Schedule B application is used to list all actual miles traveled by all apportioned vehicles licensed with the fleet during the period of July 1st through June 30th of the preceding year and estimated annual miles in new jurisdictions where travel is intended.

(2) **How are the miles listed on the Schedule B used?** The miles are used to determine a jurisdiction's prorate percentage. The jurisdiction's prorate percentage determines how much of the jurisdiction's fees will be charged. The jurisdiction's mileage will be divided by an appropriate total mile figure to determine that percentage.

(3) **Would there be any time in which actual miles would not be reported on my Schedule B application?** Yes, if an apportioned vehicle did not operate in two or more jurisdictions during the registration year, you would not include those vehicle miles on the Schedule B.

(4) **What is the registration year?** A registration year is any twelve-month time period in which apportioned vehicles are registered in any given fleet.

(5) **When would estimated miles be used on my application Schedule B for the registration year?** You would use estimated miles under one of the following conditions:

- (a) First year operation of a new account or fleet; or
- (b) When a registrant wants to expand operations into new jurisdiction(s); or
- (c) If the fleet failed to accumulate actual miles during the preceding year into jurisdiction(s) not traveled in which the fleet was registered and registration is still desired.

If there is a major change of operation to an existing fleet during the registration year, you will need to submit an amended application Schedule B. The Schedule B will list estimated miles for all jurisdictions in which you desire apportioned registration for the new operation.

(6) **How do I report my mileage if I incorporate?** If you incorporate, you must use estimated miles as a new account unless you have at least three months of actual mileage during the preceding year.

(7) **What is a major change of operation?** There are two types of major change of operations. They are:

(a) A major change of operation occurs when fleet mileage and registered jurisdictions increase more than fifty percent during the registration period; and

(b) Any change in registration pattern, which leaves Washington the only registration jurisdiction with actual mileage in the preceding year.

(8) **What mileage would I report on the application Schedule B for my trailer fleet?** Use either the mileage traveled by trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see measures provided under the provisions of RCW 46.87.120(3) or the International Registration Plan.

(9) **What type of conditions would cause my application Schedule B to be rejected?** The department may reject an application Schedule B based upon, but not limited to, the following examples:

(a) Estimated mileage that does not realistically reflect proposed operations;

(b) Mileage data, other than estimated mileage, expressed in rounded off numbers on renewal applications; or

(c) Identical mileage data reported for consecutive registration years for the same fleet.

(10) **How does the department treat actual or estimated miles in the determination of the prorate percentage?** The department has adopted a consistent approach. Any jurisdiction which shows actual miles will have a prorate percentage based on the total actual miles traveled by the fleet. Any jurisdiction which shows estimated miles will have a percentage based on the total actual miles and estimated miles by the fleet.

(11) **What is the result of an applicant answering either Y or N on the application Schedule B?** A Y indicates that the applicant requests registration in a jurisdiction and apportioned fees will be calculated. An N indicates that the applicant does not request registration in a jurisdiction and no apportioned fees will be calculated.

(2003 Ed.)

(12) **How do I determine my apportionable miles?** Apportionable miles are accumulated by registered apportionable vehicles and determined as follows:

(a) Include only those miles for a vehicle which traveled in two or more jurisdictions during the registration year. If a vehicle did not travel interstate during the registration year, do not include the mileage for that vehicle in your apportionable miles; and

(b) Except as noted in (a) of this subsection, the mileage reported must be the actual miles accumulated by those vehicles that were part of the proportionally registered fleet during the preceding year.

(c) If a vehicle was part of the proportionally registered fleet for only a part of the preceding year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the preceding year.

(d) If a carrier has more than one proportionally registered fleet, a separate mileage report must be kept for each fleet.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-060, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-060, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-060, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-060, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-060, filed 12/28/83.]

WAC 308-91-080 Temporary authorization permits TAPs. (1) **What is a temporary authorization permit?** A temporary authorization permit is a department authorized permit that allows a carrier immediate operation of vehicles in their fleet pending issuance of proportional registration credentials. Once authorized by the department, the carrier may issue TAPs as necessary.

(2) **Who may qualify for TAPs?** Washington TAPs are available to Washington based carriers.

(3) **How may I obtain TAPs?** Carriers desiring to utilize TAPs must contact the department. Upon approval, the carrier may place an order for TAPs on a form prescribed by the department.

(4) **Once issued for a vehicle, how long is a TAP valid?** Each TAP is valid for a period of two months from the date of issuance by the carrier.

(5) **What are the procedures and guidelines for using TAPs?** The following procedures govern the use and issuance of these permits:

(a) TAPs are serially numbered and must be issued in sequential order;

(b) Carriers are accountable and liable for all TAPs purchased from the department;

(c) TAPs are not transferable to another carrier;

(d) No refunds or credits will be given for unused TAPs sold by the department to the carrier.

(6) **What is the purpose of TAPs?** TAPs may be used to:

(a) Add vehicles to established fleets;

(b) Increase gross weight of vehicles in established fleets;

(c) Add jurisdictions to established fleets; or

(d) Establish a new fleet.

(7) **What should I do if I make an error completing the TAP?** If an error is made in the account name, issue date, expiration date, gross weight, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week.

(8) **How are the copies of the TAP distributed?**

(a) The original TAP marked "To accompany the vehicle" is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the power unit;

(b) The "Applicant's" copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310; and

(c) The "Prorate" copy is to be attached to a Washington prorate application supplement.

(9) **When must I submit my TAPs?** Return the prorate copy with the supplemental application to the prorate section within seven calendar days of issuance. The TAP copy to be submitted to prorate states at the bottom of the form "Prorate Copy."

(10) **Under what circumstances may the department suspend or cancel my TAP account?** Your TAP account may be suspended or canceled for:

(a) Failure to comply with chapter 46.87 RCW and chapter 308-91 WAC; or

(b) Failure to make timely payment of registration fees, taxes or audit assessments.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-080, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(1) and 46.87.080(7). 95-05-045, § 308-91-080, filed 2/10/95, effective 3/13/95. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-080, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-080, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

WAC 308-91-090 Leased and rented vehicles. How are leased or rented vehicles registered? The registration of leased or rental passenger vehicles will be conducted under the provisions of chapter 46.16 RCW. Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), and utility trailers (not exceeding 6,000 pounds gross weight) may be registered under the provisions of Article XI of the International Registration Plan (IRP). In addition to the certificate of registration (cab card) or a photocopy, a copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination. Refer to WAC 308-91-030 for the definition of terms used in this section.

[Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-91-090, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-090, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-090, filed 3/6/91, effective 4/6/91; 90-16-072, § 308-91-090, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-090,

filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-090, filed 12/28/83.]

WAC 308-91-095 Trip leasing. What are the requirements for trip leasing? The requirements for trip leasing are as follows:

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

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

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

(4) All mileage accumulated throughout the duration of the trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports, and trip lease agreement must be maintained by the lessor for a period of four years following the mileage preceding year or period upon which the application is based.

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

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-095, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-095, filed 3/6/91, effective 4/6/91.]

WAC 308-91-120 Federal heavy vehicle use tax. (1) Who must show proof of payment of federal heavy vehicle use tax? The department of licensing requires owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service.

(2) **What does the department require for proof of payment of federal heavy vehicle use tax?** Acceptable proof for registration purposes is either:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted Schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with Schedule 1 as filed with the IRS and a photocopy of the front and back sides of the cancelled check used for the payment of taxes to the IRS.

(3) **When is proof of payment of federal heavy vehicle use tax not required?** If a vehicle is purchased within sixty days, proof of federal heavy vehicle use tax is not required at the time of registration.

(4) **What happens if I do not provide proof of payment of the federal heavy vehicle use tax?** The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration or renewal.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-120, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-120, filed 3/2/88.]

WAC 308-91-130 Hunter's permit. (1) What is a hunter's permit? A permit authorized by the department that

allows owner-operators to move their empty (unladen) vehicle(s) from one lessee-carrier fleet to a new lessee-carrier fleet in which they will become a part of the fleet. This permit will be issued without cost and be valid for ten days from the date of issuance.

(2) **Can my hunter's permit be used in other jurisdictions?** Yes, a hunter's permit issued by an IRP jurisdiction to an owner-operator, who was formerly based in such jurisdiction, will be honored in this state or any other jurisdiction for operation at the unladen weight of the vehicle(s) listed therein.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-130, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-130, filed 3/2/88.]

WAC 308-91-140 Vehicle transaction fee. How much is the vehicle transaction fee? The vehicle transaction fee is four dollars and fifty cents.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-140, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-140, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-140, filed 3/2/88.]

WAC 308-91-150 Dishonored checks. (1) What will happen if my check becomes dishonored? A dishonored check represents failure to pay proportional registration, fees and/or penalties and interest when due, and the department will enforce such proportional registration licensing and taxing laws as are necessary to recover the unpaid fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). 00-08-032, § 308-91-150, filed 3/28/00, effective 4/28/00. Statutory Authority: RCW 46.87.010(1) and 46.87.080(7). 95-05-045, § 308-91-150, filed 2/10/95, effective 3/13/95. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-150, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-150, filed 3/6/91, effective 4/6/91. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-150, filed 3/2/88.]

WAC 308-91-171 Mitigation of fees, penalties and/or interest. (1) Under what circumstances may a fee, penalty and/or interest be mitigated? The department may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from proportional registration transactions, assessments, and/or lack of complete records.

(2003 Ed.)

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department will review records, accounts history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-171, filed 12/21/99, effective 1/21/00.]

WAC 308-91-172 Appeals. (1) What are the appeal procedures? Any person having been issued a notice of assessment for taxes, fees, penalties and/or interest who wishes to contest such notice may petition the department of licensing for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department of licensing within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, fees, penalties and/or interest that the petitioner believes to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner is unable to attend the hearing on the date or time scheduled, the petitioner may request the department to reschedule the hearing. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person authorized to present the case.

(3) **What happens if I fail to appear for my hearing without prior notification?** Failure to appear may result in the loss of your administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make a determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination that the petitioner feels are in error and set forth the reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days' notice.

(6) **When does my reassessment become final?** The department's decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner unless further appealed.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-172, filed 12/21/99, effective 1/21/00.]

Chapter 308-93 WAC

VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

308-93-010

Definitions.

308-93-030

Vessels subject to excise tax, registration and titling.

308-93-050

Vessels exempted from registration, excise tax and titling.

308-93-055	Foreign vessels operating in this state—Identification document required.		c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-040, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-056	Out of country vessel operating in this state—Identification document required.		
308-93-060	Registration period.	308-93-072	UCC search requirements. [Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-072, filed 5/7/86.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-069	Application for certificate of ownership—Accompanied by.		
308-93-070	Application for certificate of ownership/registration.		
308-93-071	Class "A" and Class "B" certificate of ownership.		
308-93-078	Temporary use of an unregistered vessel.		
308-93-079	Government exempt vessels.	308-93-073	New vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-073, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-073, filed 5/7/86.] Repealed by 01-08-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-087	Disclosure of names and addresses of individual vessel owners.		
308-93-088	Disclosure violations, penalties.		
308-93-089	Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use.		
308-93-090	Leased or rented vessels.		
308-93-140	Decals—Placement, size, and color.	308-93-074	Application for titles—Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-074, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-074, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-074, filed 5/7/86.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-145	Vessel registration numbers—Display, size, color.		
308-93-160	Excise tax exemptions—Indians.		
308-93-200	Involuntary transfer of a vessel.		
308-93-220	Department may refuse or cancel certificates.		
308-93-230	Procedure for perfecting security interest.		
308-93-241	Undercover and confidential vessel registration—Application procedures.		
308-93-242	Undercover/confidential vessel registration—Agency contact.		
308-93-243	Undercover or confidential vessel registrations—Vessel inventory.	308-93-075	Inspection of certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-075, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-075, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-075, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-244	Undercover or confidential vessel registrations—Cancellation.		
308-93-270	Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership.		
308-93-275	Abandoned vessels.		
308-93-276	Vessel seller's report of sale.		
308-93-280	Hull identification numbers.		
308-93-285	Vessel length measurement.	308-93-077	UCC search—Multiple legal owners. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-077, filed 11/19/85.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-295	Dealer temporary permits to operate vessels.		
308-93-350	Erasures and alterations and incorrect information.		
308-93-360	Application for certificate of ownership required.		
308-93-370	Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/).	308-93-080	Registration certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-080, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-380	Format required for name and address—Ownership in joint tenancy.		
308-93-390	Vessels held in trust.		
308-93-400	Multiple security interests.		
308-93-440	Ownership in doubt.		
308-93-445	Personal property lien—Chattel, landlord.		
308-93-450	Signature of owner on application—Exceptions.	308-93-085	Contents of a certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-085, filed 11/25/92, effective 12/26/92; 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-460	Release of interest.		
308-93-470	Certification of signatures.		
308-93-490	Law enforcement sale.		
308-93-500	Name change.		
308-93-510	Transfer by court order.		
308-93-520	Owner deceased.	308-93-100	Retention of registration certificate for leased or rented vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-530	Owner incompetent—Release of interest.		
308-93-540	Owner bankrupt—Release of interest.		
308-93-640	Reciprocity.		
308-93-650	Title purpose only.		
308-93-700	Indian tribe vessels.	308-93-110	Vessels previously registered or titled in another state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-710	Definitions.		
308-93-720	Indian tribe exempt vessels.		
308-93-730	Indian tribe vessel numbering system.		
308-93-740	Indian tribe vessel registration.		
308-93-750	Improper Indian tribe registration.		
308-93-760	Indian tribe vessel computer data base.		
308-93-770	Disclosure of Indian tribal vessel data.	308-93-120	Transfer of certificate of title or registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-120, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER		
308-93-020	Registration required. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-020, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-020, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-130	Exemption for vessels undergoing repair or alteration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-040	Vessels exempted from excise tax but required to be registered and titled. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-040, filed 9/13/84. Statutory Authority: 1983		

- 308-93-135 Vessel number required. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-150 1983 Property tax credit. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-150, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-155 Form of number. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-165 Other numbers prohibited. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-165, filed 6/21/84.] Repealed by 00-09-065, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.100.
- 308-93-170 Applications to agents—Transmittal to director. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-170, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-174 County auditors and subagents—Disposition of application fees. [Statutory Authority: RCW 88.02.070 and 88.02.100, 93-14-082, § 308-93-174, filed 6/30/93, effective 7/31/93.] Repealed by 96-13-055, filed 6/14/96, effective 7/1/97. Statutory Authority: RCW 88.02.100 and 46.01.140.
- 308-93-180 Time of renewal of registration—Duration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-180, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-190 Prerequisite to issuance of vessel registration and decals. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-190, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-210 Procedure when department unsatisfied as to ownership. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-210, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-215 Validity of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-215, filed 6/21/84.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-225 Surrender of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-225, filed 6/21/84.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-240 Duplicate for lost, stolen, mutilated, etc., certificates. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-240, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
- 308-93-245 Confidential vessel registrations—Records disclosure. [Statutory Authority: RCW 88.02.070, 88.02.100 and 88.02.120, 98-16-001, § 308-93-245, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3), 92-15-023, § 308-93-245, filed 7/6/92, effective 8/6/92.] Repealed by 00-22-068, filed 10/30/00, effective 11/30/00. Statutory Authority: RCW 88.02.070, 88.02.100, 88.02.120.
- 308-93-250 Secured party not liable for acts of vessel owner. [Statutory Authority: RCW 88.02.070 and 88.02.100, 99-03-002, § 308-93-250, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.] Repealed by 02-04-001, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381.
- 308-93-260 State or director not liable for acts in administering chapter. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-260, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.] Repealed by 85-23-066 (Order TL-RG-19), filed 11/19/85. Statutory Authority: RCW 1985 c 258.
- 308-93-290 Transfer of ownership, how perfected. [Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31, 92-03-075, § 308-93-290, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-290, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-300 Original applications—Renewals—Fees—Preissuance, when. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-300, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-310 Loss, defacement, or destruction of decals—Replacement fee. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-310, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
- 308-93-320 Registration certificate and decals follow vessel on transfer. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-330 Certificate of title—Application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-330, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-340 Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-340, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-410 Cancel/refusal to issue certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-410, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-420 Special mailing. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-420, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-430 Release of interest. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-430, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
- 308-93-480 Certification of signature—Departmental employees. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-480, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
- 308-93-550 Owner deceased—Signature of personal representative. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-550,

- filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-560 Owner deceased—Estate administered. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-570 Owner deceased—No will left. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-580 Owner deceased—To spouse "in lieu of homestead." [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-590 Owner deceased—In name of estate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-600 Owner deceased—Estate not administered. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-610 Security interest—When perfected. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.] Repealed by 84-13-086 (Order TL-RG-2), filed 6/21/84. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-620 Hull identification number required. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-620, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and RCW 88.02.100.
- 308-93-630 Assignment of hull identification number. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-630, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-660 Destruction of records by department. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-01-134, § 308-93-660, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-660, filed 3/28/90, effective 4/28/90.] Repealed by 01-16-105, filed 7/30/01, effective 8/30/01. Statutory Authority: RCW 88.02.070, 88.02.100.
- 308-93-670 Disclosure of individual vessel owner names and addresses. [Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-670, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.100 and 88.02.070. 91-03-089, § 308-93-670, filed 1/18/91, effective 2/18/91.] Repealed by 99-01-134, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- (5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.
- (6) "Conveyance" means transfer of title of a vessel from one person to another.
- (7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.
- (8) "Director" means the director of the department of licensing.
- (9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.
- (10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.
- (11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.
- (12) "Exclusively" means solely and without exception.
- (13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction.
- (14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self propulsion by mechanical means or wind.
- (15) "Identification documents" means the registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.
- (16) "Issuing authority" means the Coast Guard where a number system has not been approved or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)
- (17) "Legal owner/secured party" means a person or business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.
- (18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.
- (19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.
- (20) "Out of country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.
- (21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.
- (22) "Paperless title" means electronic ownership record.
- (23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a crew.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.
- (3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.
- (4) "Charter vessel" means a vessel rented with a crew.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as jet ski or wet bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(29) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(30) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(31) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(32) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(33) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(34) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(35) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(36) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-072, § 308-93-010, filed 10/18/01, effective 11/18/01; 01-03-128, § 308-93-010, filed 1/23/01, effective 2/23/01; 00-11-131, § 308-93-010, filed 5/23/00, effective 6/23/00; 98-16-029, § 308-93-010, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-010, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 90-08-018, § 308-93-010, filed 3/28/90, effective 4/28/90; 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-010, filed 5/7/86. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

WAC 308-93-030 Vessels subject to excise tax, registration and titling. What vessels are subject to excise tax, registration and titling? Unless specifically exempt under chapters 88.02 and 82.49 RCW, all vessels sixteen feet or longer equipped with propulsory machinery or sails, are

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subject to excise tax, registration and titling, including the following:

- (1) Amphibious vessels (vehicles);
- (2) Docking hulls;
- (3) Houseboats;
- (4) Inflatable vessels with motors;
- (5) Personal watercraft (jet ski, wet bike, etc.);
- (6) Racing vessels.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-030, filed 1/23/01, effective 2/23/01; 99-21-097, § 308-93-030, filed 10/20/99, effective 11/20/99; 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-050 Vessels exempted from registration, excise tax and titling. What vessels are exempt from registration, titling, and the assessment of excise tax? The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Vessels exempt from registration under RCW 88.02.030, including but not limited to:

- (a) Commercial fishing vessels;
- (b) Barges as defined in CFR 46;
- (c) Documented charter vessels, including, bare boat and time share charters;

(2) Vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-050, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-050, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-050, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 93-14-082, § 308-93-050, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-050, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-050, filed 3/28/90, effective 4/28/90. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-050, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-050, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-050, filed 11/18/83.]

WAC 308-93-055 Foreign vessels operating in this state—Identification document required. (1) What documentation must be carried aboard a foreign vessel when being operated upon the waters of this state? The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

(a) The foreign vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.

(b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.

(c) A second vessel sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) **What must I provide to obtain a vessel sixty-day temporary identification document?** You must provide the following:

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) **How many vessel sixty-day temporary identification documents may be obtained?** Not more than two vessel sixty-day temporary identification documents may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) **How do I display the vessel sixty-day temporary identification document?** The vessel sixty-day temporary identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) **If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document?** If the vessel owner is not available, the person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the foreign vessel registration certificate.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-055, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-055, filed 7/29/98, effective 7/30/98.]

WAC 308-93-056 Out of country vessel operating in this state—Identification document required. (1) **What documentation must be carried aboard an out of country vessel when being operated upon the waters of this state?**

(a) The current out of country vessel registration or a United States Customs Service Cruising License is valid for the first sixty days of operation when the vessel is remaining in this state for personal use or enjoyment.

(b) The foreign vessel must have been issued a valid number or registration issued by a country other than the United States or a United States Customs Service Cruising License

(c) On or before the sixty-first day of use, the out of country vessel owner must obtain a vessel out of country permanent identification document issued by the department, its agents or subagents.

(2) **What must I provide to obtain a vessel out of country permanent identification document?** You must provide the following:

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(a) Proof of identification as described in WAC 308-56A-275(2);

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable.

(3) **How many vessel out of country permanent identification documents may be obtained?** One, the vessel out of country permanent identification document is valid as long as the vessel continues to be registered in a country other than the United States or has a United States Customs Service Cruising License. New owners may apply for a corrected vessel out of country permanent identification document listing the new owner's name and address. The new owner shall pay a nonrefundable fee of three dollars plus a filing fee and subagent fee, if applicable.

(4) **How do I display the vessel out of country permanent identification document?** The vessel out of country permanent identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) **If the vessel owner is not available, how do I obtain a vessel out of country permanent identification document?** If the vessel owner is not available, the person applying for the vessel out of country permanent identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the valid registration numbers issued by a country other than the United States or a United States Customs Service Cruising License.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-056, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-056, filed 7/29/98, effective 7/30/98.]

WAC 308-93-060 Registration period. (1) **What is the length of a vessel registration period?** The vessel registration period is July 1 of the current year through June 30 of the following year for purposes of RCW 88.02.050.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed in chapter 82.49 RCW will be assessed through the current registration period.

(2) **How will my excise tax be calculated if I purchase or transfer a vessel in a month other than July?** When registering a vessel in Washington for the first time and assigning a registration period of fewer than twelve months or transferring ownership of a vessel for which the registration has expired, the annual excise tax shall be reduced by one-twelfth for each full month of the registration period you did not own or possess the vessel. The registration fee will

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not be reduced. Excise tax on renewals will be assessed twelve months of excise tax.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-060, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-060, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-060, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-069 Application for certificate of ownership—Accompanied by. (1) **What documentation must accompany my application for certificate of ownership for my vessel?** Vessel owners must submit with their application for certificate of ownership all proper fees and excise tax and the following documentation:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department shall not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest thereon, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership shall be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available shall be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(2) **Will the department accept an application if any information is found to be inaccurate?** Upon application for a vessel certificate of ownership an authorized agent or employee must verify the application and supporting documents to ensure accuracy. If all requirements are not met, an authorized agent or employee shall refuse to accept the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-069, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-069, filed 7/29/98, effective 8/29/98.]

WAC 308-93-070 Application for certificate of ownership/registration. (1) **When am I required to register my vessel in Washington?** Current foreign registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) **What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration?** Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address at which one of the owners regularly receives mail;

(e) The mailing address of the first secured party;

(f) The Washington registration number as assigned;

(g) Make and model year;

- (h) Length of vessel;
- (i) Type of power (gasoline, diesel, etc.);
- (j) Primary use (commercial, pleasure, etc.);
- (k) Primary method of propulsion (inboard, sail, etc.);
- (l) Type of vessel (runabout, cabin, etc.);
- (m) Primary vessel construction (fiberglass, wood, etc.);
- (n) County of moorage;
- (o) Hull identification number, if one has been assigned;
- (p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-070, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-070, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-93-070, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-93-070, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-070, filed 6/30/93, effective 7/31/93; 92-24-035, § 308-93-070, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.100 and 1991 c 339 § § 30 and 31. 92-03-075, § 308-93-070, filed 1/14/92, effective 2/14/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and Class "B" certificate of ownership. Is there more than one class of certificate of ownership for my vessel? From June 30, 1985, through June 30, 1990, there were two classes of vessel certificate of ownership: Class "A" and Class "B."

Effective July 1, 1990, the "A" and "B" classifications of vessel certificate of ownership were discontinued. All vessel certificate of ownership, regardless of any classification previously assigned are considered to be exclusive evidence of ownership unless a person can provide sufficient evidence the certificate of ownership was issued in error or is invalid for some other reason.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-071, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-071, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-071, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

WAC 308-93-078 Temporary use of an unregistered vessel. May a vessel be operated on the waters of this state if it is not registered? An unregistered vessel may be operated on the waters of this state for fifteen consecutive days

from the date of purchase using the notarized bill of sale in lieu of a registration certificate. The notarized bill of sale shall be carried on the vessel and contain:

- (1) The name and address of the purchaser;
- (2) The model year, make, and hull identification number of the vessel;
- (3) The date of sale; and
- (4) The name, address and signature of the seller.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-078, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-078, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-078, filed 5/7/86.]

WAC 308-93-079 Government exempt vessels. (1) If a government agency chooses to display registration numbers and current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required? Government agencies are required to pay filing and registration fees but are not subject to excise tax.

(2) If the department issues a Washington registration number and current decals, is the government agency required to display them? Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-079, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-079, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-079, filed 5/7/86.]

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Uniform Business Identifier; and
- (d) Telephone numbers.

(2) Who may receive disclosure of individual vessel owner names and addresses?

- (a) Government agencies;
- (b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;
- (c) Vessel manufacturers who require vessel ownership information for recall of their own products;
- (d) A vessel owner for their own vessel; or
- (e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

- (a) A record disclosure request form provided by the department and completed by the applicant; and
 - (b) Acceptable business entity verification.
- (4) What is acceptable business verification?**

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information of record to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used;

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information; and

(d) Individuals who meet the criteria listed in subsection (6) of this section.

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(9) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(10) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

(11) How long will the department retain the request for disclosure of vessel owner information?

The department will retain the request for disclosure for three years.

(12) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-16-105, § 308-93-087, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-087, filed 12/21/98, effective 1/21/99; 92-24-035, § 308-93-087, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070. 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WAC 308-93-088 Disclosure violations, penalties. (1) What are violations of chapter 42.17 and 46.12 RCW, this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) What are the penalties associated with these violations?

The department may suspend or revoke for up to five years the privilege of obtaining vessel record information.

In addition:

(a) The unauthorized disclosure of information from a department vessel record; or

(b) The use of a false representation to obtain information from the department's vessel records; or

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the

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request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-088, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-088, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380, 96-03-046, § 308-93-088, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-088, filed 11/25/92, effective 12/26/92.]

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected under chapters 42.17 and 46.12 RCW and Executive Order 00-03 for vehicles includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information;
- (d) Telephone numbers;
- (e) Uniform Business Identifier; and
- (f) Bank account information.

(2) Who may receive list disclosure of individual vessel owner names and addresses?

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufactures of vessels, or their authorized agents, to be used to enable those manufactures to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of specific vessel for the purpose of determining whether or not to provide such financing.

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(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

- (a) A record disclosure request form provided by the department and completed by the applicant; and
- (b) Verification of the applicant's identity as a business; and
- (c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

- (a) If a licensed Washington business, a copy of its current unexpired master business license;
- (b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;
- (c) If an attorney, a copy of the current bar card;
- (d) If a private investigator, a copy of the current private investigator's license; or
- (e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release list of vessel owner name and address information?

The department of licensing, vehicle services division's public disclosure/records/contracts section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

- (a) The requesting party is a business entity that requests the information for use in their normal course of business;
- (b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and
- (c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

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(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) How long will the department retain the request for lists of names and address disclosure?

The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department or state and federal laws and regulations.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-089, filed 7/30/01, effective 8/30/01.]

WAC 308-93-090 Leased or rented vessels. (1) What is the difference between leased and rented vessels? For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document? A leased or rented vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances. If the vessel is:

(a) Registered out of country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in a foreign jurisdiction and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). Not more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in a foreign jurisdiction and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the vessel is leased for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented? Rented vessels are titled and registered in the name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?

(a) When the vessel is less than twenty-six feet in length and leased or rented for less than seven days, the following documents must be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) A copy of the current registration certificate.

(b) When the vessel is less than twenty-six feet in length and leased or rented for seven days or more, the following documents must be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(c) When the vessel is twenty-six feet or more and is leased or rented, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leas-

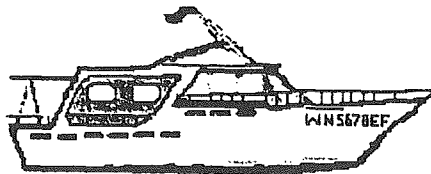
ing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(5) **Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington?** Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall



(c) For documented vessels, one decal must be affixed to each side of the forward half of the vessel for which it was assigned so it is easily visible for law enforcement.

(2) **What do the vessel decals look like that are issued by the department?** In accordance with 33 Code of Federal Regulations (CFR), vessel decals are approximately three inches square. The years in which validation decals expire must be indicated by the colors blue, international orange, green, and red, in rotation beginning with blue for decals that expired in 1985.

(3) **Which vessel decal shall be displayed?** To legally own or operate your vessel on Washington waters, you must only display the decal that shows your vessel is registered for the current registration year.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-094, § 308-93-140, filed 11/21/00, effective 12/22/00; 99-21-097, § 308-93-140, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-140, filed 3/28/90, effective 4/28/90. Statutory Authority: RCW 88.02.100. 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Vessel registration numbers—Display, size, color. (1) **What vessels are required to display a vessel registration number?** All vessels registered under chapter 88.02 RCW are required to display the vessel registration numbers. Vessels documented by the United States Coast Guard are prohibited from displaying the registration number.

(2) **What are vessel registration numbers?** Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

[Title 308 WAC—p. 234]

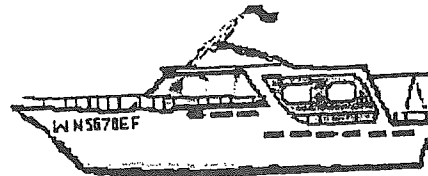
be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-090, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-090, filed 12/6/99, effective 1/6/00; 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-140 Decals—Placement, size, and color. (1) **Where do I place the decals I receive when I register my vessel in Washington?** Decals must be placed on the vessel for which they were assigned. Decals must be affixed on (see illustration):

(a) Each side of the forward half of the vessel above the water line so it is easily visible for law enforcement; and

(b) Within six inches aft of, and directly on line with, the vessel registration number as provided by WAC 308-93-145(3).



(a) Uniquely identify a vessel (the same way license plate numbers identify a vehicle);

(b) Are assigned by the department when you apply for initial registration for your vessel or when a vessel owner is retaining the registration number issued by the United States Coast Guard prior to July 1984;

(c) Are printed on your registration certificate and certificate of ownership;

(3) **How do I display the assigned vessel registration number on my vessel?** The registration number assigned must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel and easily visible for law enforcement except as allowed by subsection (6) of this section or required by subsection (9) of this section and must be on a vertical surface;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

(4) **Are vessel registration numbers transferable from vessel to vessel?** Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

(5) **Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale?** Washington licensed vessel dealers must display dealer registration numbers and decals

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assigned and issued by the department. Dealer registration numbers and decals must be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be permanently attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC 308-90-070(1); and

(c) The backing plate must be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

(6) How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visible? In this case, the vessel registration number must be painted on or permanently attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

(7) Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel? No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority (as defined in WAC 308-93-010) for that vessel on its forward half.

(8) Are there any letters that may not be used in the configuration of a vessel registration number? Yes, the letters I, O, and Q. Registration numbers that currently contain I, O, and Q will be reassigned by the department upon registration renewal due on or after July 1, 2004.

(9) Is a tender as described in chapter 88.02 RCW required to display a vessel registration number? Vessels used as a tender, while exempt from registration under RCW 88.02.030, must display the numbers of the parent vessel with an additional number following the letter of the vessel registration number. (Example a) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example b) WN 5678 EF 2 or WN-5678-EF-2.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-11-100, § 308-93-145, filed 5/21/01, effective 6/21/01; 00-23-094, § 308-93-145, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-145, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-21-097, § 308-93-145, filed 10/20/99, effective 11/20/99; 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-160 Excise tax exemptions—Indians.

(1) What definitions does the department apply to this section? For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 USC 1151 and CFR 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) What Indian tribes in Washington are recognized by the United States Department of the Interior? The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
(360) 753-2411

(3) How does an Indian qualify for a vessel excise tax exemption? To qualify for a vessel excise tax exemption, an Indian must:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member; and

(c) Be a registered owner of the vessel for which the exemption is requested; or

(d) Be the owner of a vessel used in the exercise of treaty fishing rights as defined in the Consent Decree, dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington.

(4) Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax? No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. Tribal treaty fishing vessels are exempt from excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption?

(a) The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(b) If the vessel is used in the exercise of treaty fishing rights, as defined in the Consent Decree dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington, the registered owner must provide proof that the vessel is registered under the provisions of WAC 308-93-700 through 308-93-770.

(6) What information must be contained within the affidavit of exemption described in subsection (5)(a) of this section? At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-03-128, § 308-93-160, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-160, filed 12/6/99, effective 1/6/00; 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-200 Involuntary transfer of a vessel. (1)

Who may repossess a vessel? A Washington titled vessel may only be repossessed by the legal owner of record or secured party.

(2) What documentation does the department require when a vessel is repossessed? In addition to other documents required:

(a) The most recent certificate of ownership; or

(b) An affidavit in lieu of certificate of ownership; and

(c) A notarized/certified signature on an affidavit of repossession.

(3) Is the secured party/legal owner required to apply for a new certificate of ownership when a vessel has been repossessed? If the secured party/legal owner intends to hold the vessel for resale, they do not need to apply for a new certificate of ownership. Upon transfer to another person, the buyer must promptly mail or deliver to the department those documents referenced in subsection (2) of this section.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-029, § 308-93-200, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-200, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-200, filed 11/18/83.]

WAC 308-93-220 Department may refuse or cancel certificates. (1) Can the department refuse to issue a certificate of ownership or registration? Yes, if the department determines at any time that an applicant for certificate of ownership or registration for a vessel is not entitled to these certificates, the department may refuse to issue such certificates.

(2) Can the department cancel a certificate of ownership or registration? Yes, the department may cancel the certificate of ownership or registration already acquired.

(3) How will the department notify an applicant if a certificate of ownership or registration has been refused or canceled? Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the legal vessel owner or

owners, and recording the transmittal on an affidavit of first class mail.

(4) May the vessel be operated if the certificate of ownership or registration has been refused or canceled? No. It is unlawful for any person to operate the vessel until a proper certificate of ownership and registration has been issued. Any person operating a vessel after the refusal or cancellation of the certificates by the department will be guilty of a gross misdemeanor.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-029, § 308-93-220, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-220, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-220, filed 11/18/83.]

WAC 308-93-230 Procedure for perfecting security interest. (1) How is the security interest in a vessel perfected?

A security interest in a vessel for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.095 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) What fees are charged for adding, deleting or changing a secured party?

The application fee is one dollar. A filing fee is due for each transaction and an additional service fee is charged if a licensing subagent processes the transaction.

(3) What is the secured party's obligation when the lien has been satisfied?

When a certificate of ownership is required, the secured party must comply with RCW 46.12.170 as provided for vehicles, and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

(4) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?

The secured party shall comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(5) Is the secured party liable for the acts of the vessel owner?

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

[Statutory Authority: RCW 46.16.381, 02-04-001, § 308-93-230, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100, 98-21-001, § 308-93-230, filed 10/8/98, effective 11/8/98; 92-24-035, § 308-93-230, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-241 Undercover and confidential vessel registration—Application procedures. (1) What are undercover and confidential vessel registrations? Undercover and confidential registrations are nonexempt registrations assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) How are undercover and confidential vessels registered? Government owned or operated vessels may be registered in one of the following ways:

(a) If registered with an undercover vessel registration number, the record will show fictitious names and addresses on all department records subject to public disclosure; or

(b) If registered with a confidential vessel registration number, the record will show the government agency name and address on all department records subject to public disclosure.

(3) Is a government agency responsible for ensuring safeguards to select a fictitious name and address for undercover vessel registrations? Yes, government agency's must certify on the application that precautions have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses has not been used.

(4) How does a government agency apply for an undercover or confidential vessel registration? A government agency requesting an undercover/confidential vessel registration must provide:

(a) A completed application form approved by the department and signed by the government agency head or designated contact person. The agency must indicate on the application form which type of registration is needed (undercover or confidential);

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vessel is owned or operated by the government agency.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-241, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-241, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-241, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-241, filed 7/6/92, effective 8/6/92.]

WAC 308-93-242 Undercover/confidential vessel registration—Agency contact. (1) **Who may represent a government agency regarding undercover or confidential vessel registrations?** The government agency head may designate a maximum of two agency employees to represent the agency regarding undercover/confidential registration. The government agency head must provide name, signature, title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) **How often does the government agency contact information need to be updated?** The government agency contact information must be updated, in writing, within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-242, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-242, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-242, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-242, filed 7/6/92, effective 8/6/92.]

WAC 308-93-243 Undercover or confidential vessel registrations—Vessel inventory. (1) **How does the department maintain a current inventory listing of vessels with undercover or confidential registrations?**

(a) The department provides an inventory list of vessels, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vessel registration program. Each government agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vessels no longer in the program by marking plainly on the list "deleted" next to the vessel that needs to be deleted;

(iii) Signing the inventory list certifying that all undercover and confidential vessels shown on the list are being utilized under RCW 88.02.035(3); and

(iv) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action does the department take if a government agency fails to return their inventory list? The department may refuse to renew a vessel(s) shown on the quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-243, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-243, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-243, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-243, filed 7/6/92, effective 8/6/92.]

WAC 308-93-244 Undercover or confidential vessel registrations—Cancellation. (1) **Who may cancel undercover or confidential vessel registrations?** Undercover or confidential vessel registrations may be canceled in one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential vessel registrations when the department has reasonable cause to believe the vessel is being used for purposes other than those authorized in RCW 88.02.035; or

(b) A government agency may request cancellation of their undercover or confidential vessel registration when the undercover or confidential registration is no longer required.

(2) **How does a government agency cancel undercover or confidential vessel registration?** The government agency notifies the department in writing that the undercover or confidential vessel registration is no longer required, and indicates that the vessel registration numbers and decals have been removed from the vessel. The department of licensing then changes the record to indicate the vessel is registered to the government agency.

(3) **May the undercover or confidential vessel registration numbers and decals remain on the vessel when it is removed from the program?** No. The registration numbers and decals must be removed from the vessel.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-244, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-244, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-244, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-244, filed 7/6/92, effective 8/6/92.]

WAC 308-93-270 Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership. **May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?**

Yes. The suspension, cancellation, or refusal by the department of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC will be conclusive unless the person whose registration or certificate is suspended, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, cancellation, or refusal. Upon the filing of the notice of appeal the court must issue an order to the department to show cause why the registration should not be granted or reinstated, which order must be returned not less than ten days after the date of service thereof upon the department. Service must be in the manner prescribed for service of summons and complaint in other civil actions.

At the hearing on the order to show cause, the court will hear evidence concerning matters with reference to the suspension, cancellation, or refusal of the registration or certificate and will enter judgment either affirming or setting aside such suspension, cancellation, or refusal.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-270, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-270, filed 1/7/99, effective 2/7/99; 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-275 Abandoned vessels. What are the options for disposing of an abandoned vessel?

An abandoned vessel may be disposed of in several ways, depending upon where it is abandoned.

(1) Vessel abandoned adrift.

The watercraft adrift laws (chapter 79A.60 RCW) provide details for disposing of vessels abandoned on water.

(a) In addition to other documents required by law or rule, the following documents are required when applying for a certificate of ownership to a vessel that was abandoned adrift.

(i) A copy of the court order authorizing the sale of the abandoned vessel;

(ii) A bill of sale from the entity selling the vessel; and

(iii) A properly completed and notarized/certified vessel data form unless a completed vessel title application is submitted in lieu of the vessel data form.

(2) Vessel abandoned on land.

(a) A vessel abandoned on land may be disposed of by one of the following:

(i) The lost and found property laws in chapter 63.21 RCW; or

(ii) The unclaimed property in hands of city police (chapter 63.32 RCW); or

(iii) Unclaimed property in the hands of Washington state patrol (chapter 63.35 RCW); or

(iv) Unclaimed property in hands of sheriff (chapter 63.40 RCW).

(b) Documents needed to apply for a certificate of ownership for vessel that was abandoned on a highway of this state and towed by a registered tow truck operator. Vessels that are:

(i) Registered with the department; and

(ii) Found abandoned on a highway of this state; and

(iii) Towed by a registered tow truck operator

are subject to the requirements of the abandoned vehicle laws (chapter 46.55 RCW). The vessel may be sold using an abandoned vehicle report as proved in chapter 46.55 RCW. A properly completed and notarized/certified vessel data form is required upon application for certificate of ownership unless a completed vessel title application is submitted in lieu of the vessel data form.

(3) Vessel considered abandoned at a moorage facility.

A vessel moored in a moorage facility is considered abandoned when the vessel owner fails to pay the port charges owed.

Publicly owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 53.08.320. Privately owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 88.26.020.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-275, filed 1/23/02, effective 2/23/02.]

WAC 308-93-276 Vessel seller's report of sale. (1)

What is a vessel seller's report of sale? A vessel seller's report of sale is a document or electronic record transaction that protects the seller of a vessel from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.

(2) **Who must file a vessel seller's report of sale?** With the exception of certain vessel transfers by registered Washington vessel dealers, Washington law (RCW 88.02.070 and 46.12.101) requires submission of a vessel seller's report of sale by any person or business that transfers their interest in a Washington titled vessel to anyone else. For the purposes of this rule, transferring an interest includes, but is not limited to, selling, gifting, trading or disposing of your vessel, but does not include the creation, deletion, or change of a security interest.

(3) **When must a vessel seller's report of sale be filed?** Vessel seller's report of sale must be submitted within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

(4) **Who is the seller?** The seller is the current registered owner of record according to the computer file kept by the department.

(5) **Why complete and file a vessel seller's report of sale?** It is in the seller's best interest to file the properly completed vessel seller's report of sale to protect the seller in the event the buyer/new owner does not make application for ownership and then accumulates moorage charges, towing charges, or becomes involved in an uninsured accident or used in illegal activity, etc.

Vessel seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if

the vessel is subsequently abandoned or involved in illegal activity.

(6) **Who is the purchaser?** The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vessel.

(7) **What information is required on the vessel seller's report of sale?** You are required to provide the following information:

- (a) The date of the sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vessel including:
 - (i) Vessel hull identification number; and
 - (ii) Vessel registration number.

(8) **How do I file my vessel seller's report of sale?** You may file your seller's report of sale in the following ways:

- (a) Through your local vehicle licensing office;
- (b) Mail it to the department.

(9) **Is there a fee for recording a vessel seller's report of sale?** Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

(10) **May a vessel seller's report of sale be removed from my vessel record?** Yes. As a registered owner, you may have a vessel seller's report of sale removed from your vessel record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the report of sale from your vessel record.

(11) **How will I prove that I filed a vessel seller's report of sale?** When you file a vessel seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt showing:

- (a) Date the report of sale was filed;
- (b) Description of vessel;
- (c) Name and address of agent/subagent where filed;
- (d) Date of sale;
- (e) Purchase price;
- (f) Name(s) and address of seller;
- (g) Name(s) and address of transferee (buyer).

When you mail a vessel seller's report of sale to the department you **will not** receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-24-013, § 308-93-276, filed 11/25/02, effective 12/26/02.]

WAC 308-93-280 Hull identification numbers. (1) Is a hull identification number required to use a vessel on the waters of Washington state?

Yes. A hull identification number is required on any vessel that is used on the waters of this state unless application for hull identification number has been made and issuance of the hull identification number is pending.

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(2) **Is it unlawful to destroy, remove, alter, cover or deface the HIN?**

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.

(3) **When is the hull identification number (HIN) assigned by the department?**

If a HIN is not affixed during manufacture, a HIN is assigned by the vehicle field system at the time of application for registration, whenever the HIN has been:

- (a) Altered;
- (b) Removed;
- (c) Obliterated;
- (d) Defaced;
- (e) Omitted; or
- (f) Is otherwise absent.

If the model year of the vessel is a 1985 or newer, then the HIN will be verified via the manufacturer's statement of origin (MSO).

(4) **How is the department assigned HIN affixed to the vessel?**

(a) The HIN must be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The HIN must be at least one quarter of an inch in height and shall be placed on:

- (i) The outboard starboard side of the transom; or
- (ii) The outermost starboard side at the end of the hull that bears the rudder of other steering mechanism, if there is no transom.

(5) **Can the previous HIN be reaffixed?**

The department may authorize the vessel owner to re-affix the HIN.

(6) **If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?**

Yes, if a certificate of ownership/registration has been issued. If not, then vessels abandoned on or along the public highways may not be processed through the abandoned vehicle statute (chapter 46.55 RCW). Such vessels are considered personal property and must be disposed of in accordance with chapters 63.32, 63.35 and 63.40 RCW.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-280, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-280, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-285 Vessel length measurement. (1) How is the length of my vessel calculated? The overall length of a vessel provided by the owner on application for certificate of ownership must be rounded down to the nearest whole foot. Vessel measurement must be from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

(2) **How do I change the recorded length of my vessel if incorrect?** Changing the recorded vessel length, unless incorrectly entered by the department requires:

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- (a) Verification of remeasurement from:
 - (i) A law enforcement agency; or
 - (ii) A port agency; or
 - (iii) The United States Coast Guard; or
 - (iv) Authorized representatives of the department.
- (b) Documentation from the vessel manufacturer providing the correct length for that model vessel.
- (c) Verification must be on agency letterhead and include the vessel description and signature of an authorized representative.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-285, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-285, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-285, filed 11/25/92, effective 12/26/92.]

WAC 308-93-295 Dealer temporary permits to operate vessels. (1) **What documents are required to place or use a vessel on the water if purchased from a Washington licensed vessel dealer?** If a vessel is purchased from a Washington vessel dealer licensed under chapter 88.02 RCW, the following documents are required:

(a) If the vessel is currently registered in Washington state, the vessel may be placed or used on the waters immediately, provided the sale documents are carried on the vessel; or

(b) If the vessel is not currently registered in Washington state, the dealer may issue a thirty-day temporary permit, allowing the vessel to be placed or used on the water. In addition to the permit the sale documents must be carried on the vessel and made available upon request.

(2) **How long does the dealer have to apply for certificate of ownership and provide a new registration to the purchaser?** The dealer must apply for a certificate of ownership within thirty days from the date of delivery. The dealer must make available a new registration to the purchaser within limits set by WAC 308-90-150 from the date of delivery. Only one vessel dealer temporary permit may be used.

(3) **How does a Washington licensed vessel dealer complete a vessel temporary permit?** A Washington licensed vessel dealer completes a temporary permit as follows:

(a) Fill out the certificate of ownership portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale/delivery. All registered owners must sign the application and signatures must be notarized/certified.

(b) Detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. Present the remaining copies to a license agent within thirty calendar days of delivery as an application for registration and certificate of ownership. The dealer will receive a five-dollar credit for a properly issued permit.

(c) Advise customer to:

(i) Display the cardboard copy of the permit on the vessel;

(ii) Carry the purchase order identifying the sale on the vessel; and

(iii) Make the permit and purchase order readily available upon request by law enforcement.

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(d) Collect fees for certificate of ownership and registration for a June expiration.

(4) **Can a Washington licensed vessel dealer use a dealer temporary permit to operate a vessel?** No. The permit may only be used by the purchaser of the vessel. A dealer may not use the permit to operate or demonstrate a vessel.

(5) **Under what conditions may a dealer turn in the permits and be eligible for a refund?** Refunds are only allowed when the dealer ceases doing business as a vessel dealer.

(6) **May a Washington licensed vessel dealer transfer unused temporary vessel permits to another vessel dealer?** No, temporary permits are not transferable from one vessel dealer to another.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-029, § 308-93-295, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-295, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.100. 92-06-009, § 308-93-295, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 9. 88-01-011 (Order TL/RG 40), § 308-93-295, filed 12/7/87.]

WAC 308-93-350 Erasures and alterations and incorrect information. (1) **Will the department accept an application for certificate of ownership if the certificate of ownership or supporting documents have been altered?** The department may refuse to accept any certificate of ownership when ownership or vessel information has been altered. A replacement ownership document may be required.

(2) **What does the department require when a certificate of ownership, an application for certificate of ownership or a supporting document has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vessel dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, a notarized/certified affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a notarized/certified release of interest.

(d) If a name is erroneously shown on the title as the purchaser, the department may require a statement from the seller or owner (of record) that the sale was not completed.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-350, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-350, filed 7/29/98, effective 8/29/98; 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

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WAC 308-93-360 Application for certificate of ownership required. When is a certificate of ownership required? An application for certificate of ownership is required when:

- (1) A person purchases a new vessel unless otherwise exempt from chapter 88.02 RCW.
- (2) There is a change of ownership due to:
 - (a) Sale;
 - (b) Gift;
 - (c) Inheritance;
 - (d) Trade;
 - (e) Addition or deletion of an owner;
 - (f) Proprietorship or partnership forming a corporation, whether or not the business name is changing; or
 - (g) Proprietorship or partnership purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed.
- (3) There is a name change of:
 - (a) The owner;
 - (b) The secured party; or
 - (c) A business entity as shown on the current certificate of ownership.
- (4) There is no change in the owner of the vessel but the certificate of ownership needs to be reissued because:
 - (a) A lien has been satisfied and the lien holder's name needs to be removed;
 - (b) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;
 - (c) There is a change of lien holders;
 - (d) There has been a structural change in the vessel that changes the physical description of the vessel on the current certificate of ownership; or
 - (e) The vessel hull identification number has been altered, or removed, or needs to be corrected on the vessel or on the certificate of ownership.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-360, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-360, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) **Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership?** The department no longer uses these designations when recording ownership interest. For those certificates of ownership which have been issued using one of these designations, any registered owners shown are considered to have equal registered owner interest in the vessel and any secured parties shown are considered to have equal secured party interest in the vessel.

(2) **Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** No. The

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department does not use these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-370, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-370, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship (JTWROS) mean when noted on a certificate of ownership?** If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership shows the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application. Example 1:

Doe, John
Doe, Jane
Doe, Mary
Joint tenants with rights of survivorship; or

Example 2:

Doe, John
Doe, Jane
Joint tenants with rights of survivorship.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS."

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-380, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-380, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) **How is a trust shown on a certificate of ownership?** Owners who choose to designate the trust on a certificate of ownership may:

(a) Show the registered owner name with the designation trustee;

(b) Show the registered owner name with the designation trustee followed by the name of the trust as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vessel field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

(2) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and suc-

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cessor trustees. Trusts established under chapter 23.90 RCW must provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington.

(3) **If a vessel is titled in the name of a trust, who represents the trust for title transactions?** Any trustee designated in the trust document represents the trust on all vessel transactions with the department unless that trustee is replaced or the trust is terminated.

(4) **What is required when the succession of trustees is appointed?** If the name of the trustee who has been succeeded is shown on the certificate of ownership, the successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.

(5) **What is required when a trust is terminated?** If the termination of the trust results in a change of ownership for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100], 01-08-022, § 308-93-390, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-390, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Multiple security interests. (1) **Will the department issue a certificate of ownership indicating more than one security interest?** Yes, more than one security interest may be shown on the certificate of ownership.

(2) **How are additional security interests shown on the certificate of ownership?** Additional security interests are shown on the next name line, directly after the first security interest. Only the address of the first security interest is shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released?** When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest will be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 01-21-071, § 308-93-400, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-400, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-440 Ownership in doubt. (1) **What do I do if I am unable to provide an acceptable release of interest as defined in WAC 308-93-460 from the owner(s) of record for a vessel?** When you are unable to provide an acceptable release of interest from the owner(s) of record for a vessel, you may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel;

(b) Apply for "registration only" as described in subsection (2) of this section;

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(c) Apply for bonded certificate of ownership as described in subsection (3) of this section.

(2) **What is "registration only"?** It is a term used to describe registration of a vessel when a certificate of ownership is not issued because ownership is in doubt. If ownership is not contested during a three-year registration only period, the registered owner(s) may apply for certificate of ownership at the end of the three-year period.

(3) **What is a bonded certificate of ownership?** A bonded certificate of ownership is an ownership document issued by the department that carries the brand "bonded" and is secured by a bond for one and one-half times the value of the vessel.

(4) **How do I apply for "ownership in doubt"?** To apply for ownership in doubt, you must:

(a) Provide evidence of ownership of the vessel, such as but not limited to, a bill of sale or purchase agreement.

(b) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration and request the certificate of ownership or other acceptable owner documents and releases of interest.

(5) **How do I obtain ownership information from the department for purposes of applying for ownership in doubt?** For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by:

(a) Satisfying subsection (4)(a) of this section; and

(b) Completing a public disclosure form provided or approved by the department.

When satisfied, the request is for obtaining proper release(s) of interest, the department may disclose the name and address of the last owner(s) of record for that vessel.

(6) **What do I do once I know the name(s) and address(s) of the last known registered and legal owner(s)?** If a record of the vessel is found, you must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter shall contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest on an approved department form.

If the vessel was last registered or titled in another state or jurisdiction you must write to the agency that issued the last known certificate of ownership or registration requesting owners of record, so information may be requested as in subsection (4)(b) of this section.

(7) **What do I do if no record of the vessel is found or the previous owner(s) did not respond to the certified or registered letter?** You must provide an affidavit or request for bonded title or registration without title form provided or approved by the department explaining how the vessel was acquired if:

(a) No record is found; or

(b) The previous owner did not respond within fifteen days after acknowledged receipt of the letter; or

(c) The letter was returned unclaimed.

(8) **When am I required to apply for a bonded certificate of ownership?** A bond is required if:

(a) The seller of the vessel is a Washington state vessel dealer (dealer must secure); or

(b) In lieu of the judgment described in subsection (1)(a) of this section and there is evidence of a security agreement on the last record as found in subsection (4)(b) of this section; or

(c) Ownership of the vessel is contested after you make application for ownership in doubt and before the existing three-year ownership in doubt period has ended; or

(d) If you desire to have a certificate of ownership issued for the vessel.

(9) **How long is the duration of the bond?** A bond shall be for a period of three years from the date of application.

(10) **In what amount is the bond issued?** The bond must be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(a) Information provided by any guide book or other publication of recognized standing in the vessel industry; or

(b) A value that is agreeable to the applicant and verifiable by authorized department of licensing, department of revenue, Washington vessel licensing agent, subagent or employee.

(11) **If I have a bonded certificate of ownership for my vessel, how can I get a certificate of ownership without the bonded notation?** To get a certificate of ownership without the bonded notation, you may apply for a certificate of ownership by submitting one of the following, in addition to other required documentation:

(a) A judgment from any district or superior court of any county of this state awarding ownership of the vessel as described in subsection (1) of this section; or

(b) The properly endorsed most previous (current) certificate of ownership or a satisfactory release of interest from the previous registered and legal owner(s); or

(c) An application to remove the bonded notation on the vessel certificate of ownership after the three-year ownership in doubt period has elapsed.

(12) **If my vessel is "registration only" because ownership is in doubt, how can I get a certificate of ownership?** You may apply for a certificate of ownership by submitting one of the following, in addition to other required documentation:

(a) A judgment from any district or superior court of any county of this state awarding ownership of the vessel as described in subsection (1) of this section; or

(b) A certificate of ownership properly released or a signature notarized/certified on a release of interest from the most previous registered and legal owner(s); or

(c) An application from the registered owner to remove the registration only notation on the vessel certificate of ownership after the three-year ownership in doubt period has elapsed.

(13) **May I sell or release my interest in the vessel during the three-year ownership in doubt period?** Yes, upon transferring ownership during the three-year ownership in doubt period, you must provide the new owner(s) with a notarized or certified release of interest. The new owner may:

(a) Provide a judgment as described in subsection (1)(a) of this section; or

(b) Apply to the department for ownership and complete the time remaining on the previous ownership in doubt period.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-440, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-440, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-440, filed 1/11/96, effective 2/11/96. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

WAC 308-93-445 Personal property lien—Chattel, landlord. (1) **What is a chattel lien?** For the purposes of this section, a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vessel at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vessel at the owner's request may obtain a lien on such vessel. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) **What documentation does the department require to issue a certificate of ownership for a vessel obtained through the chattel lien process?** In addition to other documents required by law or rule, the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vessel to the claimant.

(3) **When is a court order required by the department to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is an existing lien holder on record; or

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved; or

(d) There is more than one lien claimed against the vessel.

In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(4) **What is a landlord lien?** For the purposes of vessel licensing and titling, a landlord lien is an encumbrance on a vessel as security for the payment of moneys owed for rent.

(5) **Can a landlord lien be attached to a vessel adrift?** Vessels adrift as defined in RCW 88.26.020 do not qualify for landlord liens.

(6) **Can a landlord lien be attached to a vessel moored in a private marina?** No, lien foreclosures are defined in RCW 60.10.020 and 61.10.023.

(7) **What documents does the department require to issue a certificate of ownership for a vessel obtained through the landlord lien procedure?** In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vessel to the claimant:

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of secured interest resolved.

(8) **When does the department require a court order to issue a certificate of ownership as a result of a landlord lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) The vessel owner of record is someone other than the person owing for rent; or

(c) There is an existing lien holder on record.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien against the vessel.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(9) **Why is a court order required for a landlord lien if there is a lien holder on the existing record?** In order to record a security interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law. The security agreement on record was not established between the legal owner and the new applicant.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-445, filed 10/18/01, effective 11/18/01.]

WAC 308-93-450 Signature of owner on application—Exceptions. (1) When is the signature of a registered owner(s) required? Each registered owner is required

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to sign the application for certificate of ownership except when:

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation, such as a power of attorney, is used in lieu of the signature(s);

(c) The legal owner applies for a duplicate certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vessel;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) **If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required?** Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-450, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-450, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-450, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-450, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-450, filed 11/18/83.]

WAC 308-93-460 Release of interest. (1) How does an owner release their interest in a vessel? A vessel owner(s) or secured party who intends to release interest in a vessel must:

(a) Sign the release of interest provided on the certificate of ownership; or

(b) Sign a release of interest document or form approved by the department.

(2) **What documentation may be used in lieu of a release of interest?** Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:

(a) Bill of sale;

(b) Affidavit in lieu of title with the release of interest portion properly completed;

(c) Release of interest form;

(d) Letter of release;

(e) Affidavit of repossession;

(f) Abandoned vessel reported on an abandoned vehicle report and the affidavit of sale on the report has been completed by the issuing tow company;

(g) Other documentation approved by the department.

(3) **What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest?** Secured parties who intend to release their interest in a vessel may provide one of the following if accompanied by the most recently issued certificate of ownership:

(a) Their properly completed official lien release form;
or

(b) The secured party is a business entity, a release of interest on its official letterhead.

(4) **How is the release of interest submitted on an electronically stored Washington certificate of ownership?** If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(5) **When do signatures releasing interest need to be notarized or certified?** An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470.

(6) **Are there situations when signatures would not need to be notarized or certified in order to release interest?** Yes, the following are situations where notarization or certification is not required:

(a) When a signature releasing interest is provided on the certificate of ownership issued by the department or another jurisdiction;

(b) When a signature releasing interest is provided on an affidavit in lieu of title printed at a Washington paperless title institution's location;

(c) If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically;

(d) When there is a secured party and:

(i) The secured party is a business; and

(ii) Release of interest in a vessel is in accordance with subsection (2)(a) or (b) of this section; and

(iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(e) A release of interest or bill of sale is obtained from the registered owner when the vessel is from a jurisdiction which does not issue certificate of ownership or titles for this type of vessel;

(f) Documentation for a dissolution of marriage indicates the vessel had been awarded through the court;

(g) The registered owner is deceased (refer to WAC 308-93-520);

(h) Signature notarized on repossession if the vessel has been repossessed by the legal owner of record;

(i) A release of interest or a bill of sale from a wrecker or insurance company;

(j) If a valid marine document has been issued by or applied for from the United States Coast Guard documentation office;

(k) A court order awarding the vessel is provided;

(l) The director determines a notarized signature is not needed.

(7) **When is a registered owner's release of interest not required?** A release of interest is not required when:

(a) A registered owner is identified as a lessee or sublessee on an ownership document or a lien holder sells a contract to another lien holder;

(b) Documentation is required by the department in the event of death;

(c) A dissolution of a marriage has occurred; or

(d) Repossession.

(8) **What is required to release the interest of a secured party in a documented vessel registered in Washington?** A United States Coast Guard abstract may be used to release the interest of the secured party for a vessel registered in Washington.

(9) **What documentation will be provided by the United States Coast Guard documentation office?** The United States Coast Guard documentation office must provide the following documentation for secured parties who intend to release interest on a marine documented vessel:

(a) Their properly completed official lien release form; or a release of interest on their official letterhead, if the secured party is a business entity;

(b) Provide a certified copy of the satisfaction of preferred marine mortgage;

(c) Provide a certified copy of the document abstract from the United States Coast Guard, documentation office showing the lien has been satisfied.

These documents are provided to the United States Coast Guard by the lien holder/secured party, seller, new owner etc. Copies of these items may be requested from the United States Coast Guard for submission to the department when applying for certificate of ownership.

(10) **What must the owner provide to the department when a vessel will no longer be documented with the United States Coast Guard?** The owner must provide:

(a) A copy of the removal letter from the United States Coast Guard documentation office; and

(b) Documentation described in subsection (9) of this section for removing lien holder/secured party; and

(c) If ownership is changing, approved releases of interest as described in this rule.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-460, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-460, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-460, filed 6/30/93, effective 7/31/93. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-460, filed 11/18/83.]

WAC 308-93-470 Certification of signatures. (1) Who may certify or notarize vessel certificate of ownership and registration activities on behalf of the department? Signatures must be notarized by a notary public or certified by agents and subagents appointed by the director. The certification must include the signature and the county, office, and operator number of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. The employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vessel title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vessel dealer activities.

(b) Persons named on a Washington vessel dealers bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) What proof of identification must be presented to the person certifying the signature(s)? The person certifying the signatures shall require proof of identification. Approved identification includes:

(a) Drivers license; or

(b) Any signed photo identification card; or

(c) Any two of the following:

(i) A nationally or regionally recognized credit card (signed);

(ii) A signed ID card issued by a city, county, state or federal government agency;

(iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or

(d) Other documentation satisfactory to the person certifying the signature.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-470, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-470, filed 4/8/98, effective 5/9/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-470, filed 11/18/83.]

WAC 308-93-490 Law enforcement sale. (1) What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale? In addition to other documents and fees required by chapters 46.01 and 88.02 RCW the department requires:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

(2) Does the sale of a vessel at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a vessel at a law enforcement sale. No additional releases of interest are required from the secured party.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-490, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-490, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-490, filed 11/18/83.]

WAC 308-93-500 Name change. What documentation does the department require to change my name as shown on the certificate of ownership? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

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(1) A copy of a court order from any district or superior court of this state authorizing the change of name if the name was changed by a court action; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

(3) What documentation does the department require to change the name of a business or corporation as shown on the certificate of ownership?

(a) If two or more businesses merge and a new UBI number is created, applications for each vessel in the new company name and documentation substantiating the name change and/or merger. All certificates of ownership changing from the previous business name(s) to the new business are processed as transfers.

(b) If two or more businesses merge and one of the UBI numbers is retained for the new business, notarized signatures are required on the new application. The certificate of ownership transactions for the business whose UBI number is retained will be processed as name change transactions; certificate of ownership transactions from the other business will be processed as transfers.

(c) If a business has changed names without a change in ownership, documentation such as a copy of the new business or corporate license must be submitted with the application for certificate of ownership and the existing ownership document or an affidavit in lieu. The certificate of ownership will be reissued in the new business name.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-500, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-500, filed 11/1/99, effective 12/2/99; 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-510 Transfer by court order. (1) What does the department require if ownership of a vessel is awarded by court order? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, for each of the specific situations the department requires the following:

(a) If the vessel is most recently titled in Washington, a copy of the court order from any district or superior court of any county of this state, or certification from the clerk of the court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded; or

(b) If the vessel for which ownership was most recently established, is in the same jurisdiction as the court action, a copy of the foreign court order is required. For example: A California court order and California vessel ownership documents; or

(c) If the court order and vessel for which ownership was most recently established are not from the same jurisdiction, the court order is required to be filed in accordance with RCW 6.36.025 prior to being submitted with the application for certificate of ownership.

(2) **What information needs to be on the court order for the department to accept it?** The department requires the court order to contain, at a minimum:

- (a) The name of the person to whom the property is awarded;
- (b) A description of the vessel(s) awarded, including the hull identification number and/or Washington registration number, if available;
- (c) Validation that the court order has been filed;
- (d) An indication that the court order is the final judgment of the court in this matter; and
- (e) A signature of an authorized representative of the court.

(3) **What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number?** The department requires a certified or notarized statement from the person awarded the vessel. The statement must describe the vessel in the court order by year, make, and hull identification number as a minimum.

(4) **Does the department require all pages of the final court order?** No, the department requires only copies of pages of the final court order containing:

- (a) The information listed in subsection (2) of this section; and
- (b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and
- (c) The page of the order signed by the judge/commissioner.

(5) **Does the copy of the court order need to be certified?** The copy of the court order does not need to be certified.

(6) **Will the department remove the security interest recorded on the current certificate of ownership with a court order?** The department will:

- (a) Remove the security interest if the court order specifically directs the department to do so.
- (b) Not remove the security interest if not specified to do so in the court order unless the new owner has obtained either a release of interest or a new security agreement or petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-510, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-510, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-510, filed 11/18/83.]

WAC 308-93-520 Owner deceased. (1) What titling options are available when a vessel owner is deceased?

- (a) The vessel ownership may be released by a personal representative or beneficiary and transferred into the name of a new owner; or
- (b) The surviving owner may transfer into their name if joint tenancy was indicated on the certificate of ownership; or
- (c) The surviving owner, heir, or personal representative may transfer ownership into their name if proper documentation is provided as in subsection (4) of this section; or

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(d) The vessel can be titled into the name of the estate of the deceased.

(2) **How can a vessel be titled in the name of the estate of the deceased?** The signature of a personal representative as described in RCW 11.02.005(1) is required to release interest for the deceased owner. The vessel may then be titled and registered in the name of the estate of the deceased pending final settlement of the estate. A certificate of county clerk or a copy of the court order appointing or confirming the personal representative must be attached to the application for certificate of ownership.

(3) **How will the name of the estate be shown on the certificate of ownership?** The name will be shown as "estate of (deceased name)."

(4) **What documentation is required to remove the name of the deceased from the certificate of ownership or registration?** In addition to any other documents or releases required by law or rule you will need:

- (a) If the estate is administered:
 - (i) Letters of testamentary; or
 - (ii) Letter of administration; or
 - (iii) Certificate of county clerk.
- (b) If there are joint tenants with rights of survivorship: Copy of death certificate.
- (c) If there is a community property agreement:
 - (i) Copy of the death certificate; and
 - (ii) A copy of the community property agreement.
- (d) If the estate was not administered:
 - (i) Copy of the death certificate; and
 - (ii) Affidavit of inheritance; or
 - (iii) Affidavit of succession.

(5) **If the vessel was last registered in another jurisdiction and the owner is deceased, what documents do I need when applying for a Washington certificate of ownership in my name?** The requirements are the same as those provided in subsections (1) through (4) of this section. Equivalent documentation issued by the foreign jurisdiction may be acceptable.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-520, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-520, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-520, filed 11/18/83.]

WAC 308-93-530 Owner incompetent—Release of interest. Who is eligible to release interest on a vessel ownership document if the owner is declared incompetent?

The release of interest may be signed by either:

- (1) The court appointed guardian, if one has been appointed by the court, may release interest in a vessel owned by an individual who has been declared incompetent.
- (2) Durable power of attorney as provided in Title 11 RCW. A copy of the court order or the durable power of attorney appointing the guardian must accompany the release of interest.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-530, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-530, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

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WAC 308-93-540 Owner bankrupt—Release of interest. Who has the authority to release interest in a vessel when an owner has been declared bankrupt?

A trustee appointed by the court has the authority to release interest on a vessel for the owner who has been declared bankrupt. The release of interest must be accompanied by a copy of the court order appointing the trustee.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-540, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-540, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-640 Reciprocity. Is my foreign registration valid in Washington? Current foreign registration will be recognized for a period of sixty days to the extent a similar reciprocity is granted for vessels registered in the state of Washington. However, on or before the sixty-first day of use in this state, the owner of a foreign vessel must obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055 if the state of principal use is not changing to Washington and the vessel owner wishes to keep the vessel located on Washington waters.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-640, filed 3/27/01, effective 4/27/01; 98-16-029, § 308-93-640, filed 7/29/98, effective 7/30/98; 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-650 Title purpose only. Can I obtain a certificate of ownership for my vessel without securing a vessel registration number and decal? Yes, you may obtain a certificate of ownership for a vessel without securing a registration number and vessel decal.

[Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-650, filed 4/18/00, effective 5/19/00. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-650, filed 11/19/85. Statutory Authority: RCW 88.02.100 and 88.02.070. 84-11-060 (Order TL/RG-1), § 308-93-650, filed 5/18/84.]

WAC 308-93-700 Indian tribe vessels. What is the purpose of WAC 308-93-700 through 308-93-770? WAC 308-93-700 through 308-93-770 are adopted to implement the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory tribes, and the state of Washington. These rules do not repeat all of the sections of the Consent Decree and are not intended to include all of the requirements and provisions of the Consent Decree. However, the tribes and the state have agreed to an intergovernmental cooperative registration procedure. In the event of conflicting provisions, interpretations, or applications between these rules and the Consent Decree, resolution shall give precedence to the Consent Decree.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-700, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-700, filed 8/1/96, effective 9/1/96.]

WAC 308-93-710 Definitions. The following terms used in WAC 308-93-700 through 308-93-770 have the

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meaning given to them in this section unless the context clearly indicates otherwise:

(1) "Indian tribe" and "tribal" means the Indian tribes which are signatory to the Consent Decree entered in *United State v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, including: Lower Elwha S'Klallam Tribe, Hoh Tribe, Jamestown S'Klallam Tribe, Lummi Nation, Makah Tribe, Muckleshoot Tribe, Nisqually Tribe, Nooksack Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Skokomish Tribe, Squaxin Island Tribe, Stillaquamish Tribe, Suquamish Tribe, Swinomish Indian Tribal Community, Tulalip Tribes, Upper Skagit Tribe, and Yakama Nation.

(2) "Tribal member(s)" means those persons duly enrolled in the Indian tribes identified in subsection (1) of this section.

(3) The terms "vessels" or "boats" are synonymous and mean watercraft used in connection with the exercise of federally secured fishing rights.

(4) All other terms have the same meaning as used in chapter 88.02 RCW and chapter 308-93 WAC.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-710, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-710, filed 8/1/96, effective 9/1/96.]

WAC 308-93-720 Indian tribe exempt vessels. (1) What is an Indian tribe exempt vessel under the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994? State ad valorem property (personal property) and watercraft excise taxes will not be imposed upon any vessel owned by a tribal member(s) and used in connection with the exercise of federally secured fishing rights, so long as the member's tribe imposes a treaty, fishing rights-related tax. The taxes also will not apply to tribally owned boats used in connection with or in activities related to the exercise of tribal fishing rights, including but not limited to, management, regulation or enforcement thereof.

(2) **Are state registration numbering and fee requirements applied to vessels recognized under Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994?** State registration, numbering, and fee requirements otherwise applicable to a nontreaty vessel, will not be applied to any tribally owned vessel or vessel owned by a tribal member(s) which is used in the exercise of treaty fishing rights and is tribally registered.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-720, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-720, filed 8/1/96, effective 9/1/96.]

WAC 308-93-730 Indian tribe vessel numbering system. (1) What are the specifications for an Indian tribe vessel registration number? A tribal vessel number conforming to the specifications of 33 C.F.R. sections 173.27 and 174.23 and a certificate of number conforming to 33 C.F.R. section 174.19, must be assigned, and a "decal" must

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be issued for each Indian tribe and tribal member vessel and displayed thereon. Upon agreement of the Coast Guard and Indian tribes, different specification may be established for treaty fishing vessels.

(2) **How are Indian tribe vessel registration numbers dispersed?** Each tribe is entitled to a block of numbers with a unique tribal suffix. Each tribe may select a unique, three-letter suffix for its state or tribally produced vessel number, unless otherwise agreed upon by the Coast Guard. The vessel numbers must be of the same size and placed in the same location as specified for those vessels registered under chapter 88.02 RCW. The department will not issue a plaque, sticker, or other form of number to affix to a numbered vessel.

(3) **Are Indian tribe vessel registration number decals unique to the tribe?** The decal may be unique to each tribe, as long as the decal conforms to the Coast Guard specifications regarding size and color. A tribe may choose to use decals provided by the department.

(4) **When will the department supply the Indian tribe with a list of vessel numbers and decals?** By June 1st of each year, the department will provide each Indian tribe a list of vessel numbers, and state decals if the Indian tribe so requests, in the quantity, and with any particular three-letter suffix specified by the Indian tribe. Such quantity must be sufficient to enable each Indian tribe to issue a vessel number to each of its tribal fishers for the vessels they use in the treaty fishery. The department has thirty days to provide an Indian tribe the list of vessel numbers and decals after the Indian tribe has advised the department of its number and decal requirement.

(5) **What happens if the department fails to provide a list of vessel numbers requested by an Indian tribe in the time frame outlined in subsection (4) of this section?** Failure by the department to provide a list of vessel numbers requested by an Indian tribe in the time frames outlined in this section will not prohibit the Indian tribe or tribal fishermen from lawfully fishing under the treaty fishing right, and will be a complete defense in any action by the state to enforce its tax or vessel registration laws until the state complies with the terms of this section.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-730, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-730, filed 8/1/96, effective 9/1/96.]

WAC 308-93-740 Indian tribe vessel registration. What registration conditions must be met to satisfy the state and the Coast Guard? Tribal and tribal member vessels will be deemed by the state and the Coast Guard to be properly registered provided the following conditions are met:

(1) The tribal member has provided information listed in subsection (3) of this section to the Indian tribe of which they are a member, on forms satisfactory to the tribe and the state; and

(2) The tribe to which the individual member belongs has approved registration of the vessel and has notified the department, using forms satisfactory to the tribe and the state

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which contain information listed in subsection (3) of this section;

(3) Information required on the form for registration of a tribal vessel:

(a) Name and address of the owner, including zip code;

(b) State in which vessel is or will be principally used;

(c) The hull identification number previously issued by an issuing authority for the vessel, if any;

(d) Whether the application is for a new registration, renewal, or transfer of ownership;

(e) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;

(f) Make of vessel;

(g) Year vessel was manufactured or model year;

(h) Manufacturer's or department assigned hull identification number, if any;

(i) Overall length of vessel;

(j) Type of vessel, i.e., open, cabin, house, or other;

(k) Hull building material, i.e., wood, steel, aluminum, fiberglass, plastic, or other;

(l) The propulsion, i.e., inboard, outboard, inboard-outdrive, sail, or other;

(m) The fuel, i.e., gasoline, diesel, or other;

(n) The signature of the owner;

(4) The registering tribe may issue a vessel number from the list obtained from the department, upon tribal approval of a member's registration application. The registration:

(a) Will be valid for a term of one year;

(b) Will be effective immediately; and

(c) Will remain in effect until suspended or revoked by the tribe in accordance with the procedure set forth in WAC 308-93-750, or for any other reason the tribe determines appropriate.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-740, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-740, filed 8/1/96, effective 9/1/96.]

WAC 308-93-750 Improper Indian tribe registration. (1) May the department either object to or seek revocation of tribal issuance of a registration contained in the tribal vessel registration maintained with the department? Yes. The department may object to and seek revocation of tribal issuance of a registration contained in the tribal vessel registration program maintained with the department only if it is determined that:

(a) Inaccurate or false information has been submitted; or

(b) Information required pursuant to WAC 308-93-740(3) is omitted; or

(c) The department obtains information that the vessel is stolen or is not owned by the registrant.

(2) **Is the department required to notify the tribe that the registration appears to be improper?** Yes, the department must notify the tribe that the registration appears to be improper. The department's objection must be made either in person or by certified mail, return receipt requested. Within thirty days of receipt of the notice, the tribe must provide the information requested, take the requested action, clarify any

misunderstanding, or inform the department that the tribe does not intend to take the action requested or provide the requested information.

(3) **Does the department have the right to request revocation of a tribally issued registration and number?** Yes, the department may request a tribally issued registration and number be revoked at any time should it be determined that the information originally submitted was false or inaccurate, the vessel is stolen or not owned by the registrant. The registrant and tribe must be given a reasonable opportunity to correct inaccurate information.

(4) **Is the revocation of a tribal vessel registration request effective immediately?** No, nor will any tribe be required to revoke, the registration, number, or vessel decal issued by the tribe to the tribal member until all dispute resolution procedures have been exhausted. If the state establishes the registration is improper, the tribe must revoke the registration number and decal.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-750, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-750, filed 8/1/96, effective 9/1/96.]

WAC 308-93-760 Indian tribe vessel computer data base. (1) **When must the tribe notify the department of a vessel registration?** Each tribe must forward the proper forms and documentation to the department within five working days after approval of the registration. The mailing address is:

Department of Licensing
Title and Registration Services
Post Office Box 9909
Olympia, Washington 98507-9909

The department will store the registration data in a computer system, with twenty-four-hour availability, and have procedures that will limit access to civil or criminal law enforcement entities seeking information for law enforcement purposes.

(2) **Shall the tribe notify the department if they find information that is not correct or is incomplete on a tribal vessel registration?** Yes, if a tribe becomes aware that information regarding a vessel authorized by that tribe to participate in the treaty fishery, and contained in the department vessel identification system, or the vessel identification system of another tribe, may be erroneous or incomplete and should be corrected, the tribe will promptly notify the department or the tribe which operates the identification system. The notice to the department and the other tribe must state the reasons why it is believed the system information is incorrect or incomplete. The notifying tribe must also identify the correct or additional information the tribe believes should be entered into the system. The department will respond promptly to each notice regarding inaccurate or incomplete information, explaining what, if any, changes or corrections have been made.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-760, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-760, filed 8/1/96, effective 9/1/96.]

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WAC 308-93-770 Disclosure of Indian tribal vessel data. (1) **Who has access to tribal vessel data?** Indian tribes and tribal member vessel registration data will be stored in the department's computer system, which has twenty-four-hour availability. The department has procedures limiting access to civil or criminal law enforcement entities seeking information for law enforcement purposes. Unless ordered by a court of competent jurisdiction, no access by business persons or other private individual will be permitted unless the treaty fisher or tribe has authorized such release of information in writing. Release of information may be made to other persons or groups when specifically authorized in writing by all persons identified in the information to be released.

(2) **How is access to tribal vessel information obtained?** Access to Indian tribe vessel information must be available via a modem, or other suitable electronic format, to all state, tribal, federal, and foreign law enforcement agencies. Information available by computer will not be considered in the possession or control of any other entity. On-line access is authorized between and among all parties' vessel registration information systems to permit state, tribal, and federal enforcement personnel to directly obtain vessel registration information from the various governments' vessel information systems, regarding treaty and nontreaty vessels. No altering of another party's information will be made without that party's consent.

(3) The state shall defend against any private entity's attempt to establish a legal right to obtain tribal registration data. The department must notify the affected tribe of any such private party's claim at the time the claim is made, and must keep the tribe informed as to the status of the matter.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-770, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-770, filed 8/1/96, effective 9/1/96.]

Chapter 308-94 WAC

SNOWMOBILES AND OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

308-94-030	Snowmobile registration application—Registration year.
308-94-050	Snowmobile registration, decals and validating tab—Display.
308-94-080	Nonresident temporary snowmobile permit.
308-94-100	Snowmobile dealer license, license plates, costs, rented snowmobiles.
308-94-105	Delivery of snowmobile on dealer temporary permit.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-94-010	Registration of snowmobiles. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-010, filed 1/16/87; Order MV-159, § 308-94-010, filed 1/2/73; Order 111 MV, § 308-94-010, filed 10/5/71.] Repealed by 00-09-066, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 46.01.110.
308-94-020	Appointment of agents. [Order MV-159, § 308-94-020, filed 1/2/73; Order 111 MV, § 308-94-020, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-035	Snowmobile registration—Fee. [Statutory Authority: RCW 43.51.040. 91-09-001, § 308-94-035, filed 4/4/91, effective 10/1/91. Statutory Authority: RCW

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- 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 308-94-035, filed 11/24/87.] Repealed by 96-13-053, filed 6/14/96, effective 9/30/96. Statutory Authority: RCW 46.10.210 and 46.10.040.
- 308-94-040 Snowmobile registration year. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-040, filed 1/16/87; Order MV-355, § 308-94-040, filed 5/10/76; Order MV-159, § 308-94-040, filed 1/2/73; Order 111 MV, § 308-94-040, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-060 Registration for snowmobiles used as all terrain vehicles. [Order MV-159, § 308-94-060, filed 1/2/73; Order 111 MV, § 308-94-060, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-070 Display of snowmobile registration number, decals and validation tabs. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-070, filed 1/16/87; Order MV-355, § 308-94-070, filed 5/10/76; Order MV-159, § 308-94-070, filed 1/2/73; Order 111 MV, § 308-94-070, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-090 Rented snowmobiles. [Order MV-159, § 308-94-090, filed 1/2/73; Order 111 MV, § 308-94-090, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-110 Snowmobile dealer plates—Cost. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-110, filed 1/16/87; Order MV-159, § 308-94-110, filed 1/2/73; Order 111 MV, § 308-94-110, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-160 Registration and titling of off-road and nonhighway vehicles. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-160, filed 1/16/87; Order MV-158, § 308-94-160, filed 1/2/73; Order 112 MV, § 308-94-160, filed 10/5/71.] Repealed by 00-09-066, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 46.01.110.
- 308-94-170 Certificates of title. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-170, filed 1/16/87; Order 112 MV, § 308-94-170, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-180 All terrain vehicle titling not required for vehicles presently titled. [Order MV-158, § 308-94-180, filed 1/2/73; Order 112 MV, § 308-94-180, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-181 Vehicles titled that are not eligible for road use. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-181, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-190 Licensing of vehicles titled as all terrain vehicles. [Order MV-158, § 308-94-190, filed 1/2/73; Order 112 MV, § 308-94-190, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-191 Vehicles issued regular title and off-road use permits. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-191, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-200 Off-road and nonhighway vehicle use permit period. [Statutory Authority: RCW 46.01.110. 92-15-021, § 308-94-200, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-200, filed 1/16/87; Order MV-355, § 308-94-200, filed 5/10/76; Order MV-158, § 308-94-200, filed 1/2/73; Order 112 MV, § 308-94-200, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-210 Off-road and nonhighway vehicle use permit not required—When. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-210, filed 1/16/87; Order MV-158, § 308-94-210, filed 1/2/73; Order 112 MV, § 308-94-210, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-220 Display of off-road and nonhighway vehicle use permit decal. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-220, filed 1/16/87; Order MV-158, § 308-94-220, filed 1/2/73; Order 112 MV, § 308-94-220, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-230 Surrender of license plates required. [Order MV-158, § 308-94-230, filed 1/2/73; Order 112 MV, § 308-94-230, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-240 Validating tab—Display. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-240, filed 1/16/87; Order MV-355, § 308-94-240, filed 5/10/76; Order MV-158, § 308-94-240, filed 1/2/73; Order 112 MV, § 308-94-240, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-250, filed 1/16/87; Order MV-158, § 308-94-250, filed 1/2/73; Order 112 MV, § 308-94-250, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-260 Nonresidents. [Order MV-158, § 308-94-260, filed 1/2/73; Order 112 MV, § 308-94-260, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-261 Temporary off-road and nonhighway vehicle use permit. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-261, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-265 Off-road vehicle dealer permit. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-265, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-270 Off-road vehicle dealer plates—Cost. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-270, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.

WAC 308-94-030 Snowmobile registration application—Registration year. (1) What must be included on an application to register a snowmobile? An application for an original or transfer registration of a snowmobile must include:

- (a) The name and address of each registered owner(s); and
- (b) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
- (c) The purchase price and year of purchase or declared value and year of declaration; and
- (d) Proof of payment of sales or use tax, or satisfactory proof that sales or use tax is not due as established by the department of revenue; and
- (e) A copy of any of the following:
 - (i) Previously issued registration certificate;
 - (ii) Certificate of ownership from a foreign jurisdiction;
 - (iii) Manufacturer's certificate of origin;
 - (iv) A bill of sale;
 - (v) A purchase agreement; or
 - (vi) Other department approved documentation; and
 - (f) Certificate of fact explaining how the snowmobile was acquired; and
 - (g) Applicable fees.

(2) **How are security interests recorded?** Security interests must be recorded with the Uniform Commercial Code Section of the department, and will not be recorded on the snowmobile registration.

(3) What is the registration period for snowmobiles?

The registration period for snowmobiles is October 1 through September 30 of the following year. Regardless of the date acquired, there is no abatement of the snowmobile registration fee.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-030, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-030, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-94-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-94-030, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 46.01.110. 92-15-021, § 308-94-030, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-030, filed 1/16/87; Order 111 MV, § 308-94-030, filed 10/5/71.]

WAC 308-94-050 Snowmobile registration, decals and validating tab—Display. (1) **Where do I carry the snowmobile registration certificate?** A snowmobile registration certificate must be:

- (a) Carried in the snowmobile for which it was issued; or
- (b) Carried on the person of the snowmobile operator; and
- (c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) How are snowmobile decals/tabs displayed?

(a) Decals showing the registration numbers must be affixed to the right and left side of the snowmobile directly below the windshield on the hood cowling and located so that snow, passenger, driver or load will not obscure them.

(b) The month tabs must be located no more than two inches to the left of the first digit of the decal showing the registration number. Validating year tab must be located no more than two inches from the last digit of the decals showing the registration number on the left side.

[Statutory Authority: RCW 46.01.110. 02-11-019, § 308-94-050, filed 5/6/02, effective 6/6/02; 01-11-070, § 308-94-050, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-050, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-050, filed 1/16/87; Order 111 MV, § 308-94-050, filed 10/5/71.]

WAC 308-94-080 Nonresident temporary snowmobile permit. What information is required to obtain a nonresident temporary snowmobile permit?

(1) An application for a nonresident temporary permit shall include:

- (a) Name and address of the applicant;
 - (b) Plate or registration number and expiration date, if registered in another jurisdiction;
 - (c) Make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
- (2) Applicable fees.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-080, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-080, filed 3/30/98, effective 4/30/98; 92-15-021, § 308-94-080, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-080, filed 1/16/87; Order 111 MV, § 308-94-080, filed 10/5/71.]

WAC 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles. (1) **How long is a snowmobile dealer license valid?** Snowmobile dealer licenses are valid for one year from the date of issue.

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(2) **Are there restrictions for the use of the snowmobile dealer license plate?** Yes.

(a) Dealers may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

(b) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and must be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

(c) Snowmobile dealer license plates must not be used on rented snowmobiles.

(3) **What are the fees for a snowmobile dealer license?** A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-100, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-100, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-100, filed 1/16/87; Order 111 MV, § 308-94-100, filed 10/5/71.]

WAC 308-94-105 Delivery of snowmobile on dealer temporary permit. (1) **How are snowmobile dealer temporary permits used?** By licensed snowmobile dealers as a dealer temporary permit.

(2) **How is the dealer temporary permit application issued and completed?**

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

(3) **How long is the dealer temporary permit valid?** The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

(4) **What restrictions apply to the dealer temporary permit?**

(a) The dealer temporary permit must not:

(b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;

(c) Be issued as a demonstration permit;

(d) Be issued for a snowmobile processed as a courtesy delivery.

(5) **Are fees paid for the dealer temporary permit application forms refundable?** Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

(6) **Is the dealer reimbursed for the cost of the dealer temporary permit when used?** Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

(7) **Is the dealer required to keep a record of the permits?** Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Snowmobile purchaser's names;
- (b) Vehicle identification number;
- (c) Dates of snowmobile sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

(8) **Is the dealer required to submit the application for registration within a certain period of time?** Yes, the dealer must submit the application for registration in accordance with WAC 380-94-030 within forty-five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-105, filed 5/14/01, effective 6/14/01.]

Chapter 308-94A WAC

OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

308-94A-005	Certificates of ownership and registration.
308-94A-010	Annual off-road/nonhighway vehicle use permit (registration) period.
308-94A-015	Off-road/nonhighway vehicle use permit (registration) not required—When.
308-94A-020	Display of off-road/nonhighway vehicle use permit decals and validation tabs.
308-94A-025	Temporary off-road/nonhighway vehicle use permit application.
308-94A-030	Off-road vehicle dealer plate—Cost.

WAC 308-94A-005 Certificates of ownership and registration. (1) **May I apply for a certificate of ownership for my off-road/nonhighway vehicle?** Yes, you may apply for a certificate of ownership at your Washington vehicle licensing office or through the department. If the vehicle is not eligible for road use, the certificate of ownership will show **not eligible for road use**.

(2) **Do I have to purchase registration when applying for certificate of ownership?** No, if you choose not to purchase registration when titling your vehicle, the record will be established without a road or off-road/nonhighway vehicle registration.

(3) **What are the different ways I may register my off-road/nonhighway vehicle?** You may register your off-road/nonhighway vehicle in one of the following ways:

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(a) If the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use, you may only purchase an off-road use permit (registration);

(b) If your vehicle is eligible for road use under chapter 46.16 RCW you may purchase registration for road use off-road use or both; or

(c) If your vehicle is not licensed for off-road use, you may purchase a temporary off-road vehicle permit.

(4) **What information does the department require I apply for an off-road/nonhighway vehicle use permit?** An application for an off-road/nonhighway vehicle use permit must include the following:

- (a) Name and address of the applicant;
- (b) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (c) Make and year of vehicle;
- (d) Expiration date of the foreign state registration;
- (e) Vehicle identification number;
- (f) Appropriate fees; and
- (g) Signature of the registered owner(s).

(5) **Where do I carry the temporary or annual off-road/nonhighway use permit?** The permit may be carried by the operator or in a moisture proof protective case attached to the vehicle. The use permit must be made available at all times for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

(6) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington?** It is recommended you check with local, state, or federal authorities in the areas you intend to operate to insure you are operating in accordance with their requirements.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-005, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-005, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-010 Annual off-road/nonhighway vehicle use permit (registration) period. (1) **How long is an off-road/nonhighway vehicle use permit (registration) valid?** The registration year of the off-road/nonhighway use permit (registration) begins the day it is issued and expires the same day of the following year.

(2) **Under what circumstances will the registration expiration date be changed?** The expiration date of the off-road use permit will change when:

- (a) It has been expired for more than one year;
- (b) The registration is expired at the time ownership is transferred and the new owner renews the registration;
- (c) The registered owner requests a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability; or

(d) The vehicle has subsequently been registered, but no certificate of ownership has been issued, in another jurisdiction and:

- (i) No change in ownership has occurred; and

(ii) The off-road/nonhighway vehicle is being registered again in Washington; and

(iii) The previous Washington registration has expired.

(3) **Can I get a refund for the unused portion of my off-road/nonhighway use permit (registration)?** No, there is no refund for the unused portion.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-010, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-010, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-015 Off-road/nonhighway vehicle use permit (registration) not required—When. When are off-road/nonhighway vehicle(s) not required to be registered? Vehicles exempted in RCW 46.09.050 and 46.09.020 are not required to obtain off-road/nonhighway vehicle use permit (registration).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-015, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-015, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs. (1) How do I display the off-road/nonhighway vehicle use permit number and validation tabs on my vehicle? Display off-road/nonhighway use permit number and validation tabs by:

(a) Affixing the decals provided by the department to the right and left side or on the rear of the off-road vehicle. The decals must be visible at all times; or

(b) Painting the vehicle use permit number in a manner that is readily legible and visible at all times. The characters must be at least one-inch high with a minimum of one-eighth inch stroke and in a color contrasting with the background; and

(c) Reading from left to right; and

(d) Affixing the validation month tab issued by the department no more than two inches in front of the beginning of the annual use permit decal number; and

(e) Affixing the validation year tab no more than two inches following the last digit in the annual use permit decal number.

(2) **Is a license plate required if my off-road/nonhighway vehicle is registered for dual use?** Yes, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-020, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-020, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-025 Temporary off-road/nonhighway vehicle use permit application. What information does the department require when I apply for a temporary off-road/nonhighway vehicle use permit? An application for a temporary off-road/nonhighway vehicle use permit must include the following:

- (1) Name and address of the applicant;
- (2) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Expiration date of the foreign state registration;

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- (5) Vehicle identification number;
- (6) Appropriate fees; and
- (7) Signature of registered owner(s).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-025, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-025, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-030 Off-road vehicle dealer plate—Cost. What is the cost of an off-road vehicle dealer's plate? An off-road vehicle dealer must pay three dollars and fifty cents, plus the reflectorization fee of fifty cents for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-030, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-030, filed 11/22/99, effective 12/23/99.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-005	Terminology—Definitions.
308-96A-015	Replacement certificate of registration—Documents required.
308-96A-021	Replacement plates—Requirements.
308-96A-026	Vehicle transit permit.
308-96A-046	Qualified veteran's free license.
308-96A-050	Nonresident members of the armed forces—Plates displayed.
308-96A-056	Pearl Harbor survivor license plates.
308-96A-057	Purple Heart license plates.
308-96A-062	Transfer or destruction of honorary consul special license plates.
308-96A-064	Transfer or loss/destruction of foreign organization special license plates.
308-96A-065	Personalized license plates.
308-96A-070	Amateur radio operator special license plates.
308-96A-071	Military affiliate radio system special license plates.
308-96A-072	Square dancer license plates.
308-96A-073	Antique vehicle—Horseless carriage license plate.
308-96A-074	Antique vehicle—Collector vehicle license plates.
308-96A-080	Undercover and confidential license plates—Application procedures.
308-96A-085	Undercover and confidential license plates—Agency contact.
308-96A-090	Undercover or confidential license plates—Vehicle inventory.
308-96A-095	Undercover or confidential license plates—Cancellation.
308-96A-098	Surrender and disposition of license plates.
308-96A-099	Use class descriptions.
308-96A-101	Scale weight.
308-96A-110	Private carrier bus.
308-96A-135	Fixed load vehicles.
308-96A-136	Mopeds—License plates.
308-96A-145	Cab and chassis.
308-96A-161	Fleet registration.
308-96A-175	Ride-sharing vehicles.
308-96A-176	Special transportation needs for ride-share vehicles.
308-96A-177	Replacement of license plates.
308-96A-180	Registration of rental cars.
308-96A-201	Purchasing gross weight—Expiration dates.
308-96A-202	Power units towing trailers with permanent registrations.
308-96A-203	Permanent trailer registrations.
308-96A-205	Gross weight—Increasing declared gross weight.
308-96A-206	Gross weight—Decreasing declared gross weight.
308-96A-207	Gross weight—Changing from a farm use class to a nonfarm use class.
308-96A-208	Gross weight—Changing from a nonfarm use class to a farm use class.
308-96A-210	Gross weight—Transfer of gross weight license to new owner.
308-96A-220	Gross weight—Transfer of gross weight license to a replacement vehicle.
308-96A-260	Assignment of original registration year.
308-96A-275	Assignment of fleet registration expiration.

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308-96A-295	Display of tabs.	308-96A-055	Nonresident military temporary license. [Order MV-328, § 308-96A-055, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-300	Changing assigned registration year.		
308-96A-306	Definitions—Disabled person special parking privileges.		
308-96A-311	General provisions.		
308-96A-312	Temporary disabled person parking placard and identification card.	308-96A-060	License plates not transferrable—Exceptions. [Order MV-328, § 308-96A-060, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-313	Disabled person parking placard and identification card—For permanent disabilities.		
308-96A-314	Disabled person special license plates—Individual.		
308-96A-316	Permanent placard and disabled person special license plates for organizations.	308-96A-061	Honorary consul special license plates. [Statutory Authority: RCW 46.16.301 and [46.16].371. 95-17-127, § 308-96A-061, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-061, filed 12/7/87.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
308-96A-350	Outstanding parking violations—Information to be supplied by issuing jurisdiction.		
308-96A-355	Satisfaction of parking violations—Information to be supplied by issuing jurisdiction.		
308-96A-365	Reinstatement of parking violation.		
308-96A-400	Excise tax exemption—Indians.	308-96A-063	Foreign organization special license plate. [Statutory Authority: RCW 46.01.110 and 1996 c 139. 96-21-044, § 308-96A-063, filed 10/11/96, effective 11/11/96.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
308-96A-530	Veteran remembrance license plate emblems.		
308-96A-550	Vehicle special collegiate license plates.		
308-96A-560	Special vehicle license plates—Criteria for continued issuance.	308-96A-066	Denial or cancellation of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-066, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-066, filed 6/30/93, effective 7/31/93.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-010	Certificate of registration required. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-010, filed 5/5/86; Order MV-355, § 308-96A-010, filed 5/10/76; Order MV-328, § 308-96A-010, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-067	Reissuance or reinstatement of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-067, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-020	Replacement plates and validation tabs. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-020, filed 5/5/86; Order MV-328, § 308-96A-020, filed 7/24/75.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.	308-96A-068	Issuance of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-068, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-025	No fee where incorrect plates issued. [Order MV-328, § 308-96A-025, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276.	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-030	Annual license renewal—Renewal by mail. [Order MV-355, § 308-96A-030, filed 5/10/76; Order MV-328, § 308-96A-030, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-097	Confidential license plates—Records disclosure. [Statutory Authority: RCW 46.08.066. 98-16-002, § 308-96A-097, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.] Repealed by 99-16-020, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 46.08.066.
308-96A-035	Annual license renewal. [Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-96A-035, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-96A-035, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-035, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-035, filed 5/5/86; Order MV-328, § 308-96A-035, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-100	Licensing according to use instead of vehicle type. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-100, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
308-96A-040	Monthly abatement of license fees. [Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-040, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-040, filed 5/5/86; Order MV-355, § 308-96A-040, filed 5/10/76; Order MV-328, § 308-96A-040, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-105	Motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-105, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-105, filed 5/5/86; Order MV-328, § 308-96A-105, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
308-96A-045	Veteran's free license. [Order MV-355, § 308-96A-045, filed 5/10/76; Order MV-328, § 308-96A-045, filed 7/24/75.] Repealed by 84-21-130 (Order TL/RG-9), filed 10/24/84. Statutory Authority: RCW 46.01.110 and 46.16.600. Later promulgation, see WAC 308-96A-046.	308-96A-106	Campers titled as motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-106, filed 10/3/90, effective 10/3/90.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.

308-96A-115	Personal use trailers. [Order MV-328, § 308-96A-115, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-240	Transfer of tonnage license—Vehicle transferred to another state. [Order MV-328, § 308-96A-240, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-120	Campers. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-120, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-120, filed 5/5/86; Order MV-328, § 308-96A-120, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.	308-96A-265	Staggered licensing—Conversion of vehicles currently licensed. [Order MV-355, § 308-96A-265, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-125	"Drive yourself" or "U-drive" vehicles. [Order MV-328, § 308-96A-125, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-270	Staggered licensing—Billing for other than 12 months. [Order MV-355, § 308-96A-270, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-130	Hearses and ambulances. [Order MV-328, § 308-96A-130, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-280	Staggered licensing—Excise tax computation. [Order MV-355, § 308-96A-280, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-140	Special construction equipment. [Order MV-328, § 308-96A-140, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-285	Quarterly tonnage. [Order MV-355, § 308-96A-285, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-150	Farm vehicles. [Order MV-328, § 308-96A-150, filed 7/24/75.] Repealed by 99-01-133, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135.	308-96A-290	Quarterly tonnage—Refunds excess of twelve months. [Order MV-355, § 308-96A-290, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-155	Change of class. [Order MV-355, § 308-96A-155, filed 5/10/76; Order MV-328, § 308-96A-155, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-305	Quarterly tonnage—Destroyed vehicles rebuilt. [Order MV-355, § 308-96A-305, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-160	Change of class—Sale of exempt vehicle. [Order MV-328, § 308-96A-160, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-310	Application—Disabled person parking privileges. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-310, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-310, filed 12/7/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-310, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
308-96A-162	Permanent fleet registration. [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.] Repealed by 99-19-026, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060.	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-165	Change of class—Purchase of previously nonexempt vehicle by state, county, or city department. [Order MV-328, § 308-96A-165, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-320	Cardiovascular disease or cardiac condition. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-320, 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-320, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
308-96A-170	Change of class—Exempt agencies returning leased vehicles. [Order MV-355, § 308-96A-170, filed 5/10/76; Order MV-328, § 308-96A-170, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-325	Loss of disabled person parking placard, plate. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-325, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-325, filed 12/7/87. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-325, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-325, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
308-96A-200	Computing capacity fee. [Order MV-328, § 308-96A-200, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-330	Application for organization disabled person parking placards. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-330, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-330, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-330, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-
308-96A-215	Transfer of tonnage license—From person to person. [Order MV-328, § 308-96A-215, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		
308-96A-225	Transfer of tonnage license—To a farmer. [Order MV-328, § 308-96A-225, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		
308-96A-230	Transfer of tonnage license—From a farmer. [Order MV-328, § 308-96A-230, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		
308-96A-235	Transfer of tonnage license—Involuntary transfer. [Order MV-328, § 308-96A-235, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		

- 330, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-330, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-335 Organization special parking privilege placards—Transfer, limitations. [Statutory Authority: RCW 46.01.110, 97-02-001, § 308-96A-335, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-335, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-335, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-335, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-340 Disabled person parking privileges—Validation term. [Statutory Authority: RCW 46.01.110, 97-02-001, § 308-96A-340, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-340, filed 1/14/92, effective 2/14/92.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-345 Definitions. [Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 00-03-057, § 308-96A-345, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-345, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-345, filed 8/15/84.] Repealed by 01-17-017, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276.
- 308-96A-360 Return of unacceptable notification to jurisdiction. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-360, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-370 Removal of parking ticket information from active file. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-370, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-375 Parking violation list. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-375, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-380 Effect of one hundred twenty-day notice on license renewal. [Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-96A-380, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-410 Study fee. [Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-410, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-410, filed 5/28/87.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.
- 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.
- 308-96A-450 Driving without valid license—Temporary vehicle registration. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-450, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-460 Vehicle registration cancellation hearings. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-460, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-470 Driving without valid license—Reregistration after cancellation. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-470, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-480 Driving without valid license—Vehicle operating on a permit. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-480, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-490 Driving without valid license—No valid registration. [Statutory Authority: RCW 46.01.110 and 46.16.276. 88-23-016 (Order TL/RG 45), § 308-96A-490, filed 11/7/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-505 Veteran license plate emblems—Available. [Statutory Authority: RCW 46.16.319(2). 96-13-054, § 308-96A-505, filed 6/14/96, effective 7/15/96. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-505, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-510 Veteran license plate emblems—Fees. [Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-510, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-520 License plate emblems—How affixed. [Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-520, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-540 License plate emblems—Follow vehicle on transfer. [Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-540, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.

Reviser's note: Chapter 308-96 WAC entitled, "Vehicle licenses," was repealed by Order MV-328, filed 7/24/75. See title digest disposition of chapter.

WAC 308-96A-005 Terminology—Definitions.

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW

46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is more than thirty years old as authorized by RCW 46.16.305(1).

(7) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(8) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(9) "Department" means the department of licensing. (RCW 46.04.162.)

(10) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of the month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(11) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(12) "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.

(13) "Fixed load vehicle" is specified in RCW 46.16.079 and described in WAC 308-96A-099.

(14) "Gross weight" means gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(15) "Hybrid motor vehicle" means a vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

(16) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(17) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

(18) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(19) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(20) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

(21) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the

jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

(22) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(23) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(24) "License tab fees" means the same as described in RCW 46.16.0621.

(25) "Licensed physician" for the purpose of disabled person parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(26) "Motor home" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(27) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(28) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(29) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(30) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(31) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(32) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1).)

(33) "Permanent" in reference to disabled person parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Disabled persons parking privileges must be renewed every five years.

(34) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(35) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(36) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purpose including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be

in the name of the individual and not in the business name. (WAC 308-96A-046.)

(37) "Placard" means a document issued to persons who qualify for special disabled person parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(38) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(39) "Privilege" in reference to disabled person's parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(40) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(41) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

(42) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(43) "Renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(44) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

(45) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(46) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(47) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(48) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(49) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

(50) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

(51) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of

ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

(52) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

(53) "Use classes" means those vehicles described in WAC 308-96A-099.

(54) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

[Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276. 02-17-024, § 308-96A-005, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-005, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.17.276. 00-09-008, § 308-96A-005, filed 4/6/00, effective 5/7/00. 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-015 Replacement certificate of registration—Documents required. (1) How do I obtain a replacement certificate of registration?

You obtain a replacement certificate of registration by applying, either in person or by mail, at a Washington vehicle licensing office and paying appropriate fees.

(2) When do I need to replace my certificate of registration?

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) Who can apply for a replacement certificate of registration?

The registered owner must apply for a replacement certificate of registration. If there is more than one registered owner, one of the registered owners need apply for a replacement certificate of registration.

(4) What documentation do I need to apply for a replacement certificate of registration?

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. Identification will be required. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

(5) Where do I get an affidavit of loss?

An affidavit of loss/release of interest form may be obtained at a vehicle licensing office, by mail or by accessing the department's website at www.wa.gov/dol.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-015, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-015, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and

46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-015, filed 5/5/86; Order MV-328, § 308-96A-015, filed 7/24/75.]

WAC 308-96A-021 Replacement plates—Requirements. (1) How do I obtain replacement plate(s)?

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) When do I need to replace my plate(s)?

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated; or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck.

(3) Who can apply for replacement plate(s)?

One of the registered owners shall apply for replacement plate(s).

(4) What documentation do I need to apply for replacement plate(s)?

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department shall replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) What if the department issued incorrect plate(s) for my vehicle?

When incorrect plate(s) have been issued due to departmental error, the department shall replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-021, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-021, filed 5/28/87.]

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. It does not allow unrestricted use of the vehicle.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

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(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from:

- (a) Washington vehicle licensing offices;
- (b) Drivers services-licensing services offices; or
- (c) Washington state patrol. (Only at weigh scales and for one day only.)

(4) How long is the vehicle transit permit valid?

The permit is valid for a maximum of two days.

(5) What information is required to issue the vehicle transit permit?

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-026, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-026, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-026, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.276. 86-23-045 (Order TL/RG 28), § 308-96A-026, filed 11/18/86.]

WAC 308-96A-046 Qualified veteran's free license.

(1) Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?

(a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110;

(b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and

(c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license tab fee as defined in RCW 46.16.0621. Other taxes and fees may apply.

(2) What vehicles are considered personal use vehicles? For purposes of this section, "personal use vehicle" means passenger vehicles in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purposes including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name.

(3) Will I be subject to other taxes and fees? Yes, other taxes and fees may apply depending on the type of license plate requested and where you live.

(4) What must be provided to qualify for a veteran's free license? If the applicant is:

(a) A disabled American veteran, must provide a letter of eligibility from the Federal or Washington state veteran's

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administration or the branch of military service from which the veteran was discharged confirming disability under RCW 73.04.110 with the license plate application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged.

(c) 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 under RCW 73.04.115 even if the deceased had not been issued a plate under RCW 73.04.110. In addition to confirming eligibility, the surviving spouse must furnish the following:

(i) A copy of the death certificate of the deceased former prisoner of war; and

(ii) An affidavit that the applicant is not currently married.

(5) **May I transfer my veteran license plate to another qualifying vehicle?** Yes, you may transfer your veteran license plates by notifying the department and paying the appropriate transfer fees in effect.

(6) **If I choose to keep the vehicle from which the veteran license plate was removed, do I need to register it?** Yes, if you choose to continue to use the vehicle on the highway, the vehicle must be registered under chapter 46.16 RCW.

(7) **How do I dispose of the veteran license plate if I no longer qualify?** The veteran license plate must be disposed of as required by WAC 308-96A-098.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-046, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-046, filed 12/21/99, effective 1/21/00. 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-050 Nonresident members of the armed forces—Plates displayed. (1) **What license plates must be displayed on a vehicle registered to a nonresident military person assigned to duty in Washington?** Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

(a) License plates issued from their official home of record (state of bona fide residence); or

(b) License plates issued from a foreign jurisdiction other than their official home of record until such time as that license registration is expired; or

(c) Washington license plates.

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

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(2) **How long may I drive in Washington using my USA or European USA Registration (EUSAR) registration and license plates after the vehicle returns to the United States from a foreign country?** Military personnel are to reregister their vehicle within thirty days of return to the United States.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-050, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-050, filed 5/5/86; Order MV-355, § 308-96A-050, filed 5/10/76; Order MV-328, § 308-96A-050, filed 7/24/75.]

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) **Who is eligible to receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) **What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?**

(a) The Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e).

(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.

(3) **May the spouse of a deceased Pearl Harbor survivor keep the Pearl Harbor survivor license plates?** Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW 46.16.305(4).

(4) **When I am required to replace my Pearl Harbor survivor license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement Pearl Harbor survivor license plates with the same number/letter combination as shown on the vehicle computer record.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-056, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-056, filed 12/21/99, effective 1/21/00. 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. (1) **Under what authority does the department issue Purple Heart license plates?** The department issues Purple Heart license plates, under the authority of RCW 46.16.305 as written prior to 1990. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue

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issuing special license plates authorized under the law as it was before it was amended.

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) 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;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of a vehicle requiring two license plates.

(3) **What documentation does a Purple Heart recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients applying for these license plates must submit:

(a) An application for Purple Heart license plates; and

(b) A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(4) **May the spouse of a deceased Purple Heart recipient keep the Purple Heart license plates?** Yes. To keep the Purple Heart license plates the surviving spouse must provide:

(a) A copy of the Purple Heart recipient's death certificate; and

(b) An affidavit that the spouse has not remarried; and

(c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) **When I am required to replace my Purple Heart license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement Purple Heart license plates with the same number/letter combination as shown on the vehicle computer record.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-057, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060, 00-01-151, § 308-96A-057, filed 12/21/99, effective 1/21/00. 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-062 Transfer or destruction of honorary consul special license plates. (1) **Are honorary consul special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the honorary consular, however, the special license plates may not be transferred to anyone else.

(2) **How are honorary consul special license plates transferred to another vehicle?** The honorary consul must submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) **How are honorary consul special license plates replaced if they become lost, destroyed, mutilated or stolen?** The honorary consular must submit a request to the department for replacement license plates and pay a replace-

ment plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) **What do I do with the honorary consul special license plates if I sell or otherwise dispose of the vehicle?** The plates must be either:

(a) Removed from the vehicle and immediately forwarded to the department; or

(b) Transferred to another vehicle as provided in subsection (1) of this section.

[Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 02-17-024, § 308-96A-062, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110 and 46.16.276, 99-22-058, § 308-96A-062, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.16.301 and [46.16].371, 95-17-127, § 308-96A-062, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237, 88-01-010 (Order TL/RG 39), § 308-96A-062, filed 12/7/87.]

WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates. (1) **Are foreign organization special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the representative of the foreign organization; however, the special license plates may not be transferred to anyone else.

(2) **How are foreign organization special license plates transferred to another vehicle?** Submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) **How are foreign organization special license plates replaced if they become lost, destroyed, mutilated, or stolen?** The representative of the foreign organization must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) **When I am required to replace my foreign organization special license plates, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement foreign organization special license plates with the same number/letter combination as shown on the vehicle computer record.

(5) **What do I do with the foreign organization special license plates if I sell or otherwise dispose of the vehicle?** The plates must be removed and either:

(a) Transferred to another vehicle owned or leased by the plate holder of the foreign organization and/or immediately forwarded to the department; or

(b) Transferred to another vehicle as provided in subsection (1) of this section.

(6) **How are foreign organization special license plates disposed of?** The plates must be removed by the representative of the foreign organization and immediately forwarded to the department.

[Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 02-17-024, § 308-96A-064, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110 and 46.16.276, 99-22-058, § 308-96A-064, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 1996 c 139, 96-21-044, § 308-96A-064, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-065 Personalized license plates. (1) **What is a personalized license plate?** Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570 and 46.16.580.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

- (i) Offensive to good taste and decency;
- (ii) Potentially misleading;
- (iii) Vulgar, profane or sexually suggestive in nature;
- (iv) A racial, ethnic, lifestyle or gender slur;
- (v) Related to alcohol or to illegal activities or substances;
- (vi) Blasphemous;
- (vii) Derogatory;
- (viii) Slanderous;
- (ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16 RCW; or
- (x) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

(i) Apply for a refund for the fee paid under RCW 46.16.585 and 46.16.606 for such license plates; or

(ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

(i) Not renewed by the owner within forty-five days of the vehicle expiration; or

(ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or

(iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) **If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?**

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in subsection

(4)(b) of this section, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(5) **Can I transfer my personalized license plate?** Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.

(6) **How do I dispose of my personalized vehicle license plates?**

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

(7) **Will I ever have to replace my personalized vehicle license plate?** Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-065, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-065, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-065, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.16.276 and 46.16.600. 88-12-043 (Order TL/RG 41), § 308-96A-065, filed 5/27/88. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-065, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-065, filed 10/24/84; Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-070 Amateur radio operator special license plates.

(1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-070, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-070, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-070, filed 1/29/91, effective 3/1/91; Order MV-328, § 308-96A-070, filed 7/24/75.]

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates

must pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-071, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-071, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-071, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-072 Square dancer license plates. (1) **Who may apply for square dancer license plates?** The registered owner 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 square dancers.

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

(3) **Are special license fees required for square dancer license plates?** A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) **Will I ever have to exchange my square dancer license plates?** Yes, the department has determined that all license plates be replaced on a seven-year rotation schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-072, filed 4/30/01, effective 5/31/01. 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 Antique vehicle—Horseless carriage license plate. (1) **What vehicles qualify for a horseless carriage license plate?** Any motor vehicle which is:

- (a) At least forty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle under RCW 46.16.307.

(2) **How is a horseless carriage license plate displayed?** The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued.

(3) **If I sell my vehicle may I keep my horseless carriage license plate?** Yes. You may keep the license plate but it is not transferrable to any other motor vehicle.

(4) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

(5) **Are horseless carriage license plates subject to periodic replacement?** No, the horseless carriage license plates are exempt from the vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-073, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276, 01-10-069, § 308-96A-073, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335, 98-09-024, § 308-96A-073, filed 4/8/98, effective 5/9/98. 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 Antique vehicle—Collector vehicle license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle". The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for use in the year of the vehicle's manufacture. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-074, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276, 01-10-069, § 308-96A-074, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335, 98-09-024, § 308-96A-074, filed 4/8/98, effective 5/9/98. 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-080 Undercover and confidential license plates—Application procedures. (1) **What are undercover and confidential license plates?**

(a) An undercover license plate is issued to local, state, and federal government agencies for law enforcement purposes only to be used in confidential, investigative, or undercover work, confidential public health work, and confidential public assistance fraud or support investigations.

(b) A confidential license plate is issued to any elected state official for use on official business. Confidential plates are also issued when necessary for the personal security of any other public officer or public employee for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require.

Undercover and confidential license plates are standard issue license plates assigned only to vehicles owned or operated by government agencies as identified in RCW 46.08-.066.

(2) **How are undercover and confidential vehicles registered?** Government owned or operated vehicles may be registered in one of the following ways:

(a) If registered with an undercover license plate, the record will show fictitious names and addresses on all department records subject to public disclosure; or

(b) If registered with a confidential license plate, the record will show the government agency name and address on all department records subject to public disclosure.

(3) **Is a government agency responsible for ensuring that safeguards are used to select a fictitious name and address for undercover vehicle registrations?** Yes, government agencies shall certify on the application that precautions have been taken to ensure that names and legitimate licensed Washington businesses have not been used.

(4) **How does a government agency apply for undercover or confidential license plates?** A government agency requesting undercover or confidential license plates shall provide:

(a) A completed application form approved by the department and signed by the government agency head or designated contact person. The agency shall indicate on the application form which type of registration is requested (undercover or confidential).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066. 02-21-118, § 308-96A-080, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-080, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-080, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-080, filed 5/8/85.]

WAC 308-96A-085 Undercover and confidential license plates—Agency contact. (1) **Who may represent a government agency regarding undercover or confidential license plates?** The government agency head may designate a maximum of two designees to represent the agency regarding undercover or confidential license plates. The government agency head must provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.

(2) **How often does the government agency contact information need to be updated?** The government agency contact information shall be updated, in writing, within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 46.08.066. 02-21-118, § 308-96A-085, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-085, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-085, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-085, filed 5/8/85.]

WAC 308-96A-090 Undercover or confidential license plates—Vehicle inventory. (1) **How does the department maintain a current inventory listing of vehicles with undercover or confidential license plates?**

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vehicle license plate program. Each government agency verifies the accuracy of the information by:

- (i) Correcting any erroneous information;
- (ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;
- (iii) Signing the inventory list certifying that all undercover and confidential license plates shown on the list are being utilized under RCW 46.08.066; and
- (iv) Returning the updated inventory list to the department by the date requested. The inventory list may also be returned by sending an e-mail verifying the active plates to the confidential plate program manager.

(b) The department updates the agency inventory based on information submitted by the agencies.

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(2) **What action may the department take if a government agency fails to return their inventory list?** The department may refuse to renew a vehicle(s) shown on the quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 46.08.066. 02-21-118, § 308-96A-090, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-090, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-090, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-090, filed 5/8/85.]

WAC 308-96A-095 Undercover or confidential license plates—Cancellation. (1) **Who may cancel undercover or confidential license plates?** Undercover or confidential license plates may be canceled one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066; or

(b) A government agency may request cancellation of their undercover or confidential license plates when the license plates are no longer required.

(2) **How does a government agency cancel undercover or confidential license plates?** The government agency notifies the department in writing that the undercover or confidential license plates are no longer required, and indicates that the license plates and registration are being returned to the department or are being destroyed.

(3) **May the undercover or confidential license plates remain on the vehicle when it is removed from the program?** No, the license plates must be removed from the vehicle and returned to the department or destroyed.

[Statutory Authority: RCW 46.08.066. 02-21-118, § 308-96A-095, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-095, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-095, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-095, filed 5/8/85.]

WAC 308-96A-098 Surrender and disposition of license plates. (1) **What license plates are required to be surrendered?** Only license plates authorized under RCW 46.16.301, 46.16.280, 46.16.305, and 46.16.595 and dealer/manufacture plates are required to be surrendered under chapter 308-66 WAC. Wreckers and scrap processors, hulk haulers must dispose of license plates according to WAC 308-63-070(7) and 308-63-120(4).

(2) **Where do I surrender my Washington vehicle license plates?** You may surrender your Washington vehicle license plates in the following manner:

- (a) Take them to your local vehicle licensing office;
- (b) Mail them to the department of licensing in Olympia, Washington.

(3) **What do Washington vehicle licensing offices do with surrendered license plates?**

- (a) License plates surrendered to Washington vehicle licensing offices will be invalidated to make them unusable;
- (b) Washington vehicle licensing offices will recycle or otherwise dispose of the invalidated plates that have been surrendered.

(4) If I choose to dispose of the Washington vehicle license plates that are no longer valid, how is this done? Other than license plates indicated in subsection (1) of this section, you may dispose of your invalid Washington vehicle license plates in the following ways:

- (a) Remove or invalidate the month and year tabs and bend the plates so they are no longer usable;
- (b) Shred the entire license plate; or
- (c) After the month and year tab have been removed or invalidated, recycle the license plate in such a way that it cannot be confused with a valid Washington license plate.

(5) How does the department dispose of my surrendered Washington vehicle license plate? Once the department has received the Washington vehicle license plate, it must surrender it to the department of general administration for disposal under RCW 43.19.1919.

[Statutory Authority: RCW 46.01.110 and 46.01.100. 02-11-079, § 308-96A-098, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-098, filed 9/8/99, effective 10/9/99.]

WAC 308-96A-099 Use class descriptions. (1) Why does the department assign use classes to vehicles?

The department assigns use classes to:

- (a) Assess the proper license fees and taxes for vehicles;
- (b) Assign special brands on subsequent owner's certificate of ownership;
- (c) Apply certain restrictions on the use of the vehicles, which prints on the vehicle registrations;
- (d) Assign the proper license plates.

(2) Under what authority does the department assign use classes to vehicles?

The department assigns use classes under the authority of RCW 46.16.040.

(3) What use classes does the department assign and when do they apply?

The use classes the department assigns are described below:

ABBREVIATION	TRANSLATION	DESCRIPTION
CAB	TAXI CAB	Vehicle is used for carrying passengers between two points for compensation for an on-demand trip rather than a scheduled route. A vehicle with this use class may not carry any luggage or commodities that do not belong to a passenger being carried at the same time. In other words, the vehicle cannot just carry cargo between two points.
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. A converter gear may be titled but may not be licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and towing a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB use class, or FCB depending on what is being hauled.
CMP	CAMPER	Vehicle is a slide-in pickup camper (not a canopy) as defined in RCW 46.04.085. Even if the owner has chosen to permanently attach the camper to the pickup, the units need to be titled and licensed separately.
COM	COMMERCIAL	Vehicle is either (1) a power unit that does not pull a trailer or that pulls a trailer but the gross weight for the truck and trailer does not exceed 40,000 pounds; or (2) a trailing unit that is titled in a business name (including the name of a farm). A commercial trailer may be towed by a vehicle with PAS, TRK, COM, CMB, FAR or FCB use classes. If the trailer is being towed by a vehicle with FAR or FCB use class, the use of the trailer (items carried, etc.) must meet the farm use class requirements.
CYC	MOTORCYCLE	Vehicle is a motorcycle, motor driven cycle or scooter. A moped does not qualify to be licensed as a motorcycle as defined in RCW 46.04.330 and 46.04.332.
EX	EXEMPT	Vehicle can be any type of vehicle, which is owned by a city, county or state government agency or federally recognized Indian tribe located in the state of Washington. This includes school buses, which are owned or leased by school districts. If the school district contracts a company to provide total bus service, such as the bus, the driver and the maintenance, and the vehicle is registered in the name of the school district as registered owner, the vehicle qualifies for exempt license plates.
FAR	FARM	Vehicle is a truck (or tractor) used to transport the farmer's own farm, orchard or dairy products as defined in RCW 46.16.090, or aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. The vehicle may also be used to transport the farmer's own farm supplies.

ABBREVIATION	TRANSLATION	DESCRIPTION
FCB	FARM COMBINATION	Vehicle is (1) a power unit (not a trailer) with a declared gross weight of 42,000 pounds or more and towing a trailer; and (2) meets the criteria of FAR use class above.
FED	FEDERAL	Vehicle is owned by the federal government of the United States. Like exempt vehicles, this could be any type of vehicle. This does not include vehicles displaying license plates issued by the federal government.
FEX	FARM EXEMPT	Vehicle is used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181. The vehicle is usually a truck, but it could also be a bus, a motorcycle or off-road cycle.
FIX	FIXED LOAD	Vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law, which requires vehicles with a scale weight of more than six thousand pounds to have a declared gross weight of at least 150 percent of the scale weight. The basic license fee is based on the declared gross weight, or the next two thousand pound increment above the scale weight, or the next two thousand pound increment above the legal maximum gross weight as determined by the Washington state patrol or department of transportation. Fixed load vehicles are the only ones whose gross weight may actually be less than their scale weight, depending on their legal maximum gross weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Vehicle is used to transport people and/or commodities for compensation as defined in RCW 46.72.010. A for hire permit from business and professions division (BPD) is required.
H/C	HORSELESS CARRIAGE	Vehicle is a motorized vehicle over 40 years old with limited used as defined in RCW 46.16.307. The vehicle may not be used for normal transportation to and from work, to go to the store and pick up groceries, and so on.
H/D	HOUSE DOLLY	Vehicle constructed and used exclusively to move buildings or homes.
LOG	LOGGING	Vehicle is a truck or trailer used exclusively for hauling logs.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	Vehicle is a manufactured home as defined in RCW 46.04.302. Mobile homes are titled but generally not registered because of their size. Manufactured homes are taxed by the county, either as personal property or real property.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways or ocean beaches.
PAS	PASSENGER	Vehicle is used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private busses are licensed as passenger vehicles.
PED	MOPED	Vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
PER	PERSONAL	Vehicle is a personal use trailer as defined in RCW 46.16.065. Trailers owned by businesses or used for commercial purposes do not qualify for this use class.
RES	RESTORED	Vehicle is a motorized collector vehicle over 30 years old with limited use as defined in RCW 46.16.307. The vehicle may display either a collector vehicle license plate provided by the department or a license plate, which must have been first issued, for use the year the vehicle was manufactured. The vehicle must be currently registered in order to be assigned this use class and receive a special collector license plate or authority to use a restored license plate.
SCH	SCHOOL	Vehicle is owned and operated by a private school meeting the accreditation requirements of RCW 28A.195.010. The vehicle is used to transport children to and from school or in connection with school activities.
SNO	SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.020(2).
SNX	EXEMPT SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.010(2) and owned by a city, county or state agency.

ABBREVIATION	TRANSLATION	DESCRIPTION
STA	STAGE	Vehicle is used as an auto stage as defined in RCW 46.04.050.
TLR	TRAILER	Vehicle is a personal use trailer as defined in RCW 46.04.620 but does not meet the size criteria for a PER use class. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Vehicle is a tow truck as defined in RCW 46.16.079 and 46.55.010(8). If the vehicle carries other vehicles, it does not qualify for the TOW use class and must be licensed as COM.
TRK	TRUCK	Vehicle is a personal use, light duty truck, with a declared gross weight of twelve thousand pounds or less. Trucks used for business or commercial purposes do not qualify for the TRK use class.
TVL	TRAVEL TRAILER	Vehicle is a travel trailer as defined in RCW 46.04.623, which includes park models of four hundred square feet or less and camp/tent trailers. It is designed and manufactured for temporary habitation.

(4) What use classes may the department assign to specific types of vehicles?

Use classes are assigned as listed below:

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
PASSENGER CARS	CAB, COM, EX, FED, F/H, H/C, PAS, RES, ORV, FEX, STA	COM-Scale weight seating capacity required for F/H and STA-Scale weight, if more than six seats
LIGHT DUTY TRUCKS (INCLUDING SMALL VANS)	COM, EX, FAR, FED, FEX, H/C, RES, STA, TOW, TRK, FIX, F/H, ORV	F/H and STA-Number of seats All use classes-Scale weight
MEDIUM/HEAVY DUTY TRUCKS (INCLUDING BUSES)	CMB, COM, EX, FAR, FCB, FEX, FIX, LOG, SCH, TOW, TRK, FED, H/C, RES, F/H	F/H and STA-Number of seats All use classes-Scale weight
TRAILERS	C/G, CMB, COM, EX, FEX, LOG, PER, TLR, FED	PER-Number of wheels All use classes-Scale weight
CYCLES		
MOTORCYCLES	CYC, EX, FED, FEX, H/C, ORV, RES	
MOPEDS	EX, FED, FEX, ORV, PED	
SNOWMOBILES	SNO, SNX	
UTILITY/MULTIPURPOSE VEHICLES	CAB, COM, EX, FED, F/H, PAS, STA, TRK, FAR, FEX, H/C, ORV, RES, SCH	COM, F/H, STA, TRK, FAR and FEX-Scale weight F/H and STA-Number of seats
RECREATION VEHICLES		
TRAVEL TRAILERS (INCLUDING CAMP AND TENT TRAILERS)	EX, FED, TVL	
CAMPERS	CMP, EX, FED	
MOTOR HOMES	EX, FED, MH	
NOTE: Gross weight and seat requirements per RCW 46.16.040.		

(5) Do all powered three-wheeled vehicles need to be licensed as motorcycles?

No. If the vehicle qualifies as a motorcycle as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a motorcycle for street use. However, if the vehicle has a bench seat and a steering wheel as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a passenger vehicle or truck.

(6) What license plates and use class will be assigned to my for hire vehicle?

The license plates and use class assigned to your for hire vehicle depends upon how you use your vehicle. All for hire vehicles transport passengers and commodities for compensation. For hire vehicles include cabulances, limousines, taxi cabs, and busses hauling passengers for compensation in addition to transporting school children. There are two use classes and license plate combinations assigned to for hire vehicles:

(a) CAB use class vehicles are assigned passenger license plates. These vehicles are used exclusively for transporting passengers and their possessions; and

(b) F/H use class vehicles are assigned truck license plates. These vehicles not only transport passengers for compensation, but also transport commodities, without passengers, for compensation.

(7) When may truck license plates be assigned to my passenger vehicle?

Truck license plates may be assigned to your passenger vehicle whenever the vehicle is used to transport commodities, produce, freight or animals for commercial purposes. The use class would be COM instead of PAS. This would require a title application, a scale weight slip and a certified/notarized statement of use describing how the vehicle will be used commercially.

(8) When may passenger license plates be assigned to my pick-up truck?

Passenger license plates may only be assigned to your pick-up truck if it has been modified to qualify as a passenger vehicle. The department requires confirmation from the Washington state patrol that the vehicle has been modified to qualify for passenger use.

(9) What use classes and license plates will be assigned to school buses?

(a) EX use class and county exempt license plates will be assigned to a school bus owned or leased by an exempt agency (school district);

(b) SCH use class and passenger license plates will be assigned to a school bus owned or leased by an accredited private school; or

(c) F/H use class and truck license plates will be assigned to school buses used for transporting passengers for compensation and not used exclusively for transporting school children to and from school or school related activities.

(10) May I license my motorcycle or any other motor vehicle for both road and off road use?

Yes, you may license your motorcycle or any other motor vehicle for both uses as long as the vehicle qualifies for road use. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(11) May I license my amphibious vehicle as a vehicle and a vessel?

Yes, you may license your amphibious vehicle for both uses as long as it qualifies for both uses. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(12) May I license my truck, truck tractor or tractor as a motor home?

Yes, you may license your truck, truck tractor or tractor as a motor home if:

(a) The vehicle meets the definition of a motor home in RCW 46.04.305; and

(b) You provide a Washington state patrol inspection confirming your vehicle may be licensed as a motor home; and

(c) You certify the vehicle will be used exclusively as a motor home and is not used for commercial use.

(13) Is my truck, truck tractor or tractor which I use exclusively for towing my travel trailer licensed differently than any other like truck?

No. Your truck, truck tractor or tractor used exclusively for towing your travel trailer must be licensed in accordance with RCW 46.16.070. Depending on scale weight the use class will be TRK or COM.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-099, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-101 Scale weight. (1) What is scale weight?

Scale weight is the weight of a vehicle without a load.

(2) When does the department require the scale weight of my vehicle?

The department requires the scale weight of your vehicle when:

(a) The use class requires gross weight under RCW 46.16.070 and 46.16.090;

(b) The vehicle is a trailer;

(c) The use class is F/H (for hire) or STA (stage);

(d) The vehicle is powered by propane, natural gas or butane;

(e) There is a discrepancy between the scale weight on department records or supporting documents and the actual weight of the vehicle; or

(f) The vehicle has been structurally modified changing the empty weight.

(3) What does the department accept for scale weight verification?

The department will accept:

(a) The shipping weight as shown on a manufacturer's statement/certificate of origin or factory invoice;

(b) A weight slip from a certified scale;

(c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry;

(d) Unladen or scale weight as shown on supporting documentation issued by another jurisdiction; or

(e) Other sources approved by the department.

[Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-101, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-101, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-110 Private carrier bus. When may a vehicle be licensed as a private carrier bus?

A vehicle may be licensed as a private carrier bus as described in RCW 46.04.416 without a license based on gross weight if it carries passengers without compensation and is:

(1) Used by a hotel, resort or lodge to transport guests;

(2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;

(3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;

(4) Used by its owner to transport family, guests or employees;

(5) Used as a school bus by a private school not accredited by the superintendent of public instruction.

[Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-110, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-110, filed 2/24/99, effective 3/27/99; Order MV-328, § 308-96A-110, filed 7/24/75.]

WAC 308-96A-135 Fixed load vehicles. What is a fixed load vehicle?

A fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-135, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-135, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-135, filed 5/5/86; Order MV-328, § 308-96A-135, filed 7/24/75.]

WAC 308-96A-136 Mopeds—License plates. (1) Will the department issue a license plate for my moped?

The department will issue a motorcycle series license plate for your moped when you make proper application.

The number on the license plate serves as the moped's registration number as required in RCW 46.16.630.

(2) How do I display the license plate on my moped?

The license plate must be displayed on the rear of your moped as provided in RCW 46.16.240.

(3) If my moped does not meet the standard criteria for a moped, can I get it licensed as such? A Washington state patrol inspection may be required before a license can be issued. The Washington state patrol has the discretion to inspect and define similar vehicles as mopeds. If the vehicle is similar to a moped, it must be identified as a moped by the Washington state patrol inspection before a license can be issued.

[Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-136, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-136, filed 2/24/99, effective 3/27/99. 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-145 Cab and chassis. (1) What is a cab and chassis?

A cab and chassis is an incomplete truck shipped from the manufacturer. The customer chooses the type of bed to be installed.

(2) Will the department issue a certificate of ownership for my cab and chassis?

Yes. However, because the cab and chassis is an incomplete vehicle, when the body or special equipment has been installed you must apply for a new certificate of ownership to reflect the correct series and body type, scale weight and the completed vehicle's new value.

(3) Will the department issue a certificate of registration for my cab and chassis?

Yes, if you intend to use the vehicle on the public highways. The gross weight will be limited to one hundred fifty percent of the scale weight. Gross weight is rounded up to the nearest two thousand pound increment and may not be increased until the certificate of ownership is corrected to reflect the completed vehicle information.

(4) What do I need to provide the department when my cab and chassis has been converted to a complete vehicle and I am applying for a new license and certificate of ownership?

Whether you titled the cab and chassis or waited until the vehicle was completed before titling, you need to provide the department with the following before you use the completed vehicle on the public highways:

(a) Proof of ownership for the cab and chassis;

(b) Proof of ownership for the equipment installed to make it a complete vehicle;

(c) A weight slip from a certified scale;

(d) Proof or payment of sales or use tax on the equipment installed to make a complete vehicle; and

(e) Applicable fees and taxes for any increased value of the completed vehicle.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-145, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-145, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-145, filed 5/5/86; Order MV-328, § 308-96A-145, filed 7/24/75.]

WAC 308-96A-161 Fleet registration. (1) What is the purpose of the fleet program? The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) What types of fleet programs are available? There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement (letter for letter and space for space); and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program; and

(iv) A fleet account will be established by the department and a fleet identifier code issued to the participant.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have one hundred or more vehicles all currently registered for highway use; and

(ii) Have all participating vehicles titled and registered in exact name agreement (letter for letter and space for space); and

(iii) Have all participating vehicles assigned a December 31 annual expiration. Monthly gross weight license may **not** be purchased for vehicles participating in the permanent fleet program however, gross weight increase can be purchased throughout the year.

A fleet account will be established by the department and a fleet identifier code issued to the participant.

(3) Who does a fleet owner contact to join the fleet program? Any owner who meets the qualifications may

contact the department or your local Washington vehicle licensing office.

(4) Are there any vehicles that may not be part of a fleet? Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

- (a) Snowmobiles;
- (b) Trailers with plates issued a permanent license plate under RCW 46.16.068;
- (c) Vehicles licensed as daily rental under RCW 82.44.023; or
- (d) Any vehicle not required to annually renew. (Prorate vehicles registered under the international registration program (chapter 46.87 RCW) cannot be part of this fleet program).

(5) Will the department remove me from the fleet program? Yes, the department will remove a participant from the fleet program at their request or if the required minimum number of currently registered vehicles is not maintained for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the participant's vehicles from the chosen fleet program.

[Statutory Authority: RCW 46.01.110 and 46.01.100. 02-11-079, § 308-96A-161, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-161, filed 9/8/99, effective 10/9/99. 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-175 Ride-sharing vehicles. (1) When may the department issue a ride share special license plate? Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

- (a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or
- (b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.
- (c) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(2) Can the ride-share license plate be transferred to another vehicle? To transfer license plates to another vehicle, the owner must make:

- (a) Application to and receive approval by the department for the replacement passenger motor vehicle; and
- (b) Pay a five dollar license plate transfer fee and any other appropriate licensing fees.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or transfer special ride-share license plates from one vehicle to another, you must:

- (a) Purchase replacement license plates if the vehicle will be operated on public highways; and
- (b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(4) What happens when the ride-share vehicle is sold or transferred to another person?

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

- (i) Apply for a certificate of ownership under chapter 46.12 RCW;
- (ii) Apply for commuter ride-share exemption; and
- (iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

- (i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and
- (ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-175, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-175, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-175, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-96A-175, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 175 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-175, filed 12/7/87.]

WAC 308-96A-176 Special transportation needs for ride-share vehicles. (1) Who may request application for special transportation needs for ride-share vehicles? Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.

(2) **What is a passenger motor vehicle?** For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.

(3) **What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?**

(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.

(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).

(4) **What is required to retain my ride-share exemption when I renew my registration?** When applying for registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-176, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-176, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-176, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-177 Replacement of license plates. (1) What license plates are required to be replaced? Vehicles that have license plates seven years or older that include:

- (a) Standard issue;
- (b) Collegiate;

(c) HAM/MARS (the department will replace the plates with the same configuration);

(d) Personalized (the department will replace the plates with the same configuration);

(e) Ride share;

(f) Disabled persons;

(g) Disabled veterans;

(h) Pearl Harbor survivors;

(i) Purple heart;

(j) Stadium;

(k) Square dancer;

(l) Consular;

(m) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds and under;

(n) Prisoner of war.

(2) **What license plates are exempt from the replacement requirement?**

(a) Prorated vehicles over 16,000 pounds;

(b) Commercial vehicles with declared gross weight over 26,000 pounds;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Exempt plates issued to government agencies; and

(e) Medal of honor.

(3) **When are license plates required to be replaced?** License plates are required to be replaced every seven years. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-177, filed 4/30/01, effective 5/31/01.]

WAC 308-96A-180 Registration of rental cars. (1)

What is a rental car?

A rental car is defined in RCW 46.04.465.

(2) **How is a rental car licensed?**

Registrations shall be maintained for the period in which the rental car is operated as part of the rental car business fleet.

(3) **Do rental cars operated in Washington need to be registered in Washington?**

Rental cars must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental car business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental car business fleet.

(4) **Does the current certificate of registration issued by the department need to be carried in the rental car?**

A photocopy of the current certificate of registration may be carried in a rental car in lieu of the original certificate of registration.

(5) **Who may operate a rental car?**

Rental cars may only be used by rental customers, unless the rental car is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(6) What does a rental car company do when they remove a rental car from their fleet?

When a rental car company removes a vehicle from their fleet, they shall alter the current month and year tab on the license plates. To alter these tabs, the rental car company will place blank tabs over both the month and year tab on the front and rear plate issued for that vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-180, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-96A-180, filed 7/11/95 effective 8/11/95.]

WAC 308-96A-201 Purchasing gross weight—Expiration dates. (1) What would the gross weight expiration date be if I purchase twelve thousand pounds or less?

The gross weight license expiration date must be the same as the registration expiration date. Gross weight fees must be paid for the same number of months as the registration.

(2) What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?

You, the owner, have two options:

(a) If you choose to purchase twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to purchase one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires March 9, monthly gross weight licenses will expire April 9, May 9, etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

(3) When renewing the registration and purchasing monthly gross weight, what is the effective date of my gross weight license?

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March 10. If the registration is purchased June 15, the effective date is June 10, etc. When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees shall be charged for a full month.

(4) If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

[Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135. 02-10-013, § 308-96A-201, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-201, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-201, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) What determines if I pay the higher gross weight fees?

If the declared gross weight of the power unit exceeds forty thousand pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees.

(2) How do I change to a CMB or FCB use class during the registration year?

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(b) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) What if I change to a CMB or FCB use class at renewal time?

If you change use class at renewal time, you will pay the gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) What if I change from CMB or FCB to COM or FAR?

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-202, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 99-01-133, § 308-96A-202, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-203 Permanent trailer registrations. (1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) How does the power unit qualify for the CMB or FCB use class?

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

(5) Are there any restrictions on the use of the trailer with permanent plates?

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

(6) How long is the permanent registration valid?

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

(8) What type of plates do I display on a trailer with a permanent registration?

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

(9) How is the expiration date established for a permanent trailer registration?

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

(10) Do I need to get a new plate when I get a permanent trailer registration?

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and

the new owner does not wish to license the trailer, may a title purpose only title be issued?

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

(a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or

(b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-203, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 99-01-133, § 308-96A-203, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-205 Gross weight—Increasing declared gross weight. (1) If my gross weight is insufficient, am I required to increase it? Yes, you are required to maintain sufficient gross weight to cover the weight of the vehicle and its load up to the legal weight limit of your vehicle. Any amount above the legal limit of the gross vehicle weight rating requires an overweight permit from the department of transportation.

(2) How do I increase my gross weight? You may purchase additional gross weight by applying at any Washington vehicle license office and surrendering the current gross weight license.

(3) What would the gross weight expiration date be when I increase the declared gross weight of my vehicle?

The new gross weight expiration date remains the same as the current gross weight license. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(4) What is the start date of the new gross weight license? The start date of the new gross weight license remains the same as the current gross weight license.

(5) Will I receive credit for gross weight fees that I have already paid? Yes. You will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license. Credit is given for the gross weight that has already been purchased:

(a) You must surrender the current gross weight license in order to receive credit.

(b) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle.

(c) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

(6) How many months gross weight must I purchase when I increase the declared gross weight on my vehicle?

You must purchase at least as many months as are remaining on the current gross weight license.

Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 02-11-095, § 308-96A-205, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-205, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-205, 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-205, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-205, filed 5/5/86; Order MV-328, § 308-96A-205, filed 7/24/75.]

WAC 308-96A-206 Gross weight—Decreasing declared gross weight. (1) May I decrease the declared gross weight on my vehicle?

Yes. If you decrease the declared gross weight, you must surrender the current gross weight license.

(2) When may I decrease the declared gross weight on my vehicle? Any time during the registration year. However, decreasing the declared gross weight may result in a forfeiture of gross weight fees already paid. Unless you have been advised by law enforcement to decrease your declared gross weight, you may wait to decrease it until renewing your gross weight license.

(3) What would the gross weight expiration date be when I decrease the declared gross weight of my vehicle? The expiration date of the gross weight license would remain the same as the current gross weight license.

(4) What will be the start date of the new gross weight license? The start date of the gross weight license would remain the same as the current gross weight license.

(5) Will I receive credit for gross weight fees that I have already paid? You will receive dollar value credit for the number of months remaining and at the rate of the declared gross weight previously purchased for the period between the effective date of the change and the expiration date of the previously issued gross weight license. At the time of application, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date:

(a) Credit may not be carried over to the next registration year and any credit still remaining after decreasing gross weight to the registration expiration date shall be forfeited;

(b) You must surrender the current gross weight license in order to receive credit;

(c) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle;

(d) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

(6) May the credit of gross weight be applied to any other fee? No it may only be applied to gross weight.

(7) How many months gross weight must I purchase when I decrease the declared gross weight of my vehicle?

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 02-11-095, § 308-96A-206, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-206, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-206, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-207 Gross weight—Changing from a farm use class to a nonfarm use class. (1) When would I need to change my vehicle registration from a farm use class to a nonfarm use class?

You need to change your vehicle registration from a farm to nonfarm use class when the vehicle is no longer being used solely for farm purposes as defined in RCW 46.16.090.

(2) What would the gross weight expiration date be when I change my vehicle registration from a farm use class to a nonfarm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.

(3) What will be the start date of the gross weight license with the nonfarm use class?

The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.

(4) How many months gross weight must I purchase when I change my vehicle registration from farm to nonfarm? You must purchase at least as many months as are remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, and additional gross weight fees in addition to all other fees required to license the vehicle.

(5) Will I receive credit for gross weight fees that I have already paid?

You will receive dollar value credit for the number of months remaining on the current gross weight license. The credit will be given at the rate of the declared gross weight; however, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

[Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135. 02-10-013, § 308-96A-207, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-207, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-207, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class. (1) When may I change my vehicle registration from a nonfarm use class to a farm use class?

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

(2) When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight. Changing use class from nonfarm to farm results in a forfeiture of gross weight fees paid. You may increase your declared gross weight to make up the difference between the nonfarm and the farm gross weight fees if the increased gross weight does not exceed the maximum legal limit of the vehicle.

(3) What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.

(4) What will be the start date of the gross weight license be when I change my vehicle registration from nonfarm use class to a farm use class? The start date of the gross weight license would remain the same as the current gross weight license.

(5) How many months gross weight must I purchase when I change my vehicle registration from nonfarm to farm?

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that I have already paid?

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. At the time of application for change of use class from nonfarm to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the nonfarm gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

[Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135, 02-10-013, § 308-96A-208, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-208, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060,

(2003 Ed.)

46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-208, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?

Yes. A gross weight license of twelve thousand pounds or less must be transferred to a new owner at the time of transfer of ownership of the vehicle. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?

Any gross weight credit not transferred to the new owner or to a replacement vehicle shall be forfeited and shall not be refunded.

(3) What will be the start date of the gross weight license when transferred to the new owner?

(a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or

(b) The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

(4) What would the new gross weight expiration date be?

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date will be the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(5) How many months gross weight fees will I be charged when I apply for transfer of ownership?

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that have already been paid?

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the

number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 99-01-133, § 308-96A-210, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-210, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-210, filed 5/5/86; Order MV-328, § 308-96A-210, filed 7/24/75.]

WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle. (1) **May I transfer a gross weight license to a replacement vehicle?** Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle.

(2) **What qualifies as a replacement vehicle?** A replacement vehicle is a truck, tractor, or truck tractor that is:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement that is presently unlicensed or has had its gross weight license retained by its former owner.

(3) **What is an unlicensed vehicle?** For the purposes of this section, a vehicle is considered unlicensed if the current gross weight license expires prior to the registration, or if the current gross weight license is not adequate for the load being carried.

(4) **When may I transfer gross weight license to a replacement vehicle?** You may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle has been:

(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;

(b) Destroyed;

(c) Reclassified so a gross weight license is no longer required;

(d) Registered in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale;

(f) Stolen; or

(g) Removed from service by the owner.

Gross weight license may also be transferred to a replacement vehicle at the request of the owner.

(5) **What are the restrictions to transferring gross weight license?** The restrictions to transferring gross weight license are:

(a) The expiration date of the transferred gross weight license may not:

(i) Extend beyond the registration expiration date of the replacement vehicle;

(ii) Be used to extend the registration expiration date of the replacement vehicle.

(b) The gross weight license being transferred may not exceed the replacement vehicle's weight limitations as defined in chapter 46.44 RCW;

(c) The gross weight license being transferred must be 14,000 pounds or more;

(d) The amount of gross weight credit being transferred must be fifteen dollars or more;

(e) A transfer of gross weight license for the purposes of increasing the declared gross weight of the replacement vehicle must comply with the requirements of WAC 308-96A-205;

(f) You must surrender the current gross weight license in order to transfer gross weight license to a replacement vehicle.

(6) **What would the new gross weight expiration date be?**

(a) The expiration date of the transferred gross weight license will be the same day of the month as the registration expiration date of the replacement vehicle. For example: If the registration expiration date of the replacement vehicle is July 15, the transferred gross weight license will expire on the fifteenth day of the month, depending on how many months gross weight license was transferred.

You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.

(b) If the registration of a replacement vehicle as described in subsection (2)(b) of this section has expired, new registration and gross weight expiration dates will be assigned.

(7) **Will I receive credit for gross weight fees that have already been paid?** You will receive credit for the current and unused portions of the gross weight license already purchased. Any excess credit will be forfeited and will not be refunded.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 02-11-095, § 308-96A-220, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-220, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-220, 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-220, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-220, filed 5/5/86; Order MV-328, § 308-96A-220, filed 7/24/75.]

WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-260, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-260, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-260, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-260, filed 5/5/86. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-96A-260, filed 3/26/86; Order MV-355, § 308-96A-260, filed 5/10/76.]

WAC 308-96A-275 Assignment of fleet registration expiration. (1) When do fleet vehicle registrations expire? Fleet vehicle registrations expire December 31 annually.

(2) How does the department adjust registration fees to assign a December 31 registration expiration date for a fleet vehicle?

(a) When you add an unlicensed vehicle to your fleet, you will be charged for the number of months from the date of the current registration month to December 31st. The fees are abated to correspond with the number of months of registration purchased. For example:

(i) If you add a vehicle to your new or existing fleet between October 1 and December 30 of the current year, you will be required to purchase more than twelve months of registration to obtain a December 31 vehicle registration expiration date for the following December 31;

(ii) If you add a vehicle to your new or existing fleet between February 1 and September 30, you will be required to purchase less than twelve months of registration to obtain a December 31 vehicle registration expiration date for the current year;

(iii) If you add a vehicle to your new or existing fleet between December 31 and January 31, you will be required to purchase twelve months of registration to obtain a vehicle registration expiration date for the next year.

(b) When you add a currently registered vehicle to your new or existing fleet, the number of months registration fees abated from the date of current registration expiration to December 31, as applied in (a) of this subsection not to exceed eighteen months;

(c) The department will charge a full month's fees for any partial month.

[Statutory Authority: RCW 46.01.110 and 46.01.100. 02-11-079, § 308-96A-275, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-275, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-275, 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-275, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-275, filed 5/5/86; Order MV-355, § 308-96A-275, filed 5/10/76.]

(2003 Ed.)

WAC 308-96A-295 Display of tabs. (1) What are tabs?

Tabs are decals affixed to the rear license plate as indicated on the license plate to identify the registration expiration month or year for a specific vehicle.

(2) Which tabs are valid to be displayed on the vehicle license plate? Tabs depicting the current registration expiration month and year must be displayed on the rear vehicle license plate in the area designated on the license plate. Expired month and year tabs may be displayed on the front vehicle license plate for vehicles that are required to display a front license plate.

(3) Does this rule apply to all vehicles? No, vehicles registered under the provisions of the International Registration Plan must display tabs depicting current registration expiration month and year on both the front and rear vehicle license plates of the power unit.

(4) When is the requirement for rear license plate tabs effective? The requirement for rear license plate tabs is effective for vehicle registration expiration periods after December 31, 2001.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225. 01-09-079, § 308-96A-295, filed 4/17/01, effective 5/18/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-295, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-295, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-295, filed 5/5/86; Order MV-355, § 308-96A-295, filed 5/10/76.]

WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-300, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-300, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-300, 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-300, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-306 Definitions—Disabled person special parking privileges. For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

[Title 308 WAC—p. 279]

(1) For the purposes of determining a disability that limits a person's abilities as defined in RCW 46.16.381 and for determining eligibility for certifying disabled person parking privileges under RCW 46.16.381, "licensed physician" is a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s) and identification card.

(4) "Identification card" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(8) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

(9) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-306, filed 1/23/02, effective 2/23/02; 00-16-056, § 308-96A-306, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-306, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-306, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-306, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-306, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-306, filed 5/28/87.]

WAC 308-96A-311 General provisions. (1) How do I qualify for a disabled person parking privilege?

In order to qualify for a disabled person parking privilege, a licensed physician as identified in WAC 308-96A-306(1) must certify that you have a disability that limits or impairs the ability to walk and that you meet one of the requirements listed in RCW 46.16.381 (1)(a) through (g). The physician's certification is required for all original applications and renewal applications submitted between June 1, 1998, and June 10, 2003. After June 10, 2003, only original permanent privilege applications and all temporary applications will require the licensed physician's certification.

[Title 308 WAC—p. 280]

(2) What types of placards are issued?

The types of placards you may receive are:

- (a) Temporary; or
- (b) Permanent.

(3) How do I apply for a disabled person parking privilege?

To apply for the disabled person parking privilege, a licensed physician must complete and certify his or her portion of the application. Then, you must complete and sign your portion of the application and submit it to the department as provided in WAC 308-96A-312 (temporary placard), WAC 308-96A-313 (permanent placard) or WAC 308-96A-314 (special license plates).

(4) Who may sign the application for the disabled person that is unable to sign or is a minor?

When the disabled person is unable to sign or is a minor. The application may be signed by an authorized representative of the disabled person. The application must then be accompanied by a copy of one of the following:

- (a) A power of attorney;
- (b) A Washington state court order or certification from the clerk of court confirming the court's action; or
- (c) An affidavit explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(5) When is the disabled person parking privilege no longer valid?

The disabled person parking privilege is no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists; or
- (d) If the privilege was issued in error.

(6) Why is the identification card issued?

The identification card is issued to assist law enforcement in determining that the person who is using the disabled person parking placard or disabled person special license plate is the person to whom the privilege was issued.

(7) Must I present the identification card upon request of law enforcement? Yes.

(a) Your identification card must be shown upon request of any law enforcement officer, parking enforcement officer or volunteer appointed for purposes of issuing notices of parking infractions.

(b) If you have just applied for and not yet received an ID card, show the receipt you received at the time of application.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-311, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-311, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-311, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-312 Temporary disabled person parking placard and identification card. (1) Where and how may I obtain a temporary disabled person parking placard and identification card issued to a person with a temporary disability?

You may obtain a temporary disabled person parking placard issued to a person with a temporary disability at Washington vehicle licensing offices by submitting a completed and signed application certified by a licensed physi-

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cian. Identification cards are automatically issued at the time the disabled placard is issued and will be mailed to you.

(2) How long is the temporary disabled person parking privilege valid?

The temporary disabled person parking placard and identification card issued to a person with a temporary disability is valid for up to six months from the date of issuance by the department.

(3) Can my temporary disabled person parking privilege be extended?

If your condition continues beyond the expiration date, you may obtain a new temporary disabled person parking placard and identification card by submitting a new application completed and certified by a licensed physician.

(4) What happens if the temporary disabled person parking placard or identification card is lost, mutilated, destroyed, or stolen?

If you wish to replace your temporary disabled person parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new temporary disabled person parking placard or identification card will be issued indicating the original expiration date.

(5) When is the temporary disabled person parking placard and identification card issued to a person with a temporary disability no longer valid?

The placard and identification card are no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If a replacement placard and identification card has been issued; or
- (e) If the privilege was issued in error.

(6) What should I do when my temporary placard and identification card issued to a person with a temporary disability are no longer valid?

When your temporary placard and identification card are no longer valid, they should be destroyed.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-312, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-312, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-312, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-313 Disabled person parking placard and identification card—For permanent disabilities. (1) Where are disabled person parking placard(s) and identification cards issued to persons with a permanent disability?

Disabled persons parking placards for persons with a permanent disability are issued at Washington vehicle licensing offices. Identification cards may be applied for at the time the disabled placard is issued and will be mailed to you.

(2) When do disabled person parking placard(s) expire?

Disabled person parking placard(s) issued to persons with a permanent disability are issued for five years and expire on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003.

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(3) What happens if the disabled person parking placard or identification card issued to persons with a permanent disability is lost, mutilated, destroyed, or stolen?

If you wish to replace your permanent disabled person parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A replacement disabled person parking placard or identification card will be issued indicating the original expiration date. The identification card will be mailed to you. Upon replacement of the placard and/or identification card, the original is no longer valid and should be destroyed if located.

(4) How do I renew my permanent disabled person parking placard(s)?

The department will mail you a renewal notice to qualifying individuals prior to privilege expiration. You may submit a completed renewal notice or new application to a Washington vehicle licensing office to renew the parking placard. A new disabled person parking placard(s) and a new identification card will be sent to you in the mail.

(5) When are the disabled person parking placard(s) issued to persons with a permanent disability no longer valid?

The disabled person parking placard issued to persons with a permanent disability is no longer valid:

- (a) Upon expiration of the placard;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If the privilege was issued in error; or
- (e) If a replacement parking placard issued to persons with a permanent disability has been issued.

(6) What do I receive when I apply for a disabled person parking privilege?

You may receive:

- (a) One placard; or
- (b) One set of special license plates for one vehicle which is registered in the name of the disabled person; or
- (c) One placard and one set of special license plates; or
- (d) Two placards.

(7) How do I obtain a second disabled person parking placard?

If you have only one permanent disabled person parking placard and no special disabled license plate, you may obtain a second placard upon written request.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-313, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-313, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-313, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-314 Disabled person special license plates—Individual. (1) Where can I obtain a disabled person special license plate and identification card?

You may apply for a disabled person special license plate at most Washington vehicle licensing offices. You will receive the identification card and disabled person special license plates in the mail.

(2) How do I obtain disabled person special license plates?

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To receive disabled person special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) You must be certified by a licensed physician as having a permanent disability or have a disabled person parking privilege established with the department.

(3) When do the disabled person special license plates and identification card expire?

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

(4) When are the disabled person special license plates no longer valid?

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the disabled person;

(d) If the disability no longer exists;

(e) The disabled person special license plates have been cancelled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the disabled person is no longer shown on the department's record as being a registered owner of the vehicle.

(5) How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?

You shall complete and sign a statement explaining what happened to the disabled person special license plate(s) and pay replacement plate fees. Replacement special disabled person license plates will be issued indicating the current expiration date. This voids the previously issued plates.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-314, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-314, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-314, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) When can a qualifying organization use disabled person special license plates or special disabled person parking placards?

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?

The organization must:

(a) Meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent disabled person parking placard or disabled person special license plate to the department by April 30th each year.

(3) How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) What may a qualifying organization receive when approved for disabled person parking privileges?

(a) Disabled person special license plates may be issued for vehicles registered to the organization which regularly transport persons who have or would qualify for disability parking privilege; or

(b) Disabled person parking placard(s) which may be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disability parking privilege.

An organization may receive up to ninety-nine placards based on their legitimate business requirements. The department may approve exceptions.

(5) Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at a Washington vehicle licensing office.

(6) Is a qualifying organization issued an identification card?

No. An identification card will not be issued for an organization.

(7) When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?

The permanent disabled person parking placard(s) expires five years from the date of issuance. On the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2003, it expires May 31, 2003.

(8) When are the disabled person special license plates issued to a qualifying organization no longer valid?

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting disabled persons;

(d) The disabled person special license plates have been cancelled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is cancelled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report.

(9) How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates and pay replacement fees. Replacement permanent disabled person parking placards or disabled person special license plates will be issued indicating the current expiration date. This voids the previously issued permanent placards or plates.

(10) How does a qualifying organization renew their permanent disabled person parking placard?

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice or a new application may be submitted in lieu of the renewal notice. Upon approval of the properly completed and signed renewal notice or application the department will issue new placards.

(11) When are the disabled person parking placards, issued to qualifying organizations, no longer valid?

Disabled persons parking placards are no longer valid when:

- (a) The organization no longer qualifies;
- (b) The organization's business license is canceled or expires;
- (c) The placard was issued in error;
- (d) A replacement has been issued; or
- (e) If the organization fails to return the annual report.

[Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-316, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-316, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-316, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction.

(1) How is the department notified of outstanding (unpaid) parking violations? The jurisdiction notifies the department of outstanding parking violations. The notice will include the following:

- (a) Jurisdiction name.
- (b) NCIC number/originating agency identifier (ORI).
- (c) Parking violation number.
- (d) Date parking violation was issued.
- (e) Vehicle license plate number.
- (f) Fine and penalty amount.
- (g) Jurisdiction seal, except if filed electronically.
- (h) Signature and date when required on form, except if filed electronically.

(2) When will the department accept parking violations for a vehicle data base record by a jurisdiction? An original report against a vehicle record must contain a minimum of two outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless the vehicle record indicates all existing violations have been paid and no further violations have been accrued in the thirteen months following the payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of two violations.

(3) What methods do jurisdictions use to notify the department of parking violations? Information must be provided in accordance with department instructions by:

- (a) A form issued by the department;
- (b) A computer listing sheet; or
- (c) Electronic format.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-350, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-350, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-350, filed 1/29/91, effective 3/1/91. Statutory Authority:

(2003 Ed.)

RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-350, filed 8/15/84.]

WAC 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. What happens when outstanding parking violations are satisfied? Upon satisfaction of parking violations previously reported as outstanding against a vehicle, the issuing jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form; and
- (2) Supply the department with the following information within ten days of satisfaction of the parking violations. The information must be on a form approved by the department, on a computer listing sheet or electronic format in accordance with department instructions containing:
 - (a) Jurisdiction name,
 - (b) NCIC number/originating agency identifier (ORI),
 - (c) Parking violation number,
 - (d) Date parking violation was issued,
 - (e) Vehicle license plate number,
 - (f) Date of satisfaction,
 - (g) Jurisdiction seal, except if filed electronically,
 - (h) Signature of court representative and date signed, except if filed electronically.

Information must be provided on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-355, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-355, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-355, filed 8/15/84.]

WAC 308-96A-365 Reinstatement of parking violation.

(1) Can a parking violation be reinstated on a vehicle record after it has been reported by the jurisdiction as satisfied? A parking violation previously reported as satisfied will be reinstated on the vehicle record upon:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties;
- (c) Departmental error.

(2) How is a parking violation reinstated that has been previously reported as satisfied? The jurisdiction seeking reinstatement of a parking violation must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically,
- (i) Reason for reinstatement.

Information must be on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-365, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.12.216. 00-03-057, § 308-96A-365, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-365, filed 8/15/84.]

WAC 308-96A-400 Excise tax exemption—Indians.

(1) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and C.F.R. 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(2) **What Indian country tribes in Washington are recognized by the United States Department of the Interior?** The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule, there are twenty-eight federally recognized tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(3) **How does an Indian qualify for a motor vehicle excise tax exemption?** To qualify for an RTA excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of Indian country of the tribe of which they are a member; and

(c) Be a registered owner of the vehicle for which the exemption is requested.

(4) **Are vehicles owned or leased by a governing body of an Indian tribe subject to RTA excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to the RTA excise tax as provided in RCW 46.16.020 and 46.16.022.

(5) **What documentation does the department require from a tribal member to qualify for an RTA excise tax exemption?** The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vehicle must be submitted at the time the exemption is established and at the time of renewal if there is a change of address and the new address is located inside the RTA boundary. The department may

require such other proof of qualification for exemption, as it deems necessary.

(6) **What information must be contained within the affidavit of exemption described in subsection (5) of this section?** At the minimum, the affidavit of exemption must include the following:

(a) Description of the vehicle including the year and make and either the license plate number or the vehicle identification number;

(b) The registered owner's name, tribe, their enrollment numbers and the address in Indian country where the registered owner lives, as will be shown on the vehicle registration certificate; and enrollment or Bureau of Indian Affairs number;

(c) Signature of the registered owner;

(d) A certification of an authorized tribal authority representing the Indian tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their Indian country;

(e) The position or title of the tribal authority, their telephone number and their signature.

(7) **Are there any types of vehicles for which the Indian RTA excise tax exemption does not apply?** No, the Indian RTA excise tax exemption applies to all types of vehicles for which RTA excise tax is due.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-400, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-400, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-400, filed 5/28/87. Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

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

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only persons qualified under RCW 46.16.319(2) and (3) may purchase veteran remembrance license plate emblems.

(3) **When I purchase veteran remembrance license plate emblems what will I receive?** In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag and campaign ribbon emblem; or

(c) Two campaign ribbon emblems; or

(d) Two US flag emblems.

(4) **How much will I be charged for the veteran remembrance license plate emblem package?** In addition to fees authorized in RCW 46.01.140 (5)(b), a fee of ten dollars is collected for each package.

(5) **How are the emblems to be displayed on my license plate?** In addition to the requirements and limitations in RCW 46.16.327:

(a) When the VETERAN emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

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

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

(6) **Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(7) **May I transfer my veteran remembrance license plate emblems to different vehicles?** Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

(8) **May I obtain a replacement or additional veteran remembrance license plate emblem package?** Yes. You may:

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or

(c) When the license plates are replaced as required by the mandatory plate replacement law at no fee.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276. 02-16-071, § 308-96A-530, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-530, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-530, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.

(b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.

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(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not 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.

(f) The plate must be designed so that it can be easily 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 including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** 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).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will 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 will not be made for the remaining registration period.

(6) **Will I be able to obtain the same license plate number if my plate is lost, defaced, or destroyed?** Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270. New collegiate license plates will be issued bearing the next available license plate number.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-550, filed 4/30/01, effective 5/31/01. 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

[Title 308 WAC—p. 285]

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. What criteria are used to discontinue issuing special vehicle license plates? 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, 46.16.335, 46.16.276. 01-10-069, § 308-96A-560, filed 4/30/01, effective 5/31/01. 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 308-97 WAC

VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-011	Definitions.
308-97-125	Display of trip permits.
308-97-230	Appointment of vehicle trip permit agents.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-97-010	Definitions. [Order MV-369, § 308-97-010, filed 6/24/76.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-050	"Gross weight" defined. [Order 471-DOL, § 308-97-050, filed 12/30/77; Order MV-369, § 308-97-050, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-060	Duration, weight limit and converter gear. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-060, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-080	"Interstate operation" defined. [Order MV-369, § 308-97-080, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-090	Completing trip permits. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-090, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-100	Prerequisites and conditions for interstate permits issued under RCW 46.16.160. [Order MV-369, § 308-97-100, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-150	Prerequisites and conditions for intransit permits issued pursuant to RCW 46.16.160. [Order MV-369, § 308-97-150, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-175	Bulk purchase of trip permits. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-175, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-200	Fees—Both interstate and intransit permits. [Order MV-369, § 308-97-200, filed 6/24/76.] Repealed by 81-16-

010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-205	Design of trip permit. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-205, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-210	Intransit permits. [Order 471-DOL, § 308-97-210, filed 12/30/77; Order MV-369, § 308-97-210, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-250	Issuance of permit books to authorized users. [Order MV-369, § 308-97-250, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-270	Use of permit books restricted. [Order 472-DOL, § 308-97-270, filed 12/30/77.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-290	Misuse of permits by authorized user. [Order MV-369, § 308-97-290, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-330	Payment of permit fees. [Order MV-369, § 308-97-330, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-370	Maintenance of records by authorized permit users. [Order MV-369, § 308-97-370, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-410	Director may decline to issue permit books. [Order MV-369, § 308-97-410, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

WAC 308-97-011 Definitions. Motor carrier is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

- (1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;
- (2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or
- (3) Carries sixteen or more passengers, including the driver.

[Statutory Authority: RCW 46.16.160 and 88.38.100. 00-07-053, § 308-97-011, filed 3/8/00, effective 4/8/00.]

WAC 308-97-125 Display of trip permits. How is a trip permit displayed?

The vehicle display copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

- (1) Passenger cars, small trucks and campers: Affix permit to the inside lower left corner of the rear window.
- (2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.
- (3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.
- (4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 98-23-026, § 308-97-125, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?

Nongovernment organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

- (a) Original two-part manual form;
- (b) Facsimile of the two-part manual form; or

(c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

[Statutory Authority: RCW 46.01.110 and chapter 82.44 RCW. 01-17-085, § 308-97-230, filed 8/17/01, effective 9/17/01. Statutory Authority: RCW 46.16.160. 98-23-026, § 308-97-230, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

**Chapter 308-99 WAC
VEHICLE RECIPROCITY**

WAC

308-99-020
308-99-040
308-99-060

Definitions.
Restrictions and conditions.
Reciprocity for leased and rented vehicles.

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

308-99-010	Applications. [Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-010, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-010, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-010, filed 9/9/83. Formerly WAC 410-20-010.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-021	"Washington public assistance programs" criteria. [Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-021, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110. 86-14-016 (Order TL/RG 26), § 308-99-021, filed 6/24/86.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-025	Registration required. [Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-025, filed 10/2/89, effective 11/2/89. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-025, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-025, filed 9/30/85.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-030	Basic policy defined. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-030, filed 9/9/83. Formerly WAC 410-20-030.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-050	Commercial vehicle reciprocity. [Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-050, filed 10/2/89, effective 11/2/89.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.

WAC 308-99-020 Definitions. (1) What is a resident?

For the purposes of this section, a resident is a natural person who lives or shows intent to live in this state on more than a temporary or transient basis.

You will be presumed a resident if you meet any of the following:

- (a) Become a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

A person may be a resident of this state even though the person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

- (i) Maintains a residence in this state for personal use;
- (ii) Has a Washington state driver license;
- (iii) Uses a Washington state address for federal or state income tax purposes;
- (iv) Previously maintained a residence in this state for personal use and has not established a permanent residence outside the state of Washington (e.g., person who retires and lives in a motor home or vessel which is not permanently attached to any property);
- (v) Claims this state as residence for obtaining eligibility to hold a public office or for judicial actions;
- (vi) Claims this state as a residence for obtaining Washington state hunting or fishing licenses;
- (vii) Receives tuition fees at resident rates in this state, unless the nonresident tuition fee differential is waived as a result of a state to state reciprocity program authorized under chapter 28B.15 RCW (College and university fees); or
- (viii) Is a custodial parent with a child attending public schools in this state.

The department may consider factors other than those listed in this subsection to determine that a person intends to be located in this state and thus be a resident of this state, but such factors do not alone raise a presumption of residency.

A corporation, trust or other entity created by a natural person who is a resident of Washington for the purpose of evading Washington vehicle registration shall be deemed a resident of Washington for vehicle registration purposes.

(2) What are "military personnel"? "Military personnel" means active duty members of the United States armed forces, commissioned officers of the public health service, personnel from National Oceanographic and Atmospheric Agency, and members of foreign military organizations assigned to this state on official duty. Coast guard personnel living in Washington and assigned to duty in the Portland area are also entitled to a nonresident military exemption.

(3) What is a "jurisdiction"? "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

(4) What is "reciprocity"? "Reciprocity" means an agreement with another jurisdiction granting mutual benefits, privileges, or exemptions from payment of vehicle registration fees. Reciprocity will only be extended to vehicles that are properly registered in another jurisdiction.

(5) What is a "Washington public assistance program"? "Washington public assistance program" is defined in RCW 46.16.028.

[Statutory Authority: RCW 46.01.110. 00-20-064, § 308-99-020, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-020, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110. 86-14-016 (Order TL/RG 26), § 308-99-020, filed 6/24/86. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-020, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-020, filed 9/9/83. Formerly WAC 410-20-020.]

WAC 308-99-040 Restrictions and conditions. Is a vehicle properly licensed or registered in another jurisdiction able to be operated in Washington without further registration requirements? Yes, as provided in RCW 46.85.060 and 46.85.080 the following conditions and restrictions apply:

(1) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry, in the vehicle, documentation issued by the institution that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

[Statutory Authority: RCW 46.01.110. 00-20-064, § 308-99-040, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-040, filed 10/9/87. Statutory Authority: RCW 46.01.110. 87-01-029 (Order 800-DOL), § 308-99-040, filed 12/11/86. Statutory Authority: RCW 46.85.060. 86-02-056 (Order TL-RG-22), § 308-99-040, filed 12/31/85; 85-20-080 (Order TL/RG 17), § 308-99-040, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

WAC 308-99-060 Reciprocity for leased and rented vehicles. If there is no agreement or arrangement to the contrary, are rental or leased vehicles eligible for vehicle license reciprocity in the state of Washington? No, except for the classes of vehicles and circumstances indicated below:

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

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

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

(c) The vehicle is registered under the provisions of Article XI, Section 1116 of the International Registration Plan.

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

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

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

[Statutory Authority: RCW 46.01.110, 00-20-064, § 308-99-060, filed 10/3/00, effective 11/3/00.]

Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-010	Vehicles requiring a commercial driver's license for their operation.
308-100-020	Commercial driver's license—Eligibility.
308-100-040	Examination requirement for commercial driver's license.
308-100-050	Fees.
308-100-060	Waiver applications and forms.
308-100-090	Instruction permits—Motorcycles.
308-100-100	Intrastate waiver.
308-100-110	Expiration [date]—Extension or renewal by mail.
308-100-120	Extra-territorial convictions—Notification.
308-100-130	Serious traffic violations.
308-100-140	Third party tester.
308-100-150	Third party tester—Qualifications.
308-100-160	Test requirements.
308-100-170	Test route approval.
308-100-180	Third party testing fee.
308-100-190	Requirements for exceeding base fee.
308-100-200	Third party tester—Termination.
308-100-210	Recreational vehicle—Definition.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-030	Motor vehicles which may be operated pursuant to the endorsement. [Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16, 89-18-003, § 308-100-030, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-030, filed 1/5/68.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-100-070	Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

308-100-080 Definition of terms. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.] Repealed by 89-18-003, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16.

WAC 308-100-010 Vehicles requiring a commercial driver's license for their operation. The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles:

(1) Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;

(2) Any combination of vehicles where:

(a) The vehicle being driven has a GVWR of 26,001 pounds or more; or

(b) The vehicle being towed has a GVWR of 10,001 pounds or more and the gross combination weight rating (GCWR) of the vehicles is 26,001 pounds or more;

(3) Vehicles designed to transport sixteen or more passengers, including the driver;

(4) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and

(5) All public school buses, regardless of capacity.

All persons driving such vehicles, other than those exempt under RCW 46.25.050, must have a commercial driver's license with the proper classification(s) and endorsements.

As used in this section, "gross vehicle weight rating" has the meaning defined by RCW 46.25.010(12).

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140, 00-18-068, § 308-100-010, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 46.25.140, 90-17-028, § 308-100-010, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16, 89-18-003, § 308-100-010, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Commercial driver's license—Eligibility. Any person who is at least eighteen years of age and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140, 00-18-068, § 308-100-020, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16, 89-18-003, § 308-100-020, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110, 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

WAC 308-100-040 Examination requirement for commercial driver's license. Persons receiving a commercial driver's license by virtue of a waiver will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the class of vehicle for which they are seeking the commercial driver's license.

Persons who receive a commercial driver's license, without a waiver, will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the

road, and of the class of vehicle for which they are seeking the commercial driver's license. They will also be required to demonstrate successfully their operating abilities for the class of vehicle for which they seek the commercial driver's license.

The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-040, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-040, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-040, filed 1/5/68.]

WAC 308-100-050 Fees. The basic fee for obtaining or renewing any class of commercial driver's license shall be twenty dollars, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The examination fee for each commercial driver's license knowledge examination, commercial driver's license endorsement knowledge examination, or any combination of commercial driver's license and endorsement knowledge examinations, shall be ten dollars. The examination fee for each commercial driver's license skill examination conducted by the department shall be fifty dollars. An application for a commercial driver's instruction permit shall be accompanied by a fee of five dollars. Drivers selected for re-examination by the department may be subject to cost associated with the testing. These fees are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-050, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-100-050, filed 12/27/99, effective 7/1/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-050, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

WAC 308-100-060 Waiver applications and forms.

An application for a waiver from examination must be submitted on forms supplied by the department of licensing.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

WAC 308-100-090 Instruction permits—Motorcycles. Any licensed driver may, upon filing an appropriate application along with the required fee, receive a motorcycle instruction permit. Such instruction permit shall entitle the holder thereof to operate a motorcycle upon the public highways only under the direct visual supervision of a person who has a motorcycle endorsement upon his license. In no event shall such instruction permit be construed to authorize any

person other than the permit holder to ride upon a motorcycle while it is being operated under an instruction permit.

[Order 108 MV, § 308-100-090, filed 9/14/71.]

WAC 308-100-100 Intrastate waiver. A person who is not physically qualified to drive a commercial motor vehicle under section 391.41 of the Federal Motor Carrier Safety Regulations (49 C.F.R. 391.41), and who is otherwise qualified to drive a motor vehicle in the state of Washington, may apply to the department of licensing for an intrastate waiver. Upon receipt of the application for an intrastate waiver, the department shall review and evaluate the driver's physical qualifications to operate a motor vehicle in the state of Washington, and shall issue an intrastate waiver if the applicant meets all applicable licensing requirements and is qualified to operate a motor vehicle within the state of Washington.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-100, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-100, filed 8/24/89, effective 9/24/89.]

WAC 308-100-110 Expiration [date]—Extension or renewal by mail. Except as otherwise provided by this section, any person who is outside the state at the time his or her commercial driver's license expires may request an extension or renewal by mail as permitted by RCW 46.20.120(3). The department shall not renew an endorsement to a commercial driver's license for the operation of a vehicle transporting hazardous materials by mail, and any extension granted for such endorsement shall be for no more than forty-five days after the date the commercial driver's license would normally expire.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-110, filed 8/24/89, effective 9/24/89.]

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

WAC 308-100-120 Extra-territorial convictions—Notification. A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department's form.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-120, filed 8/24/89, effective 9/24/89.]

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in RCW 46.25.010(16), "Serious traffic violation" shall include:

- (1) Negligent driving in the first or second degree, as defined by RCW 46.61.5249 or 46.61.525;
- (2) Following too closely, as defined by RCW 46.61-145;

(3) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;

(4) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;

(5) Speed too fast for conditions, as defined by RCW 46.61.400;

(6) Improper lane change or travel, as defined by RCW 46.61.140; and

(7) Improper or erratic lane changes, including:

(a) Improper overtaking on the right, as defined by RCW 46.61.115;

(b) Improper overtaking on the left, as defined by RCW 46.61.120; and

(c) Improper driving to left of center of roadway, as defined by RCW 46.61.125.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]

WAC 308-100-140 Third party tester. The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified. In counties where there are no third party testers, or where not extending or renewing an agreement would result in no third party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third party tester for any length of time upon a showing of good cause. An agreement between the department and a third party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion. The department may renew an agreement if it has determined that a need for a third party tester still exists in the location covered by the third party tester.

[Statutory Authority: RCW 46.01.110 and 46.25.060. 02-04-076, § 308-100-140, filed 2/1/02, effective 3/4/02; 01-09-062, § 308-100-140, filed 4/16/01, effective 5/17/01. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-140, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]

WAC 308-100-150 Third party tester—Qualifications. A third party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test to be used in determining the driver's qualification to obtain a commercial driver's license. A person applying to be a third party tester must meet the following requirements:

(1) Be qualified and licensed to operate and have no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct

testing and has no less than five years of total driving experience;

(2) A check of the person's driving record shows:

(a) The person has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:

(i) Driving a motor vehicle while under the influence of alcohol or any drug;

(ii) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

(iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(iv) Using a commercial motor vehicle in the commission of a felony; and

(v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;

(b) No more than one conviction or finding that the person committed a serious traffic violation, as defined in WAC 308-100-130 (**Serious traffic violations**), within three years preceding the date of application;

(c) No driver's license suspension, cancellation, revocation, disqualification, or denial within three years preceding the date of application; and

(d) No more than one conviction or finding that the person committed a moving traffic violation within one year or more than three convictions or findings that the person committed moving traffic violations within three years preceding the date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification;

(3) Complete an acceptable application on a form prescribed by the department;

(4) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(5) Maintain or be employed by a business or agency in which driver testing records would be maintained and available to the state or federal representatives for announced or unannounced inspections and audits;

(6) Be or be employed by a licensed business or government agency within the state of Washington or within fifty miles of state boundaries;

(7) Submit to announced or unannounced audits; and

(8) Attend all training required by the department of licensing.

Failure to maintain the above qualifications will result in the termination of a third party tester agreement.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-150, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-150, filed 8/24/89, effective 9/24/89.]

WAC 308-100-160 Test requirements. Any test conducted by a third party tester shall conform to the testing requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver

license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-160, filed 8/24/89, effective 9/24/89.]

WAC 308-100-170 Test route approval. The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-170, filed 8/24/89, effective 9/24/89.]

WAC 308-100-180 Third party testing fee. Except as provided in WAC 308-100-190 (Requirements for exceeding base fee), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than fifty dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-180, filed 8/24/89, effective 9/24/89.]

WAC 308-100-190 Requirements for exceeding base fee. A third party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (Third party testing fee). The third party tester shall indicate the amount of the proposed fee, the location of the test and provide detailed justification for the increase. The department may grant the higher fee, provided that the service cannot be performed within a reasonable time by another tester at the standard fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-190, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-190, filed 8/24/89, effective 9/24/89.]

WAC 308-100-200 Third party tester—Termination. The department may terminate an agreement with a third party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third party testing unnecessary, or upon a showing of good cause.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-200, filed 8/24/89, effective 9/24/89.]

WAC 308-100-210 Recreational vehicle—Definition. For the purposes of RCW 46.25.050 (1)(c), the term "recreational vehicle" shall include vehicles used exclusively for noncommercial purposes which are:

- (1) Primarily designed for recreational, camping, or travel use;
- (2) Towing a horse trailer; or

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(3) Rental trucks having no more than two axles (one steering and one drive axle) used strictly and exclusively to transport personal possessions.

[Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-100-210, filed 8/8/90, effective 9/8/90.]

Chapter 308-102 WAC

ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT—PROCEDURES

WAC

308-102-002	Declaration of purpose—Procedural rules.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-102-013	Amount of security—Exemption because of age of damaged vehicle. [Order 467-DOL, § 308-102-013, filed 12/30/77; Order 228, § 308-102-013, filed 12/31/74.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-102-030	Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-030, filed 8/17/71; Emergency Order 102-MVX, § 308-102-030, filed 4/2/71; Emergency Order 103-MVX, § 308-102-030, filed 6/4/71; Order 101-MV, § 308-102-030, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71. See later adoption, Order 103-MV, § 308-102-0301, filed 8/17/71.
308-102-0301	Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-0301, filed 8/17/71, Formerly § 308-102-030, filed 3/8/71. See chapter digest for disposition of § 308-102-030.] Repealed by Order MV-302, filed 3/31/75.
308-102-035	Financial responsibility hearing committee established. [Order 103-MV, § 308-102-035, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
308-102-040	Hearing—Procedural rules. [Order 101-MV, § 308-102-040, filed 3/8/71.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
308-102-045	Hearing procedures. [Order 103-MV, § 308-102-045, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
308-102-050	Hearing—Issues. [Order 101-MV, § 308-102-050, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.
308-102-055	Issues to be determined by hearing committee. [Order 103-MV, § 308-102-055, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
308-102-060	Hearing officer—Powers. [Order 101-MV, § 308-102-060, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.
308-102-065	Notice that hearing may be requested. [Order 103-MV, § 308-102-065, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
308-102-070	Correspondence address. [Order 103-MV, § 308-102-070, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
308-102-075	Hearing committee—Powers. [Order 103-MV, § 308-102-075, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

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- 308-102-080 Hearing for person suspended prior to May 26, 1971. [Order 103-MV, § 308-102-080, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-110 Conduct of document review or interview—Referee. [Order 466-DOL, § 308-102-110, filed 12/30/77; Order MV-302, § 308-102-110, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-120 Financial responsibility document review or interview. [Order MV-302, § 308-102-120, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-125 Discovery. [Order 466-DOL, § 308-102-125, filed 12/30/77; Order MV-302, § 308-102-125, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-150 Issues to be determined. [Order 467-DOL, § 308-102-150, filed 12/30/77; Order MV-302, § 308-102-150, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-160 Determination of possibility of judgment. [Order MV-302, § 308-102-160, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-170 Notice that interview or document review may be requested. [Order 466-DOL, § 308-102-170, filed 12/30/77; Order MV-302, § 308-102-170, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-180 Correspondence address. [Order 466-DOL, § 308-102-180, filed 12/30/77; Order MV-302, § 308-102-180, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-210 Formal hearing—Time and place. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-210, filed 1/19/82; Order MV-302, § 308-102-210, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-220 Formal hearing—Notice of proceeding. [Order MV-302, § 308-102-220, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-230 Hearing officer. [Order MV-302, § 308-102-230, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-240 Financial responsibility—Formal hearing. [Order MV-302, § 308-102-240, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-270 Hearing officer—Powers. [Order MV-302, § 308-102-270, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-280 Formal hearing. [Order MV-302, § 308-102-280, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.
- 308-102-295 Formal hearings—Habitual traffic offenders. [Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-102-295, filed 10/7/82.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.

WAC 308-102-002 Declaration of purpose—Procedural rules. Chapter 308-102 WAC contains the rules of procedure used in the administration of the Financial Responsibility Act, chapter 46.29 RCW. Adjudicative proceedings conducted under the Financial Responsibility Act shall be held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the rules published in chapter 10-08 and 308-08 WAC insofar as those rules are consistent with the rules adopted herein.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-002, filed 3/25/92, effective 4/25/92.]

(2003 Ed.)

WAC 308-102-004 Presiding officer. Hearings, informal interviews and document reviews held under this chapter shall be conducted by a presiding officer who shall be delegated the authority to conduct such hearings, informal document reviews and interviews by the director. The presiding officer shall have the powers and duties provided by chapter 34.05 RCW, and may be authorized by the director to make final determinations regarding the issuance, denial, cancellation, or suspension or revocation of a driver's license or a nonresident's privilege to drive. If the presiding officer is authorized by the director to make final determinations, the decision shall be final.

If the presiding officer is not authorized to make final decisions the results shall be subject to review by the director or his or her designated representative. The director or his or her designated representative upon review of the records, the evidence, and the findings of the presiding officer shall promptly render his or her decision sustaining, modifying, or reversing any order entered by the department.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-004, filed 3/25/92, effective 4/25/92.]

WAC 308-102-006 Correspondence address. All correspondence shall be addressed to the Department of Licensing, Hearings and Interviews Section, P.O. Box 9030, Olympia, WA 98507-9030, or sent by facsimile transmission (Fax) to (360) 664-8492, attention Hearings and Interviews Section.

[Statutory Authority: RCW 46.01.110 and 46.20.205. 96-20-089, § 308-102-006, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-006, filed 3/25/92, effective 4/25/92.]

WAC 308-102-008 Property damage threshold. In the case of property damage, the provisions of the Financial Responsibility Act shall apply where the damage to the property of any one person is of an apparent extent equal to or greater than five hundred dollars. In the event that this amount differs from that established by the chief of the Washington state patrol under the provisions of RCW 46.52.030, the amount established by the chief of the Washington state patrol shall prevail.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-008, filed 3/25/92, effective 4/25/92.]

WAC 308-102-010 Order fixing amount of security. Whenever under the Financial Responsibility Act, the department fixes the amount of the security required of any person it shall forthwith notify the person of the amount so required by mailing to the person at his or her address as shown by department records, a notice of security stating the amount of the security required, the date by which the security must be posted, which shall be not less than twenty nor more than sixty days following the date of mailing, and which notice shall contain instructions pertaining to the filing of proof of financial responsibility.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-010, filed 3/25/92, effective 4/25/92; Order 103-MV, § 308-102-010, filed 8/17/71; Order 101-MV, § 308-102-010, filed 3/8/71.]

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WAC 308-102-011 Amount of security—How determined. The department shall determine the amount of security deposit required of any person upon the basis of reports submitted, such reports to be in a form provided by the department which must be completed by the parties who sustain a loss, or their successors in interest, or upon the basis of other information or evidence received by the department which provides sufficiently specific information for the department to enter its decision concerning the amount of security with reasonable certainty: Provided, That a fatality or fatalities will create the presumption that the amount shall be for the full amount of the limit provided by RCW 46.29.-090 in reference to the acceptable limits of a policy or bond. Failure to respond to a request for specific information within thirty days will allow the department to conclude that no claim is being pursued.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-011, filed 3/25/92, effective 4/25/92; Order 228, § 308-102-011, filed 12/31/74.]

WAC 308-102-012 Amount of security—Effect of comparative negligence. The department may determine the percentage of negligence attributable to any person claiming injury or damage in twenty-five percentile units and then may reduce the amount of security in proportion to that percentage: Provided, That the department shall not require security if the person claiming injury or damage is ninety percent or more negligent.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-012, filed 1/19/82; Order 228, § 308-102-012, filed 12/31/74.]

WAC 308-102-020 Notice of intent to suspend. At the time the department mails a notice of security, it shall also mail a notice of intent to suspend. The notice of intent to suspend shall give notice to the person required to post security of the department's intention to suspend the person's driving privilege, the effective date of such suspension to be not less than twenty and not more than sixty days from the date of mailing. The grounds stated in the notice shall be: "Failure to deposit the security requirements and to file proof of financial responsibility." A person receiving a notice of intent to suspend may apply for administrative review under WAC 308-102-100. Failure to apply for administrative review within the time limits of WAC 308-102-100 shall constitute a default and shall result in the suspension becoming effective on the date indicated on the notice of intent to suspend and the loss of the right to further administrative review. In the event the person so notified posts the security and files proof of financial responsibility for the future within the time allowed for such purposes, no suspension shall be effected. The department may extend the effective date of the suspension where it appears the person suspended has made a bona fide attempt to file proof of financial responsibility for the future within the time permitted and will in all probability be able to do so within thirty days.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-020, filed 3/25/92, effective 4/25/92; Order 103-MV, § 308-102-020, filed 8/17/71; Order 101-MV, § 308-102-020, filed 3/8/71.]

WAC 308-102-090 Agreements for payment of damages—Default notice. The department shall accept a notice

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of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within three years of the date of the accident.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-090, filed 3/12/86; Order MV-172, § 308-102-090, filed 7/16/73.]

WAC 308-102-100 Request for informal settlement—Effect, timeliness. Pursuant to WAC 10-08-230, regarding informal settlements, any person notified of the requirement of depositing security and suspension for failure to deposit security under the Financial Responsibility Act, chapter 46.29 RCW, may within fifteen days of the date of the notice of intent to suspend his or her driver's license or nonresident privilege to drive request either an interview or document review before a presiding officer. The request may be oral or written, but if made orally, such request must be confirmed by the person in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the suspension shall be stayed pending the outcome of the document review or interview.

If the person does not request a document review or interview within the time specified above, or fails to attend an interview scheduled at the person's request, said person shall have waived his or her right to any further administrative remedies, including the formal hearing, and the suspension of the person's driver's license or driving privilege shall become effective.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-100, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-100, filed 3/12/86; Order 466-DOL, § 308-102-100, filed 12/30/77; Order MV-302, § 308-102-100, filed 3/31/75.]

WAC 308-102-130 Informal settlement—Document review. Document review shall be held before a presiding officer who, in making the decision, shall consider any of the following:

- (1) Affidavits filed by, for, and/or on behalf of the person seeking review, and/or by, for and/or on behalf of the individual(s) claiming the loss;
- (2) The financial responsibility files concerning the person seeking review;
- (3) The investigating officer's report of the accident;
- (4) Court records of any conviction or bail forfeiture of a traffic violation arising out of the accident; and
- (5) Any other evidence relevant to the issues to be determined.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-130, filed 3/25/92, effective 4/25/92; Order MV-302, § 308-102-130, filed 3/31/75.]

WAC 308-102-140 Informal settlement—Interview. The interview shall be held before a presiding officer who, in making the decision, shall consider any of the following:

- (1) Oral testimony or argument offered by, for, or on behalf of the person seeking review;

(2) Affidavits from the individuals claiming the loss and/or from a representative of any insurance carrier that has a subrogated interest therein;

(3) Investigating officer's reports of the accident in question;

(4) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question;

(5) The financial responsibility files concerning the person seeking review;

(6) Affidavits or witness testimony of the person seeking review; and

(7) Any other evidence relevant to the issues to be determined.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-140, filed 3/25/92, effective 4/25/92; Order 466-DOL, § 308-102-140, filed 12/30/77; Order MV-302, § 308-102-140, filed 3/31/75.]

WAC 308-102-190 Informal settlement—Document review or interview—Decision. Upon conclusion of a document review or interview the presiding officer shall make findings on the matter under consideration and shall sustain, modify, or reverse the department's notice of intention to suspend and/or the amount of security required. The department shall notify the person of the presiding officer's decision and said person's right to request a formal administrative hearing in writing by first class mail sent to the last address of record. A copy of the presiding officer's findings shall be sent to the person with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-190, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-190, filed 3/12/86; Order MV-302, § 308-102-190, filed 3/31/75.]

WAC 308-102-200 Request for adjudicative proceeding—Formal hearing. Any person who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the person. Failure to make timely request for a formal hearing to the department shall be considered a withdrawal of the person's request for adjudicative proceedings and shall result in a waiver of the person's right to such hearing and the decision of the department shall become final.

If a timely request for a formal hearing is made, the department shall notify the person of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the person resides, or, if the person is a nonresident of Washington, in the county where the accident occurred. The notice shall include the information required by RCW 34.05.434(2).

(2003 Ed.)

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-200, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-200, filed 3/12/86; Order 466-DOL, § 308-102-200, filed 12/30/77; Order MV-302, § 308-102-200, filed 3/31/75.]

WAC 308-102-250 Issues to be determined—Formal hearing. Only the following issues shall be considered at any formal hearing held on request of a person:

(1) Whether the person was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state;

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount meeting or exceeding the property damage threshold established by WAC 308-102-008;

(3) Whether there is a reasonable possibility of a judgment being entered against the person in the amount required by the order of the department fixing such security;

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the person; and

(5) Whether the person is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-250, filed 3/25/92, effective 4/25/92; Order 467-DOL, § 308-102-250, filed 12/30/77; Order MV-302, § 308-102-250, filed 3/31/75.]

WAC 308-102-255 Determination of possibility of judgment. For the purposes of WAC 308-102-250(3), the department may presume that there is a reasonable possibility of a judgment being entered against a person if:

(1) The person was convicted of or forfeited bail for a traffic violation arising out of the accident, or

(2) A law enforcement officer investigating the accident completed a report which specified that a violation of a rule of the road contributed to the accident regardless of whether a citation was issued, or

(3) The person was negligent, having committed an act which a reasonably careful and prudent person would not have done under the same or similar circumstances, or failed to act in a way which a reasonably careful and prudent person would have acted under the same or similar circumstances, and such act or omission was a proximate cause of the accident.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-255, filed 3/25/92, effective 4/25/92.]

WAC 308-102-260 Presiding officer—Duties. The presiding officer, in making his or her decision at the formal hearing, shall consider:

(1) Evidence as allowed under RCW 34.05.452;

(2) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question;

(3) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subro-

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gated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof; and

(4) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

[Statutory Authority: RCW 46.01.110, 92-08-045, § 308-102-260, filed 3/25/92, effective 4/25/92; 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82; Order 466-DOL, § 308-102-260, filed 12/30/77; Order MV-302, § 308-102-260, filed 3/31/75.]

WAC 308-102-265 Formal hearing—Failure to appear. In the event that the person who requested a formal hearing pursuant to this chapter fails to appear at the time and place of the scheduled hearing, no hearing shall be held. The case shall be remanded to the department, and the previous department order requiring security shall be affirmed: Provided, That the presiding officer may consider evidence as to whether the amount of security to be deposited is sufficient to satisfy any judgment or judgments as may be recovered against the person, and may adjust the amount of security required accordingly.

[Statutory Authority: RCW 46.01.110, 92-08-045, § 308-102-265, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-102-265, filed 3/12/86.]

WAC 308-102-290 Formal hearings—Findings, conclusions and decisions. At the conclusion of the formal hearing, the presiding officer shall, as soon as practical, make and enter findings of fact, conclusions of law and enter an order as provided by RCW 34.05.461.

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the person required to deposit security, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the person may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the person required to deposit security, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the person may comply with the terms of the order.

Petitions for reconsideration, as provided by RCW 34.05.470, shall be filed with the presiding officer within ten days of service of the final order. The department is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the department does not either: (a) Dispose of the petition; or (b) serve the parties with a written notice specifying the date by which it will act on the petition.

[Statutory Authority: RCW 46.01.110, 92-08-045, § 308-102-290, filed 3/25/92, effective 4/25/92; 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82; Order MV-349, § 308-102-290, filed 1/28/76; Order MV-302, § 308-102-290, filed 3/31/75.]

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Chapter 308-103 WAC

RULES OF PROCEDURE FOR HEARINGS CONDUCTED UNDER RCW 46.20.308

WAC

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WAC 308-103-010 Applicability. These rules apply to hearings conducted pursuant to RCW 46.20.308.

[Statutory Authority: RCW 46.01.110 and 46.20.308, 02-11-011, § 308-103-010, filed 5/3/02, effective 6/3/02.]

WAC 308-103-020 Definitions. As used in this chapter, unless the context requires otherwise, the term:

- (1) "Department" refers to the department of licensing;
- (2) "Hearing" means a formal hearing as authorized and conducted pursuant to RCW 46.20.308(8);
- (3) "Hearing office" refers to the physical location from which a hearing officer conducts hearings under RCW 46.20.308. Where appropriate, the term "hearing office" also refers to the staff assigned to a hearing office;
- (4) "Hearing officer" means a person who is appointed by the director of the department to conduct hearings under RCW 46.20.308;
- (5) "Legal representative" means an attorney licensed and authorized to practice law in the state of Washington;
- (6) "Petitioner" refers to a driver subject to the provisions of RCW 46.20.308 who has requested a hearing;
- (7) "Sworn report" means the document completed and filed with the department by the arresting officer in accordance with RCW 46.20.308 (6)(e), and which confers jurisdiction upon the department.

[Statutory Authority: RCW 46.01.110 and 46.20.308, 02-11-011, § 308-103-020, filed 5/3/02, effective 6/3/02.]

WAC 308-103-030 Computation of time. In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. Nothing contained herein is intended to extend the statutory requirement that a hearing be held within sixty days of a petitioner's arrest.

(2003 Ed.)

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-030, filed 5/3/02, effective 6/3/02.]

WAC 308-103-040 Requests for hearings. The request for a hearing shall be in compliance with the following requirements:

(1) The petitioner must file his or her formal request for hearing:

(a) Within thirty days of arrest if the petitioner submitted to a breath test;

(b) Within thirty days of arrest if the petitioner is alleged to have refused the breath or blood test; or

(c) Within thirty days of the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test;

(2) If a request for hearing is mailed, it must be received by the department within seven days of the date the request was postmarked in order to be considered timely under this section. This provision may be waived if the request is received by the department within thirty days of the date of arrest, or within thirty days of the date notice is given in the event notice is given by the department following a blood test, or if the petitioner and the department agree to a waiver of the sixty-day hearing requirement;

(3) The request for a hearing shall be in writing. The petitioner may use the form provided by the department for this purpose or any other writing;

(4) The hearing request form provided by the department shall include a statement that if the parties or witness(es) are hearing or speech impaired and/or non-English speaking, a qualified interpreter will be appointed at no cost to the parties or witnesses. The form shall include a section where the petitioner may request an interpreter and where he or she may identify the language and/or nature of the interpretive services needed;

(5) The request for hearing shall include the following information with respect to the petitioner:

(a) Full name;

(b) Mailing address;

(c) Daytime telephone number, including area code;

(d) Date of birth; and

(e) Driver's license number;

(6) If petitioner will have legal representation at the administrative hearing, the request shall also include the legal representative's name, mailing address, and daytime telephone number, including area code;

(7) The request for hearing shall be submitted to the Department of Licensing, Driver Services Division, Hearings & Interviews, P.O. Box 9031, Olympia, Washington 98507-9031;

(8) The written request for hearing shall be accompanied by a filing fee of one hundred dollars, unless the petitioner is entitled to a waiver of the filing fee because of indigence, in which case a request and justification for the fee waiver shall accompany the hearing request;

(9) A petitioner who has been denied a court-appointed attorney on the underlying related criminal charge because he or she is deemed "not indigent" is not eligible for a fee waiver;

(10) Indigence may be established as follows:

(a) Written verification of court-appointed legal counsel on the associated underlying criminal charge;

(b) Written verification of current involuntary commitment to a public mental health facility;

(c) Verification of current receipt of general assistance, temporary assistance for needy families, refugee resettlement benefits, food stamps, supplemental security income, or Medicaid; or

(d) Submission and approval of the department's "Application for Waiver of Hearing Fee" form;

(11) Failure to timely submit a hearing request and/or failure to include the filing fee or application for waiver with the hearing request shall be deemed a waiver of the petitioner's right to a hearing; and

(12) If a request for hearing is denied, the department shall notify the petitioner and the petitioner's legal representative, if any, stating the reason(s) for denial.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-040, filed 5/3/02, effective 6/3/02.]

WAC 308-103-050 Scheduling—Notice of hearing.

(1) Upon receipt of a request for a hearing, the department shall schedule a telephone hearing to be held within sixty days following arrest, or sixty days following the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test.

(2) The petitioner or petitioner's legal representative may state a preferred range of hearing dates or unavailable dates. To the extent that such requests can be accommodated within the applicable time limits and hearing officer availability, the department will attempt to do so.

(3) The department shall provide ten days written notice to the petitioner or petitioner's legal representative of the scheduled date and time of the hearing.

(4) The department's scheduling notice will include the assigned hearing office(r)'s name, address, and phone number; a statement of the issues; the procedure for requesting subpoena(s); the policy on continuances; and other information concerning the administrative hearing. The department's notice will also include a telephone number and a TDD number that any party or witness may call to request special accommodations.

(5) The petitioner or petitioner's legal representative may request that all or part of the hearing be conducted "in person." Such request should be directed to the assigned hearing office(r) immediately upon receipt of the scheduling notice. The hearing office(r) will have the sole discretion to grant or deny this request, and may require a waiver of the sixty-day hearing requirement as a condition to granting the request. Considerations will include whether the hearing officer can be available in the petitioner's county of arrest on the scheduled date of the hearing, the number and location of witnesses, and the basis of this request.

(6) Each party shall ensure that his or her address and telephone number on file is correct and shall immediately notify the department and/or hearing officer of any change of

address or telephone number that occurs during the course of the proceeding.

(7) The administrative hearing may be reassigned to a different hearing officer without notice to the parties because of scheduling conflicts, illness, injuries, unavailability, or emergencies.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-050, filed 5/3/02, effective 6/3/02.]

WAC 308-103-060 Notice of appearance. If a petitioner has legal representation at the administrative hearing, the department shall be provided with the legal representative's name, address, and telephone number. The department may require the legal representative to file a written notice of appearance or to provide documentation that an absent petitioner has authorized the legal representative to appear on the party's behalf. The legal representative shall file a written notice of appearance and shall file a notice of withdrawal upon withdrawal of representation.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-060, filed 5/3/02, effective 6/3/02.]

WAC 308-103-070 Continuances. (1) After a hearing has been scheduled, it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) Requests for a continuance, reschedule, or adjournment must be made in writing, to the assigned hearing officer, and shall include the basis for the request.

(3) Except in the case of an emergency, the hearing officer must receive the continuance request at least two business days before the scheduled hearing. Absent an emergency, requests made with less than two business days' notice may be summarily denied.

(4) The hearing officer may grant a continuance, adjournment, or reschedule at any time, including on the date of the administrative hearing.

(5) Hearings that are continued, rescheduled, or adjourned may be re-set to a date within sixty days of the driver's arrest, or within sixty days of the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test, unless a written waiver of the sixty-day hearing requirement of RCW 46.20.308 accompanies the written continuance request, or unless the petitioner is deemed to have "waived" the statutory time frame.

(6) A petitioner is deemed to have waived the statutory requirement that the hearing be held within sixty days if petitioner requests an action that cannot be accommodated within the sixty-day period.

(7) A party shall not consider a hearing continued, rescheduled, or adjourned until notified by the hearing officer that the request has been granted.

(8) The hearing officer may require the party who requests a continuance, reschedule, or adjournment to submit documentary evidence that substantiates the reason for the request.

(9) A second request for a continuance, reschedule, or adjournment will only be granted in the event of an extreme emergency.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-070, filed 5/3/02, effective 6/3/02.]

WAC 308-103-080 Deferred prosecutions—Withdrawals. (1) In the event a petitioner elects to seek a deferred prosecution and is eligible for a stay of the administrative suspension, the petitioner shall notify the assigned hearing officer and file a notice of intent to seek deferred prosecution. Upon doing so, the hearing officer will make a determination whether any hearing scheduled in the matter should be canceled and the petitioner's temporary license, if eligible, should be extended as provided by WAC 308-103-170. If, for any reason, the petitioner does not obtain an order of deferred prosecution from the court, the department will set a new hearing date only if the petitioner requests a hearing by contacting the original hearing officer no later than one hundred thirty days from the date of the arrest, and prior to the expiration of the temporary license. In the absence of such a timely request, the petitioner waives his or her right to a hearing and the department will issue the previously stayed order of suspension or revocation.

(2) If the petitioner elects to withdraw his or her request for a hearing, he or she shall notify the department in writing of his or her intent to do so. Upon receiving such a request for a withdrawal, the department shall proceed with the administrative action against the petitioner's driving license.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-080, filed 5/3/02, effective 6/3/02.]

WAC 308-103-090 Subpoenas. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 46.20.308(8). All subpoenas shall direct the witness to appear by telephone unless otherwise agreed to by the hearing officer.

(2) Every subpoena shall be signed and issued by a hearing officer and shall identify the party requesting the issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to appear in person or telephonically and give testimony or produce designated books, documents, or things under his or her control.

(a) A subpoena to a person to provide testimony at a hearing shall specify the time and place set for hearing.

(b) A subpoena duces tecum requesting a person to produce designated books, documents, or things under his or her control shall specify a time and place for producing the books, documents, or things. That time and place may be the time and place set for hearing, or another reasonably convenient time and place in advance of the hearing.

(3) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

(4) The hearing officer may condition issuance of the subpoena upon advancement by the person in whose behalf

the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(5) A subpoena must be properly served ten days prior to the date of the hearing, excluding weekends and holidays, in order to have full force and effect.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-090, filed 5/3/02, effective 6/3/02.]

WAC 308-103-100 Evidence—Exhibits. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of these rules.

(2) When portions only of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(3) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matter.

(4) Evidence is admissible if received prior to, or during, the hearing.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-100, filed 5/3/02, effective 6/3/02.]

WAC 308-103-110 Evidence—Video tapes. (1) If a video tape is submitted by a law enforcement officer, the officer shall submit two copies.

(2) If the petitioner wishes to submit a video tape as evidence, the petitioner shall be responsible for the costs of preparing a copy to be admitted as evidence. Video tapes shall be submitted sufficiently in advance of the hearing to allow the hearing officer the opportunity to review the tape prior to the hearing. The hearing officer may require a time waiver from the petitioner in order to reschedule the hearing and satisfy this provision when needed.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-110, filed 5/3/02, effective 6/3/02.]

WAC 308-103-120 Evidence. (1) The hearing officer shall rule on the admissibility and weight to be accorded to all evidence submitted at the hearing. The admissibility of evidence shall be liberally construed to effect the intent and purpose of the hearings covered by these rules.

(2) Law enforcement officers or other persons with knowledge relevant to the hearing may appear and testify without notice. Such testimony shall not preclude the admissibility of any documents submitted.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-120, filed 5/3/02, effective 6/3/02.]

WAC 308-103-130 Interpreters. (1) When an impaired person as defined in chapter 2.42 RCW or a non-English-speaking person as defined in chapter 2.43 RCW is a party or witness in an adjudicative proceeding, the department shall appoint an interpreter to assist the party or witness during the

hearing. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in hearings are governed by the provisions of chapters 2.42 and 2.43 RCW.

(a) If a hearing impaired person is a party or witness to an adjudicative proceeding, a qualified interpreter shall be appointed to interpret the proceedings. Under RCW 2.42.050, a "qualified interpreter" means a visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf.

(b) Whenever an interpreter is appointed to assist a non-English-speaking person, a qualified or certified interpreter shall be appointed to assist the person during the hearing. Under RCW 2.43.020, a "qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for a non-English-speaking person. A "certified interpreter" means an interpreter who is certified by the office of the administrator for the courts.

(2) Relatives of any participant in a proceeding and employees of the department involved in a proceeding shall not be appointed as interpreters in the proceeding unless authorized by the petitioner.

(3) Mode of interpretation:

(a) The consecutive mode of foreign language interpretation shall be used unless the hearing officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency;

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the interpreter considers to provide the most accurate and effective communication with the hearing impaired person;

(c) When an impaired or non-English-speaking person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants, unless waived by the petitioner. The hearing officer shall ensure that sufficient extra time is provided to permit translation and the hearing officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding as a non-impaired or English-speaking party listening to un-interpreted statements would have.

(4) The department shall pay interpreter fees and expenses.

(5) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the hearing officer conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-130, filed 5/3/02, effective 6/3/02.]

WAC 308-103-140 Testimony under oath or affirmation. Every person called as a witness and who is giving oral testimony in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the

truth according to the provisions of RCW 5.28.020 through 5.28.060. If the witness is testifying from outside the jurisdiction, the hearing officer may require the witness to agree to be bound by the laws of the state of Washington for purposes of the oath or affirmation.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-140, filed 5/3/02, effective 6/3/02.]

WAC 308-103-150 Conduct of hearings. Hearings are open to public observation. To the extent that a hearing is conducted by telephone or other electronic means, the availability of public observation is satisfied by giving members of the public an opportunity to hear or inspect the agency's record. The hearing officer's authority includes, but shall not be limited to, the authority to:

- (1) Determine the order of presentation of evidence;
- (2) Administer oaths and affirmations;
- (3) Issue subpoenas pursuant to RCW 46.20.308(8);
- (4) Rule on procedural matters, objections, and motions;
- (5) Rule on offers of proof and receive relevant evidence;
- (6) Order the exclusion of witnesses upon a showing of good cause;
- (7) Afford the petitioner the opportunity to respond, present evidence, conduct cross-examination, and submit rebuttal evidence. The hearing officer may question witnesses to develop any facts deemed necessary to fairly and adequately decide the matter;
- (8) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by the petitioner;
- (9) Examine the official records of the department;
- (10) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;
- (11) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (12) Issue an order of default;
- (13) Recess the hearing to a later time to accommodate scheduling conflicts. Hearings are ordinarily scheduled to be one hour in length;
- (14) Take any other action necessary and authorized by any applicable statute or rule; and
- (15) Waive any requirement of these rules unless petitioner shows that he or she would be prejudiced by such a waiver.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-150, filed 5/3/02, effective 6/3/02.]

WAC 308-103-160 Defaults. The petitioner or the petitioner's legal representative on petitioner's behalf is required to attend the hearing, either in person or by telephone. If that appearance is by telephone, the petitioner or the petitioner's legal representative must be available at the number provided to the department on the hearing request form and referenced in the scheduling letter, or as subsequently modified, at the time and date designated for the hearing on the scheduling letter sent by the department to the petitioner, or as subsequently re-scheduled. If the petitioner or petitioner's legal

representative has not appeared within twenty minutes of the time scheduled for the hearing, the hearing officer shall enter an order of default. A default shall be deemed a withdrawal of the petitioner's request for a hearing and the action of the department on the petitioner's license shall be sustained.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-160, filed 5/3/02, effective 6/3/02.]

WAC 308-103-170 Temporary license. A temporary license issued by a law enforcement officer pursuant to RCW 46.20.308 may be extended when:

- (1) A hearing is conducted and a decision on the outcome of the hearing is taken under advisement by the hearing officer;
- (2) A hearing is continued or rescheduled outside of the initial sixty-day effective period of the temporary license; or
- (3) Petitioner is seeking a deferred prosecution and requests an extension of the temporary license.

Extensions may be made to a maximum of one hundred fifty days from the date of arrest. Nothing contained herein shall effect the validity of any other action taken against the petitioner's driving privilege by the department, or authorize a petitioner to drive if his or her driving privilege has been suspended or revoked for other reasons.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-170, filed 5/3/02, effective 6/3/02.]

WAC 308-103-180 Final order. Every decision and order shall:

- (1) Be correctly captioned as to the name of the department of licensing and name of the proceeding;
- (2) Designate all parties and representatives participating in the proceeding;
- (3) Contain a final order disposing of all contested issues and setting the effective date for the order; and
- (4) Contain a statement describing the right to appeal.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-180, filed 5/3/02, effective 6/3/02.]

WAC 308-103-190 Reconsideration and appeals. (1) The petitioner's rights to appeal are provided in RCW 46.20.308(9), and nothing herein is intended to detract from that statute.

(2) Grounds for a petition for reconsideration are limited to evidence or legal argument which are material to the petitioner and that by the exercise of reasonable diligence the petitioner or petitioner's legal representative did not and could not have produced at the time of the hearing, or for other good and sufficient reason as determined by the hearing officer.

(3) The petition must state with particularity any new evidence or new legal argument that is proposed and why it was not available at the time of the hearing. The petition must specify with particularity the portions of the initial order to which the petition applies.

(4) A petition for reconsideration of a final order shall be filed with the hearing officer who signed that final order, within ten days of the date that the hearing officer signed it.

(5) The petition shall be disposed of by the hearing officer who entered the original final order, if reasonably

available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing.

(6) If the petition is granted in whole or in part, a new order shall be issued in the same form as the original order, and shall include the designation "amended" in its title. This amended order shall reference the petition for reconsideration in its preamble, which sets out what the hearing officer considered. Any amended order shall include the "Findings of Fact and Conclusions of Law" from the original final order with amendments.

(7) The relief granted pursuant to a petition for reconsideration is limited to review of the designated evidence and/or argument as identified in the petition. At the hearing officer's discretion, a supplemental hearing may be scheduled. Such a petition is not grounds for a new hearing, and the record already established shall remain undisturbed.

(8) A petition for reconsideration does not stay the department's action on the petitioner's driving privilege as ordered by the original final order. A petitioner seeking a stay must file a separate petition for that purpose. The hearing officer will grant a stay only if the hearing officer determines that it is likely that the petitioner will prevail and the action be reversed and that denying the stay will create irreparable harm to the petitioner. If the hearing officer grants such a petition for a stay, the hearing officer shall sign an order releasing the action and crediting any time already served, and subsequently sign an order sustaining or reversing the action, as determined by the amended final order. Disposition denying a stay is not subject to review.

(9) An amended final order shall issue either denying reconsideration or, in the event reconsideration is granted, dissolving or modifying the original final order. The date of the amended final order begins the thirty-day period for the petitioner to appeal the amended final order, and there is no longer a right to appeal the original final order.

(10) The filing of a petition for reconsideration is not a prerequisite for filing an appeal. An order denying reconsideration is not subject to appeal.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-190, filed 5/3/02, effective 6/3/02.]

**Chapter 308-104 WAC
DRIVERS' LICENSES**

WAC

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**DISPOSITION OF SECTIONS FORMERLY
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- 308-104-015 Identicards. [Statutory Authority: RCW 46.01.110. 93-22-071, § 308-104-015, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-015, filed 1/19/82.] Repealed by 00-18-070, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
- 308-104-020 Point system. [Order 2, § 308-104-020, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
- 308-104-030 Effect of point accumulation. [Order 2, § 308-104-030, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
- 308-104-045 Identicards. [Statutory Authority: RCW 46.20.117 and 46.20.119. 78-04-041 (Order 488-DOL), § 308-104-045, filed 3/20/78; Order MV 303, § 308-104-045, filed 2/13/75.] Repealed by 91-01-063, filed 12/14/90, effective 1/14/91. Statutory Authority: RCW 46.01.110.
- 308-104-055 Convictions—Suspension terms. [Order MV-172, § 308-104-055, filed 7/16/73.] Repealed by Order MV-222, filed 10/29/74.
- 308-104-057 Convictions—Driving while revoked—Terms. [Order MV-222, § 308-104-057, filed 10/29/74.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
- 308-104-058 Convictions—Court recommendations. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-058, filed 1/19/82.] Repealed by 86-07-018 (Order DS 2), filed 3/12/86. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020.
- 308-104-060 Implied consent—Revocation terms. [Order MV-222, § 308-104-060, filed 10/29/74; Order MV-172, § 308-104-060, filed 7/16/73.] Repealed by 00-18-069, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
- 308-104-109 Extension of driver's license. [Statutory Authority: RCW 43.24.140. 99-05-032, § 308-104-109, filed 2/10/99, effective 3/13/99.] Repealed by 00-18-070, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
- 308-104-110 Occupational license—Eligibility—Driving while suspended. [Order MV 349, § 308-104-110, filed 1/28/76.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
- 308-104-120 Extra-territorial convictions—Hearing. [Order MV 349, § 308-104-120, filed 1/28/76.] Repealed by 00-18-069, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
- 308-104-140 Driving record abstracts—Firefighters and law enforcement officers. [Order 469-DOL, § 308-104-140, filed 12/30/77.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
- 308-104-180 Stay of habitual traffic offender revocation. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-180, filed 1/19/82.] Repealed by 91-01-063, filed 12/14/90, effective 1/14/91. Statutory Authority: RCW 46.01.110.

WAC 308-104-004 Definitions. As used in this chapter, unless the context requires otherwise, the term:

(1) "Examination," for purposes of RCW 46.20.305, means any one or combination of the following:

(a) A medical certificate to be completed by a competent medical authority;

(b) A vision certificate to be completed by a competent vision authority such as an optometrist or ophthalmologist;

(c) A psychiatric evaluation by a competent authority;

(d) An alcohol or drug evaluation or report of progress in alcohol or drug treatment from an alcohol or drug treatment agency approved by the department of social and health services;

(e) A re-examination of knowledge and driving ability conducted by a licensing services representative;

(f) A special examination of knowledge and driving ability conducted by a licensing services representative;

(2) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada;

(3) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty. For purposes of this section, a person in the reserves will not be considered an "active member" unless he or she has been called to active duty for a period exceeding the full period specified for license expiration in RCW 46.20.181;

(4) "State" means a state of the United States, the District of Columbia, or a United States territory or possession.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-004, filed 9/1/00, effective 10/2/00; 87-19-129 (Order DS 3), § 308-104-004, filed 9/22/87.]

WAC 308-104-006 Driver's license required. No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-006, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-006, filed 11/1/93, effective 12/2/93; 87-19-129 (Order DS 3), § 308-104-006, filed 9/22/87.]

WAC 308-104-008 Persons exempt from driver's license requirement. In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from the requirement to obtain a valid driver's license issued to Washington residents under chapter 46.20 RCW:

(1) A student who maintains his or her legal home of record at a location outside Washington state, or the spouse or dependent of the student, who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to him or her in his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board, or at a private vocational school as that term is defined by RCW 28C.10.020(7). The student must carry documentation issued by the institution that readily establishes his or her status as a nonresident student.

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A spouse or dependent of a nonresident student must carry a copy of the documentation issued to the student by the institution and documentation establishing the relationship with the student;

(2) Military personnel who are at least sixteen years of age who have in their immediate possession a valid driver's license issued by the jurisdiction designated as their home of record. A spouse or dependent of a person who meets the criteria of this subsection is also exempt from the driver's license requirement, provided that the spouse or dependent has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-008, filed 9/1/00, effective 10/2/00; 87-19-129 (Order DS 3), § 308-104-008, filed 9/22/87.]

WAC 308-104-010 Vision test. All applicants for a driver's license or renewal shall be required to take a vision test administered by the department. Any person having less than a 20/40 Snellen vision acuity with both eyes combined either corrected or uncorrected, or having some apparent significant visual limitation, must have an eye examination by an ophthalmologist or optometrist. If an applicant's vision cannot be corrected so that it will be within the 20/40 Snellen range for visual acuity or other vision problems cannot be corrected, then he must submit to a special examination in order to determine if a license or renewal shall be issued and if so what limitations or restrictions should be placed on the driving privilege.

[Order 2, § 308-104-010, filed 6/26/68.]

WAC 308-104-012 Suspension or denial for refusing or neglecting to submit to an examination. A person's failure to complete an examination as required by RCW 46.20-305 may result in the suspension or denial of the person's driving privilege. A person dissatisfied with the departmental action which follows an examination he or she has taken under RCW 46.20.305 may appeal the department's action by requesting a formal hearing as provided in RCW 46.20.329. A request for a hearing under this section must be made in writing within fifteen calendar days from the date notice of the departmental action was given. If no request is made within the prescribed time the right to a hearing is waived.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-012, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-012, filed 3/12/86.]

WAC 308-104-014 Application for driver's license or identification card. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

(1) The person's full name, current mailing and residential address, and telephone number;

(2) The person's physical description, including sex, height, weight, and eye color;

(3) The person's date and place of birth;

(4) The person's social security number, if the social security number is required by state or federal law. If the person's social security number is not required by state or federal

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law, the person may voluntarily provide his or her social security number in order to assist the department in verifying identity;

(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;

(6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;

(7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;

(8) If the application is for a driver's license or instruction permit, whether the person has had a loss of consciousness or control within the last six months that could impair his or her ability to operate a motor vehicle;

(9) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and

(10) Any supplementary documentation as may be necessary to verify any of the information required by this section.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-014, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-014, filed 12/14/90, effective 1/14/91.]

WAC 308-104-016 Motorcycle endorsement fees.

The endorsement fee for the initial motorcycle endorsement shall be ten dollars, and the subsequent renewal endorsement fee shall be twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall be five dollars for each year that the endorsement is renewed or extended.

[Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-104-016, filed 12/27/99, effective 7/1/00.]

WAC 308-104-018 Changing the address of record.

(1) In addition to the form identified in RCW 46.20.205, the department may change a driver's or identicard holder's address of record upon:

(a) The verbal request of the driver or identicard holder, where the department has satisfied itself as to the identity of the person making the request; or

(b) Receipt of written documentation or electronic communication concerning the driver or identicard holder, where such documentation or communication includes an address that differs from the one maintained by department and is:

(i) Signed by the driver or identicard holder;

(ii) Filed at the request of the driver or identicard holder;

or

(iii) Filed by a public official or governmental agency.

(2) This section shall not be construed as relieving the driver or identicard holder of the responsibility to notify the department of a change of address as required by RCW 46.20.205. Failure by the department to change a driver's or identicard holder's address of record, where the driver or

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identicard holder has not notified the department of the change of address with the form identified in RCW 46.20.205, shall not limit the effectiveness of any notice mailed to the driver or identicard holder at the address of record as previously established by the department.

[Statutory Authority: RCW 46.01.110 and 46.20.205. 96-20-089, § 308-104-018, filed 10/1/96, effective 11/1/96.]

WAC 308-104-025 Effect of accumulation of traffic offenses. Whenever the official records of the department show that a person has committed at least four traffic offenses within a twelve-month period, or at least five traffic offenses within a twenty-four-month period, the department may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: Provided, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend or deny the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways. For purposes of this section, the driver improvement interview may be conducted in a group setting.

Failure to appear at the interview may result in a suspension or denial of the driving privilege. For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270(4), or a finding that a traffic infraction has been committed as defined in RCW 46.20.270(5), of a moving violation as defined in WAC 308-104-160. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-025, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-025, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-025, filed 1/19/82.]

WAC 308-104-035 Interest of safety. For purposes of RCW 46.20.291(3), whenever the records of the department show that a person has committed at least four traffic offenses within a twelve month period, or at least five traffic offenses within a twenty-four month period, this shall be considered prima facie evidence of violations of such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for the purposes of this section.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-035, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-035, filed 8/24/89, effective 9/24/89.]

WAC 308-104-040 Driver's licenses for identification and identicards. As provided by RCW 46.20.035, no identicard shall be issued, nor shall any Washington state driver's license be issued, other than as provided in RCW 46.20.035

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(5), unless the applicant has satisfied the department regarding his or her identity.

(1)(a) Except as provided in subsections (2) and (3) of this section, an applicant has not satisfied the identity requirements of RCW 46.20.035 unless he or she displays or provides the department with at least one of the following pieces of valid identifying documentation:

(i) A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;

(ii) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;

(iii) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency, that contains the signature and a photograph of the applicant;

(iv) A military identification card that contains the signature and a photograph of the applicant;

(v) A United States passport that contains the signature and a photograph of the applicant;

(vi) An immigration and naturalization service form that contains the signature and photograph of the applicant; or

(vii) If the applicant is a minor, an affidavit of the applicant's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation as specified in this subsection along with additional documentation establishing the relationship between the parent or guardian and the applicant.

(b) In addition to the valid identifying documentation listed in subsection (1)(a), the department may request supplemental identifying documentation, or may undertake an investigation to verify the validity of any documentation presented, in order to ascertain identity.

(2) An applicant unable to present a piece of identifying documentation listed in RCW 46.20.035 (1) or (2) may request that other identifying documentation be considered by the department in order to ascertain identity, as provided by RCW 46.20.035(3). The department may waive the requirement for a piece of valid identifying documentation listed in RCW 46.20.035 (1) or (2) if the applicant presents sufficient valid supporting documents found by the department to clearly establish the identity of the applicant. For purposes of this subsection, the department has found the following pieces of documentation to be sufficient to clearly establish identity:

(a) A foreign country's passport, containing the signature and a photograph of the individual, that has with it a valid United States Immigration and Naturalization entry form (I-94);

(b) An enrollment card issued by a federally recognized Indian tribe, containing the signature and a photograph of the individual, with one other supporting document;

(c) An identification card issued by the United States Bureau of Indian Affairs, containing the signature and a photograph of the individual, with one other supporting document;

(d) A written identification verification document completed by the Washington department of corrections; and

(e) A Washington city or county police employee identification card, containing the signature and a photograph of the individual, with one other supporting document;

(3) If an applicant is unable to satisfy the department regarding his or her identity under subsections (1) or (2) of this section, he or she may request that the department review other documentation in order to ascertain identity, as provided by RCW 46.20.035(3).

(a) If the licensing services representative assisting the applicant is unable to ascertain identity from the documents presented, the applicant shall be referred to an in-office document reviewer for further assistance. The in-office document reviewer will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(b) If the in-office document review cannot clearly establish an applicant's identity, and if requested by an applicant, a senior technician for the region in which the applicant is making application will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(c) If requested by the applicant, the senior technician shall refer the applicant to driver licensing headquarters staff for final determination whether identity can be clearly established.

[Statutory Authority: RCW 46.01.110, 00-18-070, § 308-104-040, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-040, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

WAC 308-104-047 Driving test—Waiver. For purposes of issuance of an original driver's license, the department may waive the actual demonstration of the ability to operate a motor vehicle where the applicant meets all other licensing requirements, has successfully completed the appropriate Washington knowledge test or tests, and:

(1) If the application is for a basic driver's license, the applicant has:

(a) Surrendered a valid driver's license issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid license record on file;

(b) Not taken a Washington driving test on which the applicant has been disqualified; and

(c) Not taken a Washington knowledge test on which the applicant has been disqualified three or more times;

(2) If the application is for a driver's license with a motorcycle endorsement, the applicant, along with the requirements listed in subsection (1) of this section, has:

(a) Surrendered a valid motorcycle license or driver's license with motorcycle endorsement issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid motorcycle license record on file. In order for a surrendered license or letter of clearance to be valid under this subsection, the applicant's previous home state's motorcycle licensing standards must meet or exceed Washington state motorcycle licensing standards, as determined by the department;

(b) Completed a motorcycle skill test waiver certificate; and

(c) If the applicant is under eighteen years of age, presented a certificate verifying completion of an approved motorcycle safety education course;

(3) If the application is for a commercial driver's license, the applicant, along with the requirements listed in subsection (1) of this section, has:

(a) Surrendered a valid commercial driver's license issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid commercial driver's license record on file; or

(b) Met the requirements for waiver of the commercial driver's license skill test as provided by RCW 46.25.060(2).

Notwithstanding the above provisions, the department may require the applicant to complete the appropriate driving test or tests if the department determines that it is in the interest of safety for the applicant to demonstrate his or her ability to operate a motor vehicle.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-047, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-047, filed 12/14/90, effective 1/14/91.]

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicant certifies that the applicant is:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

[Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-104-050, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-104-050, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

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WAC 308-104-056 Convictions—Suspension, revocation, and denial terms. The department shall suspend, revoke, or deny the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension, revocation, or denial, the term of which, except where otherwise required by law, shall commence on the date of conviction.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-056, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-056, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-056, filed 3/12/86; Order MV-222, § 308-104-056, filed 10/29/74.]

WAC 308-104-070 Concurrent suspension, revocation, and denial terms. Except as otherwise required by law, the department shall suspend, revoke or deny the driver's license or nonresident driving privilege of every person who is convicted of more than one offense requiring such suspension, revocation, or denial arising from the same incident for one term which will be the longest of the terms of suspension, revocation, or denial.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-070, filed 9/1/00, effective 10/2/00; Order MV-172, § 308-104-070, filed 7/16/73.]

WAC 308-104-080 Reissue fee—When required. The driver's license of any person that has been suspended, revoked or denied for any reason shall not be reissued until such person shall pay the required reissue fee; except, that such reissue fee shall not be required when the imposition of the suspension, revocation, or denial was invalid or void or when the suspension, revocation, or denial was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the person's filing of proof of financial responsibility for the future had been canceled or terminated, because the person defaulted on an agreement to pay damages resulting from a vehicle accident, or because the person was refused a license due to a suspension, revocation, or denial in another jurisdiction.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-080, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-080, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-080, filed 3/12/86; Order MV-172, § 308-104-080, filed 7/16/73.]

WAC 308-104-090 Reissue fee—Where paid and accepted. Reissue fees may be paid at any licensing services office or at the department's central state office at any time during normal operating hours.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-090, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-090, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-090, filed 3/12/86; Order MV-172, § 308-104-090, filed 7/16/73.]

WAC 308-104-100 Occupational driver's license—Person eligible. The department shall issue an occupational driver's license to any person who has had his or her driver's license suspended or revoked who meets the requirements of RCW 46.20.380 and 46.20.391, provided that on the date of

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conviction for the offense on which the suspension or revocation is based or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective:

- (1) The person had an unexpired driver's license;
- (2) The person did not have his or her resident driver's license or nonresident driving privilege suspended or revoked for any reason; and
- (3) The person had not been required to surrender his or her Washington driver's license to the department for failure to maintain proof of financial responsibility for the future.

Notwithstanding the provisions of this section, an occupational driver's license shall not be issued for the operation of a commercial motor vehicle when the commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-100, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-100, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-100, filed 3/12/86. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-100, filed 1/19/82; Order MV 349, § 308-104-100, filed 1/28/76.]

WAC 308-104-105 Occupational license denial hearings.

(1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an occupational driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requester in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid license on date of conviction or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective.

(b) Whether the suspension or revocation giving rise to the application for an occupational driver's license is one for which an occupational driver's license may be issued under RCW 46.20.391.

(c) Whether the person has been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory within the one year immediately preceding the conviction or incident for which the occupational license is requested.

(d) Whether the person has committed an offense of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or

vehicular homicide, within the seven years immediately preceding the conviction or incident for which the occupational license is requested.

(e) Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.

(f) If the person is applying for an occupational driver's license under RCW 46.20.391(1), whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.

(g) If the person is applying for an occupational driver's license under RCW 46.20.391(2), whether the person is in or has applied for an apprenticeship program or on-the-job training program, or is in a program that assists persons who are enrolled in a WorkFirst program, or is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle.

(5) The person's official driving record provided to the hearing officer by the department shall be prima facie evidence of the issues contained in subsection (4)(a) through (e) of this section unless the person presents clear and convincing evidence to the contrary.

(6) If the person is eligible for an occupational driver's license under RCW 46.20.391(1), the person shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.

(7) If the person is eligible for an occupational driver's license under RCW 46.20.391(2), the person shall have the burden of proving that he or she is in an apprenticeship program or on-the-job training program, or is in a program that assists persons who are enrolled in a WorkFirst program, or is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle.

(8) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-105, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-105, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-105, filed 3/12/86.]

WAC 308-104-130 Convictions—Driving records.

(1) The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

- (a) The payment of a fine.
- (b) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.
- (c) A plea of guilty by the defendant.

(d) A finding of guilt.

(2) For the purposes of maintaining the driving record, initiating a driver's license or driving privilege suspension, revocation, or denial, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one or more of the elements listed in subsection (1) is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any driver's license or driving privilege suspension, revocation, or denial if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

(3) For purposes of Title 46 RCW:

(a) The forfeiture of bail shall be considered a conviction unless the court vacates that forfeiture.

(b) The payment of a fine on a traffic violation charge shall be considered a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

(c) A plea of guilty shall be considered a conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment and there has been a perfection of notice of appeal, or the court sets aside the judgment and orders a new trial.

(d) A finding of guilt shall be considered a conviction unless the court approves a motion for a new trial or the defendant appeals the conviction to a higher court and there has been a perfection of notice of appeal.

(4) If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction, including the payment of court costs, which could only be imposed upon a determination that the defendant was guilty.

(5) A reporting error by the court that materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-130, filed 3/12/86; Order MV 349, § 308-104-130, filed 1/28/76.]

WAC 308-104-135 Open container law infractions—Placement on driving records. A traffic infraction under RCW 46.61.519 (1) or (2) shall not be placed on the driving record of the person found to have committed the infraction if the department determines to its satisfaction that the person was a passenger in the vehicle at the time the notice of infraction was issued.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-135, filed 3/12/86.]

WAC 308-104-145 Driving record abstracts—Release to insurance companies. For purposes of RCW 46.52.130, an abstract of driving record provided to an insurance company that has insurance in effect covering a person's employer or a prospective employer shall exclude any infor-

mation pertaining to the person's operation of a noncommercial motor vehicle. The abstract provided to the insurance company that has insurance in effect covering the person, or the insurance company to which the person has applied, shall exclude any information pertaining to the person's operation of a commercial motor vehicle. The abstract provided to the insurance company shall also exclude any information except that related to the commission of misdemeanors or felonies by the individual pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.020, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty. As used in this section, "commercial motor vehicle" shall have the meaning defined in RCW 46.25.010(6).

[Statutory Authority: RCW 46.01.110. 93-22-071, § 308-104-145, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-104-145, filed 8/8/90, effective 9/8/90.]

WAC 308-104-150 Address requests—Terms and fees. Where not otherwise prohibited by law or rule, the department may make available the address of a person whose driving record or identicard record is maintained by the department. A request for an address must be in writing, and must include the full name and the driver's license number or date of birth of the person whose address is requested.

The department shall collect in advance a fee of two dollars for each address requested in a single listing up to and including ten addresses, and fifteen cents for each additional address on that single listing: Provided, That the addresses will be provided to all governmental agencies without charge.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-150, filed 9/1/00, effective 10/2/00; 82-03-046 (Order 668 DOL), § 308-104-150, filed 1/19/82.]

WAC 308-104-155 Driving records—Designation of persons other than employees of the department as agents for certification. For purposes of Title 46 RCW, the director of the department of licensing may designate persons other than employees of the department as agents to furnish certified abstracts of driving records under seal of the director. This section shall only apply when the driving record has been obtained by the designated agent through electronic data transmission from the department's computer records.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-155, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-155, filed 12/14/90, effective 1/14/91.]

WAC 308-104-160 Nonmoving violation defined. A "nonmoving violation" as used in RCW 46.65.020 and this chapter shall mean any violation or traffic infraction in Title 46 RCW, other than those moving violations included in the following list or violations of substantially similar laws, administrative regulations, local laws, ordinances, regulations, or resolutions of a political subdivision of this state, the federal government, or any other state:

(1) Driving while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502;

(2) Physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.504;

- (3) Vehicular homicide, as defined by RCW 46.61.520;
- (4) Vehicular assault, as defined by RCW 46.61.522;
- (5) Reckless driving, as defined by RCW 46.61.500;
- (6) Racing, as defined by RCW 46.61.530;
- (7) Embracing, as defined by RCW 46.61.665;
- (8) Hit and run (injury, death, or occupied vehicle), as defined by RCW 46.52.020;
- (9) Attempting to elude a police vehicle, as defined by RCW 46.61.024;
- (10) Driving while driving privilege suspended or revoked, as defined by RCW 46.20.342, 46.20.394, or 46.20.420;
- (11) Reckless endangerment of roadway workers, as defined in RCW 46.61.527;
- (12) Driver under twenty-one driving or being in physical control of a motor vehicle after consuming alcohol, as defined in RCW 46.61.503;
- (13) Driving or in physical control of commercial motor vehicle while having alcohol in system, as defined in RCW 46.25.110;
- (14) Open container violation (driver), as defined by RCW 46.61.519;
- (15) Negligent driving in the first degree, as defined by RCW 46.61.5249;
- (16) Negligent driving in the second degree, as defined by RCW 46.61.525;
- (17) Hit and run (unattended vehicle or property), as defined by RCW 46.52.010;
- (18) Disobey road sign, as defined by RCW 46.61.050 and 46.61.070;
- (19) Disobey signalman, officer, or fire fighter, as defined by RCW 46.61.015, 46.61.020, 46.61.021, or 46.61.022;
- (20) Disobey school patrol, as defined by 46.61.385;
- (21) Speed too fast for conditions, as defined by RCW 46.61.400;
- (22) Speed in excess of maximum limit, as defined by RCW 46.61.400 or 46.61.460;
- (23) Speeding in a school zone, as defined by RCW 46.61.440;
- (24) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;
- (25) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
- (26) Failure to keep to the right, as defined by RCW 46.61.100 or 46.61.105;
- (27) Wrong way on a one-way street or rotary traffic island, as defined by RCW 46.61.135;
- (28) Improper lane change or travel, as defined by RCW 46.61.140;
- (29) Straddling or driving over centerline, as defined by RCW 46.61.140;
- (30) Driving on the wrong side of the road, as defined by RCW 46.61.150;
- (31) Crossing divider, as defined by RCW 46.61.150;
- (32) Improper entrance to or exit from freeway, as defined by RCW 46.61.155;
- (33) High occupancy vehicle lane violation, as defined by RCW 46.61.165;
- (34) Improper overtaking or passing, as defined by RCW 46.61.110, 46.61.115, 46.61.120, 46.61.125, or 46.61.130;
- (35) Passing stopped school bus, as defined by RCW 46.61.370;
- (36) Passing stopped private carrier bus, as defined by RCW 46.61.375;
- (37) Following too closely, as defined by RCW 46.61.145;
- (38) Following fire apparatus, as defined by RCW 46.61.635;
- (39) Crossing fire hose, as defined by RCW 46.61.640;
- (40) Driving on sidewalk, as defined by RCW 46.61.606;
- (41) Driving through safety zone, as defined by RCW 46.61.260;
- (42) Driving with wheels off roadway, as defined by RCW 46.61.670;
- (43) Impeding traffic, as defined by RCW 46.61.100, 46.61.425, or 46.20.427;
- (44) Improper turn, as defined by RCW 46.61.290;
- (45) Prohibited turn, as defined by RCW 46.61.295;
- (46) Failure to signal or improper signal, as defined by RCW 46.61.305;
- (47) Improper backing, as defined by RCW 46.61.605;
- (48) Unlawful operation of motorcycle on roadway, as defined by RCW 46.61.608;
- (49) Reckless endangerment, as defined by RCW 9A.36.050;
- (50) Failure to maintain control, as defined by RCW 46.61.445;
- (51) Violation of license restriction(s), as defined by RCW 46.20.041 or 46.20.740;
- (52) Violation of instruction permit restrictions, as defined by RCW 46.20.055;
- (53) Violation of out-of-service order, as defined by RCW 46.25.090;
- (54) Obstructed vision or control, as defined by RCW 46.61.615;
- (55) Carrying persons or animals outside of vehicle, as defined by RCW 46.61.660;
- (56) Carrying passenger in towed vehicle, as defined by RCW 46.61.625;
- (57) Coasting on downgrade, as defined by RCW 46.61.630;
- (58) Violation of child restraint requirements, as defined by RCW 46.61.687;
- (59) Carrying child under the age of five years old on motorcycle, as defined by RCW 46.37.530;
- (60) Carrying passenger improperly on motorcycle, as defined by RCW 46.61.610;
- (61) No helmet, goggles, mirrors, windshield or face shield, as defined by RCW 46.37.530;
- (62) Motorcycle handlebars above maximum height, as defined by RCW 46.61.611;
- (63) Operating moped on freeway or sidewalk, as defined by RCW 46.61.710;
- (64) Illegal, improper, defective, or missing vehicle equipment, as defined by RCW 46.37.010;

- (65) Driving without lights, as defined by RCW 46.37.020;
- (66) Failure to dim lights, as defined by RCW 46.37.230;
- (67) Operating motorcycle without lights, as defined by RCW 46.37.522;
- (68) No lamp, reflector, or flag on extended load, as defined by RCW 46.37.140;
- (69) Unnecessary noise, as defined by RCW 46.37.380;
- (70) Wearing earphones or viewing television in vehicle, as defined by RCW 46.37.480;
- (71) Permitting illegal vehicle operation, as defined by RCW 46.20.343 or 46.61.675;
- (72) Failure to secure load, as defined by RCW 46.37.490;
- (73) Spilling load, as defined by RCW 46.61.655; and
- (74) Improper towing, as defined by RCW 46.44.070.

[Statutory Authority: RCW 46.01.110, 00-18-070, § 308-104-160, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.10.110, 92-08-045, § 308-104-160, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.100 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-160, filed 3/12/86. Statutory Authority: RCW 46.01.110, 82-21-002 (Order 697-DOL), § 308-104-160, filed 10/7/82; 82-03-046 (Order 668 DOL), § 308-104-160, filed 1/19/82.]

WAC 308-104-170 Alcohol or drug abuse treatment program. (1) For the purposes of Title 46 RCW, a person shall be deemed to have undertaken and followed a course of treatment for alcohol or drug abuse on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: Provided, That the department may accept a shorter treatment term upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW, shall mean an alcohol or drug abuse treatment program meeting the requirements of chapter 388-305 WAC.

[Statutory Authority: RCW 46.01.110, 00-18-070, § 308-104-170, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-170, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-170, filed 1/19/82.]

WAC 308-104-340 Formal hearings—Habitual traffic offenders. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): Provided, however, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised of his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

[Statutory Authority: RCW 46.01.110, 92-08-045, § 308-104-340, filed 3/25/92, effective 4/25/92.]

Chapter 308-106 WAC MANDATORY INSURANCE

WAC

308-106-010	Insurance identification card.
308-106-020	Insurance identification card—Content.
308-106-030	Insurance identification card—Self-insurance—Certificate of deposit—Bond.

WAC 308-106-010 Insurance identification card. (1)

Any person who operates a motor vehicle subject to registration under chapter 46.16 RCW must have an identification card in his or her possession, as required by section 4(1), chapter 353, Laws of 1989, unless exempt under section 2(4)(a) or (b) of that chapter.

(2) In the event that an identification card contains a description of the insured vehicle(s), and the person acquires any additional or replacement vehicle(s), possession of a valid insurance identification card previously issued, along with proof of recent acquisition or transfer of ownership of the additional or replacement vehicle(s), shall be deemed to fulfill the requirements of this section for a period not to exceed thirty days after such vehicle(s) was acquired. The person must notify the company issuing the identification card of the acquisition of the additional or replacement vehicle(s) within fifteen days of acquisition. Possession of any binder issued pending the issuance of a motor vehicle liability policy shall likewise be deemed to fulfill the requirements of this section.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3, 89-22-030, § 308-106-010, filed 10/26/89, effective 11/26/89.]

WAC 308-106-020 Insurance identification card—Content. Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policy holder with an identification card that is to include, at a minimum:

- The name of the insurance company;
- The policy number;
- The effective date of the policy;
- The expiration date of the policy; and
- A description of the year, make and/or model of the insured vehicle(s) and/or the name of the insured driver. If there are five or more vehicles under common ownership, the word "fleet" may be used in place of the vehicle description. The insurance company may issue a supplemental listing of vehicles covered.

If an insurance company issues an identification card containing information in addition to that identified above, the above information shall be printed in such a way so as to be readily discernible. To the extent practical, the insurance identification card shall be printed in a manner so as to discourage tampering.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-020, filed 10/26/89, effective 11/26/89.]

WAC 308-106-030 Insurance identification card—

Self-insurance—Certificate of deposit—Bond. A person or organization providing proof of compliance through self-insurance, as provided in RCW 46.29.630, certificate of deposit, as provided in RCW 46.29.550, or bond, shall provide an identification card to all covered drivers. The card shall contain the following information:

(a) For persons or organizations who are self-insured:

(i) The self-insurance number issued by the department of licensing;

(ii) The effective date of the certificate of self-insurance; and

(iii) A description of the year, make and/or model of the vehicles covered by the certificate of self-insurance and/or the name of the driver covered by the certificate of self-insurance. The word "fleet" may be used in place of the vehicle description. The person or organization may issue a supplemental listing of vehicles covered;

(b) For persons or organizations who are covered by a certificate of deposit:

(i) The certificate number issued by the state treasurer; and

(ii) The name of the driver covered by the certificate of deposit;

(c) For persons or organizations covered by a liability bond:

(i) The name of the company issuing the bond;

(ii) The bond number; and

(iii) The name of the driver covered by the bond.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-030, filed 10/26/89, effective 11/26/89.]

Chapter 308-108 WAC

DRIVER TRAINING SCHOOLS

WAC

308-108-100 Driver training schools—Place of business.

WAC 308-108-100 Driver training schools—Place of business. In order to comply with the business practices relating to place of business provided for in RCW 46.82.360, a driver training school must meet the requirements of this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction.

(3) A driver training school established, or a driver training school establishing a new location, after July 23, 1989, shall be located in a district that is zoned for business or com-

mercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. This subsection shall not be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

[Statutory Authority: RCW 46.01.110. 91-01-063, § 308-108-100, filed 12/14/90, effective 1/14/91.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESPERSONS— GENERAL PROVISIONS

WAC

308-124-007 Meetings.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124-001 Promulgation—Authority. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-005 Organization. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124-005, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124-005, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124-005, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-010 Credit and character report. [Order RE 107, § 308-124-010, filed 7/20/73; Order RE-101, § 308-124-010, filed 2/17/71; Rule 1, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-020 Application for license—Credit and character report. [Rule 2, filed 3/24/60.] Repealed by Order RE-101, filed 2/17/71.

308-124-030 Applicant for license previously licensed in another state. [Rule 3, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-040 Corporate or copartnership applicants for licenses—Proof required. [Order RE 107, § 308-124-040, filed 7/20/73; Rule 4, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-050 Corporate or copartnership applications for temporary salesman's permit—Proof required. [Rule 5, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-060 Renewal of licenses—Exemption of servicemen. [Rules (part), filed 12/21/66; Rule 6, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

- 308-124-065 Salesman second renewal requirements. [Order RE-105, § 308-124-065, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-070 Successful applicants must apply for license. [Order RE 110, § 308-124-070, filed 3/27/74; Rule 7, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-080 Notice required of intention to take examination. [Order RE 107, § 308-124-080, filed 7/20/73; Order RE-105, § 308-124-080, filed 9/1/72; Order 5, § 308-124-080, filed 5/13/69; Rules (part), filed 6/28/67; Rule 8, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-085 Credit and character report—Temporary permit. [Order RE 107, § 308-124-085, filed 7/20/73.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-087 No temporary permit issued after examination failure. [Order RE 112, § 308-124-087, filed 1/23/75.] Repealed by Order RE 120, filed 9/20/77.
- 308-124-090 Unsuccessful broker applicants—Loss of waiver privilege. [Order RE 107, § 308-124-090, filed 7/20/73; Order 09-11-70, § 308-124-090, filed 9/14/70; Rule 9, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-100 Prevention of the same or deceptively similar real estate firm names. [Rule 10, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-110 Real estate office in same building as residence requirements. [Order RE-102, § 308-124-110, filed 10/28/71; Rule 11, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-120 Payment of earned commissions to salesmen or associate brokers by broker. [Rule 12, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-130 Subdivision advertising—Filing with director. [Order RE 110, § 308-124-130, filed 3/27/74; Rule 13, filed 6/28/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-140 Summary revocation of licenses. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-150 Application for license—Fingerprinting. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-170 Discriminatory acts—Prohibition. [Order 4, § 308-124-170, filed 4/16/68.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-180 Branch offices operating under another name. [Order 5, § 308-124-180, filed 5/13/69.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-190 License fees—Expiration—Renewal. [Order RE-102, § 308-124-190, filed 10/28/71.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-200 Fee brokers prohibited. [Order RE-105, § 308-124-200, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-210 Notification of adverse court action. [Order RE 108, § 308-124-210, filed 9/26/73.] Repealed by Order RE 114, filed 7/2/75.

WAC 308-124-007 Meetings. The real estate commission meets quarterly, March, June, September and December or at the call of the director. Individuals desiring to be informed as to date, time, place and agenda of the meeting must make a written request to the real estate program. Annual notice of the commission's yearly schedule will be published by the code reviser at the beginning of each new year.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124-007, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124-007, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.]

WAC 308-124-021 Definitions. 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.

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(1) "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.

(2) "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.

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

(4) "Affiliated licensees" are the natural persons licensed as salespersons, 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.

(5) "Prospect procurement" is initiating contact with a prospective buyer, seller, landlord or tenant for the purpose of engaging in a sale, lease or rental of real estate or a business opportunity, and the contact is initiated under a promise of compensation.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124-021, filed 3/29/00, effective 7/1/00; 99-03-042, § 308-124-021, filed 1/14/99, effective 2/14/99. 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 fed-

erally 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.

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(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-010	Character report.
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308-124A-025	Application process to take examination not licensed in another jurisdiction.
308-124A-030	Successful applicants must apply for license.
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308-124A-110	Application for real estate examination, licensed in another jurisdiction.
308-124A-120	Application for license—Interim license.
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308-124A-200	Corporate or copartnership applicants for licenses—Proof required.
308-124A-205	Corporate license renewal—Proof required.
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308-124A-422	Application for broker license examination—Clock hour requirements.
308-124A-425	Substitution of clock hours.
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308-124A-440	Reexamination.
308-124A-450	Examination procedures.
308-124A-460	Real estate brokers and salespersons and land development representative fees.
308-124A-570	Reinstatement of a cancelled license for nonpayment of renewal fee.
308-124A-590	Salesperson first active license renewal—Post license requirements.
308-124A-595	License activation.
308-124A-600	Continuing education clock hour requirements.
308-124A-605	Defining prescribed core curriculum.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124A-100	Applicant for license previously licensed in another state. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
308-124A-115	Nonresident licenses—Expiration—Renewal. [Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-115, filed 8/18/87, effective 10/1/87.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.

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- 308-124A-210 Corporate or copartnership application for land development representative—Proof required. [Order RE 120, § 308-124A-210, filed 9/20/77; Order RE 114, § 308-124A-210, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.
- 308-124A-310 Salesman second renewal requirements. [Order RE 114, § 308-124A-310, filed 7/2/75.] Repealed by 81-05-016 (Order RE 128), filed 2/10/81. Statutory Authority: RCW 18.85.040.
- 308-124A-400 License fees—Expiration—Renewal. [Order RE 114, § 308-124A-400, filed 7/2/75.] Repealed by Order RE 120, filed 9/20/77.

WAC 308-124A-010 Character report. Any person making application for registration as a land development representative pursuant to chapter 18.85 RCW, must as an integral part of the application, supply the director with satisfactory proof of applicant's identification and good character. Proof of good character shall be obtained and attested by the employing broker upon a form to be provided by the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-010, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124A-010, filed 10/23/78; Order RE 120, § 308-124A-010, filed 9/20/77; Order RE 114, § 308-124A-010, filed 7/2/75.]

WAC 308-124A-020 Application for a license—Fingerprinting. Persons who have been convicted of a crime within ten years of application may be required to submit fingerprint identification, on a form provided by the department prior to issuance of a license.

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124A-020, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-020, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-020, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.]

WAC 308-124A-025 Application process to take examination not licensed in another jurisdiction. This section does not apply to applicants for a real estate salesperson or broker license who are actively licensed in another jurisdiction or were so licensed in the preceding six months.

(1) Any person desiring to take an examination for a real estate salesperson license, except applicants who have received clock hours in another jurisdiction, which have not been approved by the department or applicants who are requesting substitution of clock hours per WAC 308-124A-425, shall telephone the testing service up to three days prior to the desired test date to schedule an examination. On the day of the examination, the candidate shall submit a completed examination application together with the examination fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, to the testing service approved by the department.

(2) Any person desiring to take an examination for a real estate salesperson license who received clock hours in another jurisdiction which have not been approved by the department or salesperson applicants who are requesting substitution of clock hours per WAC 308-124A-425, must submit a completed examination application with supporting

documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall telephone the testing service up to three days prior to the desired test date to schedule an examination. On the day of the examination, the candidate shall submit the verified examination application and examination fee to the testing service approved by the department.

(3) Any person desiring to take an examination for a real estate broker license, including applicants who have received clock hours in another jurisdiction which have not been approved by the departments or broker applicants who are requesting substitution of clock hours per WAC 308-124A-425, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall telephone the testing service up to three days prior to the desired test date to schedule an examination. On the day of the examination, the candidate shall submit the verified examination application and examination fee to the testing service approved by the department.

(4) The candidate will be able to schedule an examination date up to three days prior to their desired test date. Candidates requesting a morning or afternoon test session will be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit the verified examination application and examination fee by cashier's check, certified check, or money order to the testing service approved by the department. Cash, or personal check, will not be accepted from candidates.

(5) A candidate shall be assessed the full examination fee for any examination in which the candidate fails to provide four days notice to the testing service for changing their examination date or for failing to arrive and take a scheduled examination at the time the examination is scheduled or rescheduled.

[Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 93-24-096, § 308-124A-025, filed 11/30/93, effective 1/1/94; 91-23-006, § 308-124A-025, filed 11/7/91, effective 12/8/91; 89-08-009 (Order PM 829), § 308-124A-025, filed 3/24/89; 88-20-036 (Order PM 774), § 308-124A-025, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-025, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

WAC 308-124A-030 Successful applicants must apply for license. Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

WAC 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege. Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full-time real estate salesperson based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-040, filed 10/7/87; 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

WAC 308-124A-110 Application for real estate examination, licensed in another jurisdiction. (1) Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in the same or greater capacity in another jurisdiction and has maintained his or her license in good standing or who was actively licensed in the same or greater capacity in good standing within the preceding six months is eligible to take the Washington law portion of the examination.

(2) Any person applying to take the examination under this section shall submit an examination application approved by the department and shall submit evidence of licensure in another jurisdiction by a license verification form completed by an administrative officer of the licensure authority in such jurisdiction.

(3) After the qualifications for the examination have been verified by the department the candidate shall telephone the testing service up to three days prior to the desired test date to schedule an examination. Candidates requesting a morning or afternoon test session shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit the verified examination application and examination fee by cashier's check, certified check or money order to the testing service approved by the department. Cash or personal checks will not be accepted from candidates.

(4) The director, upon advice of the Washington state real estate commission, may consider entering into written recognition agreements with other jurisdictions which license real estate brokers and salespersons similarly to Washington state. The recognition agreement(s) shall require the other jurisdiction to grant the same licensing process to licensees of Washington state as is offered by Washington state to licensee applicants from other jurisdictions.

[Statutory Authority: RCW 18.85.040(1), 02-07-060, § 308-124A-110, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-110, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-110, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-110, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-110, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

WAC 308-124A-120 Application for license—Interim license. (1) A person who desires to be licensed as a

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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-130 Salesperson, associate brokers—Termination of services. A person licensed as salesperson or associate broker may perform duties and activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker or surrender of the license by the licensee to the department. The termination date shall be the postmark date or date the license is hand delivered to the department.

If the license cannot be surrendered to the department because the license has been lost, the salesperson or associate broker and the broker shall complete an affidavit of lost license on a form provided by the department. No license

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transfers shall be permitted unless the license is surrendered or the affidavit of lost license is completed and filed with the department. If the license cannot be surrendered because the broker is conditioning the surrender of the license, the associate broker or salesperson shall so advise the department in writing and cooperate in full with the investigation of the broker's failure to comply with this rule. Upon receipt of the salesperson or associate broker's written statement about broker conditioning the release of the license, the department shall process the license transfer.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124A-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124A-130, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required. The minimum qualifications for a corporation, 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) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(3) 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.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124A-200, filed 1/14/99, effective 2/14/99. 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.]

WAC 308-124A-410 Application for broker license examination—Two years sales experience. To qualify for two years of actual experience as a full-time real estate salesperson, applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in licensed real estate activity for the period; or

(2) A major source of income from licensed real estate activity continuously for the period.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-410, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.]

WAC 308-124A-420 Application for broker license examination, other qualification or related experience.

Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full-time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the Real Estate Program, P.O. Box 9015, Olympia, Washington 98507-9015. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five business associates describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of two years of full-time sales experience:

(1) Post-secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application.

[Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-420, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124A-420, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-420, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-420, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.]

WAC 308-124A-422 Application for broker license examination—Clock hour requirements. (1) Applicants for the broker's examination shall have successfully completed one hundred twenty clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in real estate law, a

course in real estate brokerage management, a course in business management and one elective course. All courses completed to satisfy this requirement must be approved real estate subject matter as defined in WAC 308-124H-025 and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within five years prior to applying for the broker's examination.

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

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124A-422, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-422, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124A-422, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-425 Substitution of clock hours. (1)

The director may allow for substitution of the clock hour requirements in RCW 18.85.090 (1)(d) and 18.85.095 (1)(b), if the individual is otherwise and similarly qualified by reason of completion of equivalent educational course work in any institution of higher education or degree granting institution.

(2) Individuals requesting approval of equivalent educational course work shall submit a transcript of course work completed from an institution of higher education or a degree granting institution together with an application for the license examination. The department may also require certification from an authorized representative of the institution of higher education or degree granting institution that the course work satisfies the department's prescribed course content or curriculum for a given course(s).

[Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-425, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124A-425, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-425, filed 9/30/88.]

WAC 308-124A-430 Grading of examinations. (1) A minimum scaled score of 70 on each portion of the real estate salesperson examination is required to pass. The real estate salesperson examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate practices and (b) the state portion consisting of questions that test on Washington licensing law and regulations effective July 1, 1991.

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

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

[Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095. 91-07-029, § 308-124A-430, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-430, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-430, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-440 Reexamination. An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination by telephoning the testing service to schedule an examination. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

[Statutory Authority: RCW 18.85.040. 93-24-096, § 308-124A-440, filed 11/30/93, effective 1/1/94; 88-20-036 (Order PM 774), § 308-124A-440, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-440, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-450 Examination procedures. (1)

Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the department not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test materials and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

[Statutory Authority: RCW 18.85.040. 93-24-096, § 308-124A-450, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-450, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124A-450, filed 10/7/87; 86-11-011 (Order PM 595), § 308-124A-450, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after April 30, 2002, and all renewals for existing licenses with expiration date after April 30, 2002. The following fees for a

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two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	200.00
License renewal	200.00
Late renewal with penalty	226.50
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	26.50
Real estate broker - Branch office:	
Original license	\$189.50
License renewal	189.50
Late renewal with penalty	216.00
Duplicate license	26.50
Name or address change	26.50
Real estate salesperson:	
Application/examination	\$138.25
Reexamination	138.25
Original license	136.25
License renewal	136.25
Late renewal with penalty	162.75
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	26.50

The following fee shall be charged annually for land development representatives:

Land development representative:	
Registration	26.50

[Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-057, § 308-124A-460, filed 1/10/02, effective 5/1/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-460, filed 1/14/99, effective 7/1/99. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-460, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-460, filed 11/15/90, effective 12/16/90. Statutory Authority: RCW 18.85.220 and 43.24.086, 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040, 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

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

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law course specified in WAC 308-124H-011;

(b) Payment of all back renewal fees with penalty at the current rate; and

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(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.090 and/or 18.85.095, whichever applicable, within five years preceding the application for reinstatement.

(3) Former licensees, cancelled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-570, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-570, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-590 Salesperson first active license renewal—Post license requirements. The minimum requirements for a salesperson to be issued the first renewal of an active license are that the salesperson:

(1) Has furnished proof that the salesperson has successfully completed a thirty clock-hour course, from a prescribed curriculum approved by the director, in real estate practices commenced after issuance of a first license. The salesperson must pass a course examination approved by the director; and

(2) Furnish proof, that the salesperson has completed an additional thirty clock hours of continuing education commenced after issuance of first license.

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-590, filed 1/5/95, effective 7/1/95.]

WAC 308-124A-595 License activation. (1) An inactive license may be placed on active status pursuant to RCW 18.85.215.

(2) A salesperson may use a thirty-clock hour course, from a curriculum approved by the director, in real estate practices for both activation of a license that has been inactive for three or more years and for first renewal of an active license as required in WAC 308-124A-590(1).

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-595, filed 1/5/95, effective 7/1/95.]

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

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date, and a portion of that fifteen must include three hours of the prescribed core curriculum defined at WAC 308-124A-605. Up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date. Licensees shall begin reporting prescribed core curricu-

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lum for renewal dates on or after June 1, 2004. Failure to report successful completion of the prescribed core curriculum clock hours shall result in denial of license renewal.

(2) The thirty clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-124H-025. A portion of the thirty clock hours of continuing education must include three clock hours of prescribed core curriculum defined at WAC 308-124A-605.

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

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.215(3);

(c) Course(s) was used to satisfy the requirements of RCW 18.85.095 (1)(b), real estate salesperson's license, RCW 18.85.095 (2)(a), real estate salesperson's practices course, and RCW 18.85.090, broker's license and WAC 308-124A-570, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-080, § 308-124A-600, filed 1/15/02, effective 2/15/02. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124A-600, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-600, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124A-600, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-605 Defining prescribed core curriculum. A licensee shall submit to the department evidence of satisfactory completion of three clock hours of core curriculum continuing education approved by the director. Core curriculum continuing education is a specific course of study, recommended by the real estate commission for approval by the director that provides practical information on contemporary issues relating to the practice of real estate. The commission may recommend multiple core curricula to address residential, commercial and property management disciplines or may recommend readoption of the same core curriculum if appropriate. Core curriculum may be developed in a separate three clock-hour course or may be three clock hours contained within an approved thirty or less clock-hour course. Core curriculum must be completed within twenty-four months of the licensee's renewal date. Core curriculum commenced within thirty-six months but more than twenty-four months prior to the licensee's renewal date, may not count towards the core curriculum requirement, but may apply as regular continuing education credit for renewal.

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[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-080, § 308-124A-605, filed 1/15/02, effective 2/15/02.]

Chapter 308-124B WAC

REAL ESTATE—BROKER'S OFFICE

WAC

308-124B-030	Franchise advertising.
308-124B-100	Office identification.
308-124B-110	Display of licenses.
308-124B-120	Change of office location.
308-124B-130	Names prohibited.
308-124B-140	Multiple business usage of office.
308-124B-145	Two or more real estate businesses in same location.
308-124B-150	Office requirement for brokers actively licensed in another jurisdiction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124B-010	Prevention of the same or deceptively similar real estate firm names. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.] Repealed by 88-06-039 (Order PM 711), filed 3/1/88. Statutory Authority: RCW 18.85.040.
308-124B-040	Branch offices operating under another name. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.

WAC 308-124B-030 Franchise advertising. Each broker using the name of a franchise service or other service in the advertising, display signs or directory listings shall prominently display the name of the real estate firm as it appears on the Washington real estate license of such licensee.

[Order RE 114, § 308-124B-030, filed 7/2/75.]

WAC 308-124B-100 Office identification. Any main or branch office of the real estate broker shall be identified by displaying the name, visible to the public, of the broker as licensed at the address appearing on the license.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-100, filed 10/7/87; Order RE 114, § 308-124B-100, filed 7/2/75.]

WAC 308-124B-110 Display of licenses. Licenses of the real estate broker, all associate real estate brokers, branch managers, salespersons and land development representatives shall be displayed prominently in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-110, filed 2/10/81; Order RE 114, § 308-124B-110, filed 7/2/75.]

WAC 308-124B-120 Change of office location. The real estate broker shall notify the department of the change of location and mailing address of the broker's office by promptly filing a completed change of address application with the department together with the return of all licenses and payment of the correct fees.

[Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124B-120, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124B-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

(2003 Ed.)

WAC 308-124B-130 Names prohibited. A real estate broker shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.85.040, 88-06-039 (Order PM 711), § 308-124B-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124B-130, filed 10/7/87; Order RE 114, § 308-124B-130, filed 7/2/75.]

WAC 308-124B-140 Multiple business usage of office. A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124B-140, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

WAC 308-124B-145 Two or more real estate businesses in same location. Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124B-145, filed 1/14/99, effective 2/14/99.]

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Seattle or Olympia) nearest to the location of the records to sign the audit report.

[Statutory Authority: RCW 18.85.040(1), 02-03-054, § 308-124B-150, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and the (2003 Ed.)

Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124B-150, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

Chapter 308-124C WAC REAL ESTATE—RECORDS AND RESPONSIBILITIES

WAC

308-124C-010	Licensee's responsibilities.
308-124C-020	Required records.
308-124C-030	Accuracy and accessibility of records.
308-124C-040	Suit or complaint notification.

WAC 308-124C-010 Licensee's responsibilities. (1)

The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current mailing address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department. The broker shall provide copies of required records upon demand by the director or the director's authorized representative.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124C-010, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124C-010, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

WAC 308-124C-020 Required records. The minimum real estate records the real estate broker shall be required to keep are as follows:

(1) Bank trust account records:

(a) Duplicate receipt book or cash receipts journal recording all receipts;

(b) Prenumbered checks with check register, cash disbursements journal or check stubs;

(c) Validated duplicate bank deposit slips;

(d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;

(e) In conjunction with (d) of this subsection, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor; for automated systems, the ledger sheets may be a computer generated printout which contains required entrees;

(f) Reconciled bank statements and cancelled checks for all trust bank accounts.

(2) Other records:

(a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction,

and for each rental, lease, contract or mortgage collection account;

(b) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: Provided, That a source document is maintained at the brokers office which contains the name and address of the tenant; address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held; and any modification of the terms of the original lease document;

(c) The original lease document may be maintained at a branch office: Provided, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager;

(d) All required records shall be maintained at one location where the broker is licensed. This location may be the main or any branch office. (c) and (d) of this subsection address property management records being maintained "on-site." For sales transactions, a copy of the earnest money agreement, a copy of the final settlement statement, and any addenda related to the accounting or disposition of client funds shall be at the same location where the trust bank account records are maintained.

[Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124C-020, filed 11/15/90, effective 12/16/90; 86-06-011 (Order 138R), § 308-124C-020, filed 2/21/86; 85-21-035 (Order 136R), § 308-124C-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-124C-020, filed 7/2/75.]

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

In the case of a corporate, 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.]

WAC 308-124C-040 Suit or complaint notification.

Every licensee shall, within twenty days after service or knowledge thereof, notify the real estate program manager of the following:

(1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

(2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any real estate or business-related activity by the licensee. Notification is required regardless of any pending appeal.

[Statutory Authority: RCW 18.85.040, 90-01-043, § 308-124C-040, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124C-040, filed 10/7/87; Order RE 114, § 308-124C-040, filed 7/2/75.]

Chapter 308-124D WAC

REAL ESTATE—OPERATIONAL PROCEDURES

WAC

308-124D-010	Checks—Payee requirements.
308-124D-020	Negotiating agreements and closing.
308-124D-030	Expeditious performance.
308-124D-050	Property management agreements and disclosures.
308-124D-061	Broker supervision of affiliated licensees.
308-124D-070	Discriminatory acts—Prohibition.
308-124D-080	Payment of earned commissions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124D-040	Disclosure of agency representation. [Statutory Authority: RCW 18.85.040, 92-21-035, § 308-124D-040, filed 10/15/92, effective 11/15/92; 88-24-058 (Order PM 810), § 308-124D-040, filed 12/7/88; 88-20-037 (Order PM 775), § 308-124D-040, filed 9/30/88; 87-05-065 (Order PM 639), § 308-124D-040, filed 2/18/87, effective 4/1/87; 86-19-062 (Order PM 617), § 308-124D-040, filed 9/16/86, effective 4/1/87.] Repealed by 97-01-027, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW.
308-124D-060	Broker supervision of affiliated licensees. [Statutory Authority: RCW 18.85.040, 88-24-059 (Order PM 811), § 308-124D-060, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
308-124D-065	Broker and affiliated licensees—Written relationship agreement. [Statutory Authority: RCW 18.85.040, 88-24-059 (Order PM 811), § 308-124D-065, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
308-124D-100	Payment of earned commissions. [Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124D-100, filed 8/13/82; Order RE 114, § 308-124D-100, filed 7/2/75.] Repealed by 85-21-036 (Order 137R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124D-010 Checks—Payee requirements.

All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by

clients shall be made payable to the real estate broker as licensed, unless it is mutually agreed in writing by the principals that the deposit shall be paid to the lessor, the seller or an escrow agent named in the agreement. The broker shall retain a copy of the written agreement.

[Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124D-010, filed 8/13/82; Order RE 114, § 308-124D-010, filed 7/2/75.]

WAC 308-124D-020 Negotiating agreements and closing. The real estate licensee shall be responsible for negotiating the agreement between seller and purchaser as follows:

(1) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(2) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(3) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(4) A legible copy of the agreement to purchase shall be retained in each participating real estate broker's files.

(5) Sales transactions may be closed in the office of the real estate broker if so provided in the agreement, provided that no escrow, service, closing or any other fee except sales commission is charged to the purchaser or seller by the broker. An escrow agent's certificate of registration is required to close real estate transactions for compensation.

(6) The real estate broker shall furnish or cause to be furnished to each buyer and to each seller in every real estate or business opportunity transaction wherein the licensee acts as broker, at the time the transaction is closed, a complete detailed closing statement as it applies to the buyer and a complete detailed closing statement as it applies to the seller. The broker shall retain a copy of all closing statements of the respective buyers or sellers wherein the licensee acts as broker for all transactions even though funds are not handled by the broker and closing is done elsewhere for inspection by any authorized representative of the director.

(7) The closing statements of all real estate or business opportunity transactions in which a real estate broker participates shall show the date of closing, the total purchase price of the property, an itemization of all adjustments, money, or things of value received or paid showing to whom each item is credited and/or to whom each item is debited. The dates of the adjustments shall be shown, together with the names of the payees, makers and assignees of all notes paid or made or assumed.

(8) The net proceeds of sale on all real estate transactions closed by the real estate broker are to be paid direct to the seller unless otherwise provided by written agreement.

(9) Where an agreement for the sale of real estate has been negotiated involving the services of more than one broker, and funds are to be deposited by the purchaser prior to the closing of the transaction, the broker first receiving such funds shall retain custody thereof and be accountable therefor, until such funds are distributed in accordance with written instructions signed by all parties to the transaction.

(2003 Ed.)

[Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.]

WAC 308-124D-030 Expeditious performance. A real estate licensee shall perform all acts required of the licensee by a real estate agreement as expeditiously as possible. Intentional or negligent delays in such performance shall be considered detrimental to the public interest in violation of RCW 18.85.230(26).

[Order RE 114, § 308-124D-030, filed 7/2/75.]

WAC 308-124D-050 Property management agreements and disclosures. (1) All properties managed by the broker must be supported by a written management agreement signed by the owner and broker and retained. The management agreement must state as a minimum: (a) The broker's compensation (b) the type (i.e., apartments, industrial) and number of individual units in the project or square footage (if other than residential) (c) whether or not the broker is authorized to collect funds and disburse funds and for what purposes (d) authorization, if any, to hold security deposits and the manner in which security deposits may be disbursed and (e) the frequency of furnishing summary statements to the owner.

(2) All properties rented or leased by the firm must be supported by a written rental or lease agreement.

(3) Each owner of property managed by the broker must be provided a summary statement as provided in the property management agreement for each property managed showing: (The broker is to retain a true copy of this statement).

(a) Balance carried forward from previous summary statement.

(b) Total rent receipts.

(c) Owner contributions.

(d) Other itemized receipts.

(e) Itemization of all expenses paid.

(f) Ending balance.

(g) Number of units rented or square footage if other than residential.

(4) The broker may provide other services to owners of properties managed provided full disclosure to the owner is provided in writing of the broker's relationship with any and all persons providing such services, prior disclosure of fees charged, and permission is granted by the owner.

(5) Any amendment or modification to the property management agreement must be made in written form and signed by the owner and the broker and retained.

[Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124D-050, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124D-050, filed 10/7/87.]

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he/she does not exercise adequate supervision over the activities of his or her licensed salesper-

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sons, associate brokers or branch managers as required by chapter 18.85 RCW.

(2) 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.

(3) A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. 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 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-061, filed 1/14/99, effective 2/14/99. 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.]

WAC 308-124D-070 Discriminatory acts—Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap, or an intention to make any such preference, limitation or discrimination.

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(e) Represent to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-070, filed 1/14/99, effective 2/14/99.]

WAC 308-124D-080 Payment of earned commissions. A broker is permitted to disburse by check earned commissions from the real estate broker's business bank account to any legal, authorized business entity wholly owned by his or her affiliated licensees.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-080, filed 1/14/99, effective 2/14/99.]

Chapter 308-124E WAC

REAL ESTATE—TRUST ACCOUNT PROCEDURES

WAC

- 308-124E-012 Administration of funds held in trust—General procedures.
- 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.
- 308-124E-014 Administration of funds held in trust—Property management.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124E-010 Administration of trust accounts. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124E-010, filed 2/10/81; Order RE 114, § 308-124E-010, filed 7/2/75.] Repealed by 82-17-039 (Order 130), filed 8/13/82. Statutory Authority: RCW 18-85-040.
- 308-124E-011 Administration of funds held in trust. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124E-011, filed 10/7/87; 85-21-035 (Order 136R), § 308-124E-011, filed 10/11/85; 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.] Repealed by 88-06-040 (Order PM 712), filed 3/1/88. Statutory Authority: RCW 18.85.310.

WAC 308-124E-012 Administration of funds held in trust—General procedures. Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such

funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a federally chartered or approved banking institution or a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed.

(2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm.

(3) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the department.

(4) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(5) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except:

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, owned exclusively by the real estate broker or the broker's real estate firm.

(c) For purposes of this section, Saturday shall not be considered a banking day.

(6) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(7) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint, teller's stamp, or electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.

(8) An individual client's ledger sheet shall be established and maintained for each client for whom funds are

received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit" "interest." The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(9) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients.

(10) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(11) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(c) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed"; or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(c) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier. The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer.

[Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-012, filed 11/7/91, effective 12/8/91; 91-12-012, § 308-124E-012, filed 5/30/91, effective 6/30/91; 90-01-045, § 308-124E-012, filed 12/14/89, effective 1/14/90; 88-24-059 (Order PM 811), § 308-124E-012, filed 12/7/88. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-012, filed 3/1/88.]

WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

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(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the trans-

action, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker shall deliver the deposit to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124E-013, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-013, filed 11/7/91, effective 12/8/91; 90-23-039, § 308-124E-013, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW 18.85.310. 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.]

WAC 308-124E-014 Administration of funds held in trust—Property management. Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established when directed by written property management agreement or directive signed by the owner: Provided, That all interest or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker;

(d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.

(3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement.

(6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

[Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-014, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040 and 18.85.310. 90-09-014, § 308-124E-014, filed 4/6/90, effective 5/7/90. Statutory Authority: RCW 18.85.040. 90-01-046, § 308-124E-014, filed 12/14/89, effective 1/14/90. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-014, filed 3/1/88.]

Chapter 308-124H WAC

REAL ESTATE COURSE SCHOOL AND INSTRUCTOR APPROVAL—EDUCATION OF REAL ESTATE BROKERS AND SALESPERSONS

WAC

PART A COURSE APPROVAL

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308-124H-510	Instructor approval required.	308-124H-038	Course titles. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-038, filed 10/7/87.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-525	Application process for previously approved instructors.		
308-124H-530	Certificate of instructor approval.		
308-124H-540	Qualifications of instructors.	308-124H-040	Approval of classes. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-040, filed 10/7/87; 87-01-085 (Order PM 631), § 308-124H-040, filed 12/22/86; 86-11-011 (Order PM 595), § 308-124H-040, filed 5/12/86, effective 10/1/86; 86-06-011 (Order 138R), § 308-124H-040, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-040, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-040, filed 2/10/81; 79-07-063 (Order RE 127), § 308-124H-040, filed 6/27/79; 78-11-052 (Order RE 125), § 308-124H-040, filed 10/23/78; Order RE 116, § 308-124H-040, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-550	Changes in instructors.		
308-124H-551	Guest lecture(s)—Defined.		
308-124H-560	Disciplinary action—Procedures—Investigation.		
308-124H-570	Grounds for denial or withdrawal of instructor approval.		
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
308-124H-010	Approval of real estate courses to satisfy clock hour requirements. [Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095. 91-07-029, § 308-124H-010, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 90-01-047, § 308-124H-010, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124H-010, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-010, filed 10/11/85; 78-11-052 (Order RE 125), § 308-124H-010, filed 10/23/78; Order RE 116, § 308-124H-010, filed 4/30/76.] Repealed by 91-23-006, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040.	308-124H-043	Temporary approval of instructors. [Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124H-043, filed 2/21/86.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-020	Administration. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-020, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-020, filed 2/10/81; Order RE 116, § 308-124H-020, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.	308-124H-045	Recordkeeping. [Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124H-045, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-045, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-045, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-045, filed 10/23/78.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-021	Approval of courses. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-021, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-021, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.	308-124H-050	Review applications. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-050, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-050, filed 10/23/78; Order RE 116, § 308-124H-050, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-030	Filing of courses. [Statutory Authority: RCW 18.85.040. 89-11-032 (Order PM 844), § 308-124H-030, filed 5/12/89; 88-24-059 (Order PM 811), § 308-124H-030, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124H-030, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-030, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-030, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-030, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-030, filed 10/23/78; Order RE 116, § 308-124H-030, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.	308-124H-055	Broker real estate education requirements. [Statutory Authority: RCW 18.85.040. 78-11-052 (Order RE 125), § 308-124H-055, filed 10/23/78.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-032	Course eligibility. [Statutory Authority: RCW 18.85.040. 79-07-063 (Order RE 127), § 308-124H-032, filed 6/27/79.] Repealed by 85-21-035 (Order 136R), filed 10/11/85. Statutory Authority: RCW 18.85.040.	308-124H-060	Teachers and/or instructors. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-060, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-060, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-060, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-060, filed 10/23/78; Order RE 118, § 308-124H-060, filed 7/6/76; Order RE 116, § 308-124H-060, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-065	Inspection of records. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-065, filed 10/11/85.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-070	Completion of courses. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-

- 070, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124H-070, filed 10/23/78; Order RE 116, § 308-124H-070, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
- 308-124H-080 Courses for license activation. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-080, filed 10/11/85.] Repealed by 95-03-012, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040 and SB 6284.
- 308-124H-220 Approval of schools. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-220, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-220, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.
- 308-124H-240 Administrator qualifications. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-240, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.
- 308-124H-520 Approval of instructors. [Statutory Authority: RCW 18.85.040. 91-12-013, § 308-124H-520, filed 5/30/91, effective 6/30/91; 90-23-039, § 308-124H-520, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-520, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.

PART A COURSE APPROVAL

WAC 308-124H-011 Course approval required. (1)

Any education provider or course developer may submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which the course is offered for clock hour credit.

(3) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the commission.

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

(6) Approval shall expire two years after the effective date of approval.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-011, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-011, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-011, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-012 Course titles reserved for prescribed curriculum courses. Any approved school desiring to offer fundamentals, business management, broker management, real estate law, and/or real estate practices shall utilize the most recent course curriculum prescribed by the department, and shall include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submitted for approval for clock hours. No other courses shall use these phrases in their titles.

(2003 Ed.)

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-012, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-013 Application process for previously approved courses. (1) If there are no changes in course content or in the original course approval application for a previously approved course, the course will be approved upon receipt of a course renewal application and payment of the required fee.

(2) If there are changes in course content or in the original course approval application for a previously approved course, other than updating for changes required by WAC 308-124H-039, the application will not be processed as a renewal, and will require completion of a course approval application and payment of the required fee.

(3) If a course renewal application or a course approval application is submitted at least thirty days prior to the current course expiration date, the previous course approval shall remain in effect until action is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-013, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-014 Establishing time frame for approval of core curriculum. The first required core curriculum continuing education courses will be offered for eighteen months, beginning June 1, 2002, ending December 31, 2003. Following the initial introductory core curriculum, the approval period for courses designated as satisfying the core curriculum(s) shall be from January 1 through December 31, a two-year (twenty-four month) period. Courses submitted and approved prior to the two-year period will not be allowed to commence for core curriculum credit until January 1. Courses submitted later than January 1, will still have an expiration date of December 31, making that course approval period less than two years.

[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-055, § 308-124H-014, filed 1/10/02, effective 2/10/02.]

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

(1) Be offered by a private entity approved by the director to operate as a school;

(2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours as indicated in RCW 18.85.010(9), consistent with the approval standards prescribed by the director and this chapter;

(3) Be offered by the Washington real estate commission;

(4) Have a minimum of three hours of course work or instruction for the student. A clock-hour is a period of fifty minutes of actual instruction;

(5) Provide practical information related to the practice of real estate in any of the following real estate topic areas: Fundamentals, practices, principles/essentials, real estate law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business

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opportunities, property management and leasing, construction and land development, ethics and standards of practice, real estate closing practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial, real estate sales and marketing, instructor development or the use of computers and/or other technologies as applied to the practice of real estate;

(6) Be under the supervision of an instructor approved to teach the topic area, who shall, at a minimum, be available to respond to specific questions from students on an immediate or reasonably delayed basis;

(7) The following types of courses will not be approved for clock hours: Course offerings in mechanical office and business skills, such as, keyboarding, speed-reading, memory improvement, language, and report writing; orientation courses for licensees, such as those offered by trade associations; and personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business. Clock hours will not be awarded for any course time devoted to meals or transportation;

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

(9) Include textbook or instructional materials approved by the director, which shall be kept accurate and current;

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

(11) The provider's course application shall identify learning objectives and demonstrate how these are related to the practice of real estate;

(12) Courses offering the prescribed core curriculum shall meet the requirements of WAC 308-124A-605;

(13) Only primary providers shall be approved to teach the prescribed core curriculum; and

(14) Course providers offering core curriculum within a course exceeding three clock hours must clearly indicate in the application for approval where the core curriculum elements are met in the course.

[Statutory Authority: RCW 18.85.040(1), 03-02-001, § 308-124H-025, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-055, § 308-124H-025, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-025, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124H-025, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124H-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124H-025, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095, 91-07-029, § 308-124H-025, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-025, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-026 Secondary education provider course content approval application. (1) An approved school may offer courses that are currently approved for another education provider or course developer provided a

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secondary provider course content approval application is submitted to the department;

(2) The applicant must also provide written authorization by the original education provider/developer permitting use of the course content by the applicant;

(3) A certificate of course approval will be provided to the secondary education provider;

(4) The applicant must use the course approval number issued by the department on all certificates of course completion;

(5) Course approval is valid only for the dates of the original education provider/course developer's approval; and

(6) Secondary provider course content approval applications may not be used for real estate fundamentals, real estate brokerage management, real estate law, business management, or real estate practices.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-026, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-027 Distance education delivery methods—Defined. As used in this chapter, a distance education delivery method is one in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, or internet-based instruction are used.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-027, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-028 Interactive—Defined. (1) As used in this chapter, interactive means the course structure and technologies promote active student involvement with the course content, including the ability to:

(a) Access or bypass optional content, if applicable;

(b) Submit questions or answer test items, and receive direct feedback; and

(c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

(2) Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-028, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-029 Distance education delivery method approval required. Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

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(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and FAX;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims; and

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics.

[Statutory Authority: RCW 18.85.040(1), 03-02-001, § 308-124H-029, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-029, filed 3/29/00, effective 7/1/00.]

(2003 Ed.)

WAC 308-124H-031 Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO). An applicant who provides evidence of certification of the distance education delivery method for his or her course by the Association of Real Estate License Law Officials (ARELLO) need not submit an application for approval of the same distance education delivery method when delivering the same course within the state of Washington.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-031, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-034 Courses completed in other jurisdictions. A course completed in another jurisdiction may be approved for clock hour credit if:

(1) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, and the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter;

(2) The course was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; or

(3) If the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-034, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-039 Changes and updates in approved courses. (1) Course materials shall be updated no later than thirty days after the effective date of a change in federal, state, or local statutes or rules.

(2) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department prior to the date of using the changed course content material, for approval by the director.

(3) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the topic area pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-039, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-041 Certificate of course completion. Each approved school shall issue a certificate of course completion to students who have satisfactorily completed the course requirements. The certificate shall include the following information:

(1) Student's name;

(2) School's name and identification number issued by the department;

(3) The course commencement date and completion date;

(4) Course title;

(5) Clock hours for the course;

(6) School administrator's signature;

- (7) Course identification number issued by the department;
- (8) Instructor name and number; and
- (9) Completion of a required examination, if applicable.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-041, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-041, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-041, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-042 Courses offered in a symposium or conference format. (1) Approved schools offering courses in a symposium or conference format with two or more modules of independent instruction may issue certificates of course completion for fewer clock hours than approved by the department on their original course approval application; and

(2) Students must complete a minimum of three clock hours of instruction to receive clock hour credit.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-042, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-051 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-051, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-051, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-061 Grounds for denial or withdrawal of course approval. Course approval may be denied or withdrawn if the instructor or any owner, administrator or affiliated representative of a school, or a course provider or developer:

- (1) Submits a false or incomplete course application or any other information required to be submitted to the department;
- (2) Includes in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," and "real estate practice" if the

course was not submitted for approval of clock hours pursuant to WAC 308-124H-012;

(3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;

(4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;

(5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content;

(6) Failed to meet the requirements under WAC 308-124H-025;

(7) If a course or prescribed core curriculum was approved through the mistake or inadvertence of the director;

(8) If course approval was granted through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.85.040(1). 02-03-056, § 308-124H-061, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-061, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-061, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-061, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-062 Hearing procedure. Upon notice of course denial or disapproval or withdrawal of course approval, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of denial, disapproval or withdrawal of course approval.

Any person aggrieved by a final decision of the director or authorized representative of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040(1). 02-03-056, § 308-124H-062, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-062, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-062, filed 4/20/90, effective 8/1/90.]

PART B SCHOOL APPROVAL

WAC 308-124H-210 School and school administrator approval required. (1) School and school administrator approval by the department is required prior to the date on which courses are offered for clock hour credit.

(2) Each application for approval of a school or school administrator shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

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

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

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

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

(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval.

(9) School names submitted that are similar to those currently approved shall not be granted approval.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-210, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-210, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-221 Application process for previously approved schools. (1) If there are no changes in the original school or school administrator approval application for a previously approved school or school administrator, the school or school administrator will be approved upon receipt of a school or school administrator renewal application and payment of the required fee.

(2) If there are changes in the original school or school administrator approval application for previously approved schools or school administrators, the application will not be processed as a renewal, and will require completion of a school or school administrator approval application and payment of required fees.

(3) If a school or school administrator renewal application or a school or school administrator approval application is submitted at least thirty days prior to the current school expiration date, the previous school or school administrator approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-221, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-230 Application for school approval. An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation, limited liability company or limited liability partnership;

(3) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

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(4) The administrator's name, and evidence of previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate;

(5) The publication required under WAC 308-124H-260 and the course description required under WAC 308-124H-270.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-230, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-230, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-245 Administrator responsibilities.

Each school administrator shall be responsible for performing the following:

(1) Ensure that the school, course(s), and instructor(s) are all currently approved before offering clock hour courses;

(2) Ensure that all instructors are approved to teach in the appropriate topic area(s);

(3) Sign and verify all course completion certificates;

(4) Maintain all required records for five years, including attendance records, required publications, and course evaluations;

(5) Safeguard comprehensive examinations;

(6) Ensure the supervision and demonstrate responsibility for the conduct of employees and individuals affiliated with the school;

(7) Periodically review courses and advise department of content currency as required;

(8) Ensure each student is provided a course curriculum; and

(9) Ensure each student is provided a course evaluation form.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-245, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-246 Affiliated representative of an approved school—Defined—Tasks and duties described.

(1) An affiliated representative of an approved school is the natural person employed by or associated with an approved real estate school, and who is authorized by the school administrator to perform the following tasks and duties:

(a) Conduct student orientation sessions;

(b) Provide technical and/or procedural advice regarding course requirements and program operations;

(c) Perform routine or periodic audits of student progress; and

(d) Perform other tasks delegated by the approved school administrator, not requiring the interpretation of course content or subject matter expertise.

(2) Responsibility for an affiliated representative in the performance of the tasks and duties described above shall rest with the approved school administrator.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-246, filed 3/29/00, effective 7/1/00.]

[Title 308 WAC—p. 331]

WAC 308-124H-250 Notice of actions by governmental entities or accrediting commissions. School applicants and approved schools shall present the department with written details of any consent orders with the Federal Trade Commission and any final actions which have been taken against the school, its administrator, its owners, officers, or directors by any federal or state agencies, including courts or accrediting commissions, of which the school has knowledge and inform the department in writing of actions being taken to correct deficiencies cited. Directors, officers, and owners shall advise the administrator of any such actions taken against the directors, officers, or owners. School applicants and approved schools shall not purposely avoid gaining knowledge of such actions. Final actions shall not include traffic violations or traffic convictions. Directors of trade associations are exempt from this section.

[Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-250, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-260 Required publication. Each school shall have available to prospective and enrolled students a publication containing the following information:

- (1) Date of publication;
- (2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;
- (3) A list of courses, as outlined in WAC 308-124H-270;
- (4) Description of all course prerequisites;
- (5) The school's policy regarding:
 - (a) Admission procedure;
 - (b) Causes for dismissal and conditions for readmission;
 - (c) Attendance requirements, leave, absences, makeup work, and tardiness;
 - (d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;
 - (e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun;
- (6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Real Estate Program, P.O. Box 9015, Olympia, Washington 98507-9015";
- (7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-260, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124H-260, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-260, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-270 Course description. Each approved school shall have available for distribution to pro-

spective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., live classroom or distance education) in the course and the length of time required for completion;
- (6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;
- (7) Name(s) of instructors when available;
- (8) Equipment and supplies which the student must provide;
- (9) Fees for the course;
- (10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course students shall be informed, that for courses of thirty clock hours or more, a comprehensive examination is available and is mandatory to satisfy the requirements of RCW 18.85.090 and 18.85.095;
- (11) Cancellation policy; and
- (12) Tuition refund policy.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-270, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124H-270, filed 11/7/91, effective 12/8/91; 90-10-010, § 308-124H-270, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-280 Certificate of school approval.

Upon approval a school shall be issued a certificate of approval containing the school's name, address, identification number, date of approval, and name of administrator.

No school shall adopt or make a change in its name of its administrative office prior to payment of the required fee and receipt of a new certificate from the department.

[Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-280, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-290 Change of ownership or circumstances. A change in the sole proprietor of a school, in the majority interest of general partners of a partnership owning a school, or in a majority stock ownership of a school shall be deemed a change of ownership.

Upon change of ownership or administrator, approval shall continue provided that a new application for approval shall be submitted to the department within twenty days after a change of ownership or administrator. The administrator must submit a notarized statement of the change asserting that all conditions required in these rules are being met. The school may continue to offer courses under the prior approval until action is taken on the new application. The school administrator is responsible for notifying the department of address changes.

In case of bankruptcy, a notarized statement reporting the information shall be filed with the department within twenty days.

Unless the above conditions are met, school approval shall be terminated upon a change of ownership.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-290, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-290, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-300 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved schools shall be subject to periodic visits by an official representative for the department who may observe classroom and distance education activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-300, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-300, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-310 Grounds for denial or withdrawal of school or school administrator approval. Approval may be denied or withdrawn if the instructor or any owner, administrator, or affiliated representative of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime within the preceding ten years;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered,

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after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;

(11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised, published, printed, or distributed false or misleading information;

(15) Advertised the availability of clock hour credit for a course in any manner without affixing the name of the school as approved by the department;

(16) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(17) Has failed to meet the requirements of this chapter;

(18) Failed to teach a course consistent with the approved course content or curriculum;

(19) Used a substitute instructor who has not been approved to teach the topic area(s) pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-310, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-310, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-310, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-320 Hearing procedure. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-320, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-320, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-330 Record retention. (1) Each school shall maintain for a minimum of five years each student's record and each edition of a required publication;

(2) A "student record" shall include:

(a) The name, address, and telephone number of the school;

[Title 308 WAC—p. 333]

(b) Full name, address, and telephone number of the student;

(c) Beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;

(d) Clock hour courses completed and examination results.

(3) Each school shall provide a copy of a student's record to the student upon request.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-330, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-340 School closing/change of status.

(1) A school shall make plans and take measures to protect the rights of present and former students if it goes out of business.

(2) Upon cessation of instruction or termination of approved status, a school shall immediately furnish to the department by certified mail or hand delivery:

(a) Its certificate of approval;

(b) Name, address, and telephone number of the person who will be responsible for closing arrangements;

(c) The student's name, address and telephone number, the name of the course, the amount of class time remaining to complete the course, and the total amount of tuition and fees paid by the student for the course;

(d) A copy of a written notice which shall be mailed to all enrolled students in clock hour courses who have not completed a current course because of cessation of instruction; the notice shall explain the procedures students must follow to secure refunds or to continue their education;

(e) Procedures for disbursement of refunds to enrolled students, in the full amount to which they are entitled, no later than thirty days from the last day of instruction.

(3) Upon closing, a school shall arrange for a person approved by the department to retain the records required under WAC 308-124H-330. If a school closes without arranging for record retention, the department may obtain the records to protect the former students.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-340, filed 4/20/90, effective 8/1/90.]

PART C INSTRUCTOR APPROVAL

WAC 308-124H-510 Instructor approval required.

(1) Instructor approval by the department is required prior to the date on which the course is offered for clock hour credit.

(2) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department.

(3) The director or designee shall approve or disapprove instructor applications based upon criteria established by the commission.

(4) The director or designee shall approve only complete applications which meet the requirements of this chapter.

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

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(6) Approval shall expire two years after effective date of approval.

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

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-510, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-510, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-525 Application process for previously approved instructors.

(1) If there are no changes in the original instructor approval application for a previously approved instructor, the instructor will be approved upon receipt of an instructor renewal form and payment of the required fee.

(2) If there are changes in an original instructor approval application for a previously approved instructor, the application will not be processed as a renewal, and will require completion of an instructor approval application and payment of required fees.

(3) If an instructor renewal application or an instructor approval application is submitted at least thirty days prior to the current instructor expiration date, the previous instructor approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-525, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-530 Certificate of instructor approval.

Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, date of approval, department identification number, and the subject matter topic areas that the instructor is approved to teach.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-530, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-530, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-540 Qualifications of instructors.

Each instructor shall demonstrate competency based on guidelines established by the commission in the subject matter/topic that they propose to teach and shall be qualified in techniques of instruction.

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124H-540, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095, 91-07-029, § 308-124H-540, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-540, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-550 Changes in instructors. Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to WAC 308-124H-520.

[Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-550, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-551 Guest lecture(s) [lecturer(s)]—Defined. A topic area expert(s) may be utilized as a guest lecturer to assist an approved instructor teach an approved course. The approved instructor is responsible for supervision of the approved course. Guest lecturer(s) shall not be utilized to circumvent the instructor approval requirements of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-551, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-560 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any instructor to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved instructors should be made in writing to the department and contain the following information when appropriate:

(a) The complainant's name, address, and telephone number;

(b) School name, address, and telephone number;

(c) Instructor(s) name;

(d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts, if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

(3) All approved instructors shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content

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and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

[Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-560, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-570 Grounds for denial or withdrawal of instructor approval. Approval may be denied or withdrawn if the instructor:

(1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;

(2) Falsified any student records or clock hour certificates;

(3) Falsified any application or any other information required to be submitted to the department;

(4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);

(5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;

(6) Failed to cooperate with the department in any investigation or hearing;

(7) Has been convicted of a crime;

(8) Violated any of the provisions of any local, state, or federal antidiscrimination law;

(9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours which the course was approved.

(11) Accepted registration fees and not supplied the service or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised, published, printed, or distributed false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter;

(17) Failed to teach a course consistent with the approved course content or curriculum.

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124H-570, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-570, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-580 Hearing procedure. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative

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Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035, and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-580, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-580, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-800 Real estate course, school, and instructor approval fees. The following fees shall be charged for applications for approval of real estate courses, schools, and instructors. These fees shall be effective on and after July 1, 2000.

An application fee shall accompany each application. Approval, if granted, shall be two years from the date of approval. Applications submitted and disapproved may be resubmitted at no additional fee.

(1) Application for course content approval - a fee of \$5.00 per clock-hour credit being offered, with a minimum fee of \$50.00 per course. Except, the application fee for approval of the sixty clock-hour course in real estate fundamentals shall be \$150.00.

Courses approved prior to the effective date for this rule, need not apply for re-approval until the expiration of the current two-year approval period.

(2) Application for school approval - a fee of \$250.00.

(3) Application for instructor approvals:

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

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

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

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

Instructors approved to teach a specific topic area prior to the effective date of this rule, need not apply for reapproval until the expiration of the current two-year approval period.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-800, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-800, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 91-12-012, § 308-124H-800, filed 5/30/91, effective 6/30/91.]

Chapter 308-125 WAC

REAL ESTATE APPRAISERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-125-035	State-certified residential classification. [Statutory Authority: RCW 18.140.030. 91-23-007, § 308-125-035, filed 11/7/91, effective 12/8/91.] Repealed by 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1).
308-125-160	Waiver under RCW 18.140.080. [Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-160, filed 2/5/91, effective 3/8/91.] Repealed by 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1).

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

(2) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(3) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

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

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

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

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

(8) "Director" means the director of the department of licensing.

(9) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(10) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(11) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(12) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(13) "State-licensed real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid license issued to him/her for residential real estate under this chapter. A state-licensed real estate appraiser may designate or identify an appraisal rendered by him/her as a "licensed appraisal."

(14) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(15) "Classroom hour" means fifty minutes out of each sixty minute hour.

(16) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand hours in real estate appraisal.

(17) "Licensed or residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(18) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

(22) "Review" means the act or process of critically studying an appraisal report prepared by another.

[Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-010, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-010, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-010, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-010, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-010, filed 2/5/91, effective 3/8/91.]

WAC 308-125-020 Application process to take examination. (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, business and professions division, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) An applicant must, as of the date his/her application is filed with the department, possess the requisite two years (twenty-four months) and two thousand hours of verifiable real estate appraisal experience: Provided, That effective January 1, 1998, the applicant must possess the verifiable real estate appraisal experience as required by the examination prerequisite for the requested classification.

(3) An application and the nonrefundable application fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

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

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

[Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-020, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-020, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-020, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-020, filed 2/5/91, effective 3/8/91.]

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

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director

that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred sixty-five classroom hours of course work: Provided, That effective January 1, 1998, the required number of classroom hours is one hundred eighty.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, a minimum of two years (twenty-four months) is required: Provided, That effective January 1, 1998, this provision shall read: An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess three thousand hours of appraisal experience obtained continuously over a period of not less than thirty months in Washington or in another state having comparable certification requirements.

(3) To fulfill the experience requirement, a candidate must have at least one thousand hours, accumulated over the previous five years, of nonresidential appraisal experience: Provided, That effective January 1, 1998, to fulfill the experience requirement, a candidate must have at least one thousand five hundred hours of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state-certified general real estate appraiser must include coverage of all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (i) Estimation of income and expenses.
- (ii) Operation statement ratios.
- (iii) Direct capitalization.
- (iv) Cash flow estimates.
- (v) Measures of cash flow.
- (vi) Discounted cash flow analysis.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-030, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090, 95-17-078, § 308-125-030, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-030, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-030, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-030, filed 2/5/91, effective 3/8/91.]

WAC 308-125-040 Examination prerequisite state-certified residential classification. The state-certified residential real estate appraiser classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

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

(2) An original certification as a state-certified residential real estate appraiser shall not be issued to any person who does not possess two years of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two years (twenty-four months) is required: Provided, That effective January 1, 1998, this provision shall read: An original certification as a state-certified residential real estate appraiser shall not be issued to any person who does not possess two thousand five hundred hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

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

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.

- (l) Cost approach.
- (m) Income approach.
- (i) Gross rent multiplier analysis.
- (ii) Estimation of income and expenses.
- (iii) Operating expense ratios.
- (iv) Direct capitalization.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-040, filed 12/20/96, effective 1/20/97; 94-01-002, § 308-125-040, filed 12/1/93, effective 1/1/94; 93-17-020, § 308-125-040, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-23-007, § 308-125-040, filed 11/7/91, effective 12/8/91; 91-04-074, § 308-125-040, filed 2/5/91, effective 3/8/91.]

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

(1) As a prerequisite to taking the examination for certification as a state-licensed real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than seventy-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the seventy-five classroom hours of course work: Provided, That effective January 1, 1998, the required number of classroom hours is ninety.

(2) An original certification as a state-licensed real estate appraiser shall not be issued to any person who does not possess two years of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however a minimum of two years (twenty-four months) is required: Provided, That effective January 1, 1998, this provision shall read: An original certification as a state-licensed real estate appraiser shall not be issued to any person who does not possess two thousand hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

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

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.

- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal statistical concepts.
- (j) Sales comparison approach.
- (k) Site value.

- (l) Cost approach.
- (m) Income approach.
- (i) Gross rent multiplier analysis.
- (ii) Estimation of income and expenses.
- (iii) Operating expense ratios.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-045, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-045, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-23-007, § 308-125-045, filed 11/7/91, effective 12/8/91.]

WAC 308-125-050 Educational courses—Preexamination. (1) In order for courses to be accepted under WAC 308-125-030(1), 308-125-040(1), and 308-125-045(1), courses must:

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

(2) The following limitations may apply to course work submitted to the department for approval:

(a) A correspondence course may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers correspondence courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(b) Video and remote television educational courses may be used to meet the classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers similar courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(c) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are

deemed comparable by the department, even if an applicant completes the courses through different course providers.

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-050, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-050, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-050, filed 2/5/91, effective 3/8/91.]

WAC 308-125-060 Alternate to classroom hours, requirement preexamination. An applicant may receive education credit by achieving a passing score on an examination that is identical to that administered upon completion of an educational offering approved by the director. This refers to those instances where the examination is challenged without attendance at the offering. Credit for the examination must be obtained by July 1, 1990.

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-060, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-060, filed 2/5/91, effective 3/8/91.]

WAC 308-125-065 Education/experience credit for teachers of approved real estate appraisal courses. (1) An applicant may receive education credit for teaching an approved real estate appraisal course. One hour of education credit for each hour of teaching an approved real estate appraisal course shall be given.

(2) An applicant may receive experience credit for teaching an approved real estate appraisal course. One hour of experience credit for each hour of teaching an approved real estate appraisal course shall be given: Provided, That this provision will expire on January 1, 1998.

(3) Once an applicant has received credit for teaching an approved real estate appraisal course, an applicant shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion.

(4) Credit for teaching an approved real estate appraisal course may be used to satisfy education or experience credit, but shall not be used to satisfy both: Provided, That this provision will expire on January 1, 1998.

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-065, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-065, filed 8/10/93, effective 9/10/93.]

WAC 308-125-070 Experience requirements. (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than one thousand hours may be credited in any twelve-month period: Provided, That this provision will expire on January 1, 1998.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice: Provided, That effective January 1, 1998, the relevant year is 1991.

(3) Any work product claimed for experience credit dated prior to January 1, 1990, shall conform to the following standards: Provided, That effective January 1, 1998, the relevant year is 1991.

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(a) Reports shall be in writing.

(b) Reports shall contain the legal address of the subject property.

(c) Reports shall state the effective date of the appraisal.

(d) Reports shall contain a definition of value to be estimated.

(e) Reports shall contain a certification signed by the appraiser.

(f) Reports shall contain a description of the site, land, or buildings as applicable.

(g) Reports shall address all three approaches to value by either utilization of the approach or indication that the approach is not applicable or inappropriate to the specific property.

(h) Reports shall include adjustments and the value of the direct sales for the direct sales approach, which either sets forth the reasoning for value or states that the value is evident in ancillary supporting documentation or the report.

(i) Reports shall include analysis of market rents, expenses, vacancy rates, and capitalization rates when the income approach is used.

(j) Reports shall include analysis of building costs and site value when the cost approach is used.

(k) Reports shall include reasoning and supporting documentation for the final value estimate.

(l) Reports shall be signed and dated by the appraiser.

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

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

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

Fee and staff appraisal, ad valorem tax appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, feasibility analysis/study, condemnation/study, teacher of appraisal courses: Provided, That effective January 1, 1998, experience credit for teachers is not available.

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

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-070, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090, 95-17-078, § 308-125-070, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-070, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-070, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-070, filed 2/5/91, effective 3/8/91.]

(2003 Ed.)

WAC 308-125-075 Allowed credits for appraisal experience. (1) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for appraisal experience that exceeds the following hourly allotments for each appraisal:

(a) Single family residential (noncomplex)	12 hours
(b) Single family residential (complex & 2-4)	20 hours
(c) Single family lot (URAR form)	8 hours
(d) Single family lot (narrative)	10 hours
(e) Large land tract (not subdivided)	25 hours
(f) Subdivisions	60 hours
(g) Improved commercial/industrial land	25 hours
(h) Commercial (form)	40 hours
(i) Commercial (narrative)	80 hours
(j) Regional mall/high rise office bldg/Hotel	120 hours
(k) Technical appraisal review (single family)	4 hours
(l) Technical appraisal review (commercial)	16 hours
(m) Feasibility study	80 hours
(n) Real estate consulting (nonresidential)	40 hours
(o) Agricultural	60 hours

(2) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisals that exceed the following hourly allotments for each appraisal:

(a) Vacant (single family lot)	32 hours
(b) Vacant (large land tract)	40 hours
(c) Single family residential	56 hours
(d) Multifamily residential	80 hours
(e) Agricultural (improved)	96 hours
(f) Industrial (improved)	96 hours
(g) Commercial (improved)	96 hours
(h) Very complex damages or benefits	160 hours
(i) Special purpose improved	72 hours

(3) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Technical Appraisal Reviews that exceed the following hourly allotments for each appraisal:

(a) Vacant (single family lot)	8 hours
(b) Vacant (large land tract)	12 hours
(c) Single family residential	16 hours
(d) Multifamily residential	24 hours
(e) Agricultural (improved)	32 hours
(f) Industrial (improved)	30 hours
(g) Commercial (improved)	30 hours
(h) Very complex damages or benefits	40 hours
(i) Special purpose improved	24 hours

(4) Experience credits for appraisal experience not listed in subsections (1), (2), or (3) shall be determined by the department on a case-by-case basis.

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-075, filed 12/20/96, effective 1/20/97; 94-15-058, § 308-125-075, filed 7/18/94, effective 8/18/94.]

(2003 Ed.)

WAC 308-125-080 Application for certification. (1)

Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, business and professions division, at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

(2) Each original and renewal certificate issued under RCW 18.140.130 shall expire on the applicant's second birthday following issuance of the certificate.

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-080, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-080, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-080, filed 2/5/91, effective 3/8/91.]

WAC 308-125-085 Temporary practice. (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee, providing a license history, and filing an application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire six months from issuance. Licensing or certification shall not be renewed. However, an applicant may receive an extension of a temporary practice permit to complete an assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. A temporary permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services submitted to the department with the application for temporary permit.

[Statutory Authority: RCW 18.140.030(1), 18.140.155(2), 02-10-022, § 308-125-085, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-085, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-085, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-085, filed 8/24/92, effective 9/24/92.]

WAC 308-125-090 Continuing education required.

(1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty classroom hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal: Provided, That effective January 1, 1998, the number of classroom hours is twenty-eight; further, every other renewal period, the holder of a certificate or license will present evidence of successful completion of at least fifteen hours of approved USPAP

related continuing education. The hours of USPAP education may be included in the total education hours submitted for both the current and previous renewal periods.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours. The exception is the fifteen-hour Uniform Standards of Professional Appraisal Practice (USPAP) course when required by the course provider.

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

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

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

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

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

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

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

[Statutory Authority: RCW 18.140.030(8), 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

WAC 308-125-100 Course approval requirements.

(1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: Provided, That courses must satisfy the requirements of WAC 308-125-050.

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

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

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: Provided, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-045, 308-125-050, and 308-125-090:

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

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

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

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-100, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-100, filed 2/5/91, effective 3/8/91.]

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

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-110, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-110, filed 2/5/91, effective 3/8/91.]

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	\$246.00
(2) Examination	100.00**
(3) Reexamination	100.00**
(4) Original certification	206.00*
(5) Certification renewal	407.00*
(6) Late renewal penalty	38.00
(7) Duplicate certificate	28.00
(8) Certification history record	27.00
(9) Application for reciprocity	246.00
(10) Original certification via reciprocity	206.00*
(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, 02-03-011, § 308-125-120, filed 1/4/02, effective 5/1/02; 99-04-075, § 308-125-120, filed 2/2/99, effective 3/5/99; 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.]

WAC 308-125-130 Application, certification, licensure, and reexamination. (1) An applicant who has satisfied the prerequisite to sit for the licensure or certification examination must complete the examination within six months of approval date by the department.

(2) Any applicant who has passed the licensure or certification examination must become licensed or certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to licensure or certification.

(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid for reexamination for a period of no more than six months after date of issuance.

(2003 Ed.)

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-130, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-130, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-130, filed 2/5/91, effective 3/8/91.]

WAC 308-125-140 Passing exam score. A minimum scaled score of seventy is required to pass the real estate appraiser examination.

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-140, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-140, filed 2/5/91, effective 3/8/91.]

WAC 308-125-150 Examination procedures. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing unit not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information, using unauthorized materials during any portion of the examination, or removing test booklets and/or notes from the testing room will be subject to denial of a certification.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

[Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-150, filed 2/5/91, effective 3/8/91.]

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

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

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

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

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

[Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-180, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-180, filed 8/10/93, effective 9/10/93.]

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tive 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-180, filed 2/5/91, effective 3/8/91.]

WAC 308-125-190 Examination required—Scope.

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

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

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

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-190, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-190, filed 2/5/91, effective 3/8/91.]

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the 2003 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 18.140.030 (16), (17). 03-02-040, § 308-125-200, filed 12/24/02, effective 1/24/03; 02-03-012, § 308-125-200, filed 1/4/02, effective 2/4/02. Statutory Authority: [RCW 18.140.030 (16), (17) and chapter 18.140 RCW.] 00-23-038, § 308-125-200, filed 11/9/00, effective 12/10/00. Statutory Authority: RCW 43.24.086. 00-04-057, § 308-125-200, filed 1/28/00, effective 2/28/00; 99-04-074, § 308-125-200, filed 2/2/99, effective 3/5/99; 98-17-083, § 308-125-200, filed 8/18/98, effective 9/18/98. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

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

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-210, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-210, filed 2/5/91, effective 3/8/91.]

WAC 308-125-225 Meetings—Notice. The real estate appraiser advisory committee meets at the call of the director. Individuals desiring notice of the date, time, location, and

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agenda of the meetings must make a written request to the real estate appraiser program.

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-225, filed 8/10/93, effective 9/10/93.]

Chapter 308-127 WAC TIMESHARE

WAC

308-127-035	Definitions.
308-127-040	Materially adverse change.
308-127-105	Exemptions from registration.
308-127-110	Disclosure documents—Projects already registered in foreign jurisdictions.
308-127-120	Financial information requirements.
308-127-130	Disclosure of number of intervals to be sold to persons residing in the state of Washington.
308-127-140	Expiration and renewal of timeshare offering registration.
308-127-160	Fees.
308-127-200	Activities requiring registration as a timeshare salesperson.
308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.
308-127-225	Original application, renewal, termination, and fees for a timeshare salesperson registration.
308-127-300	Impoundment.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-127-010	Promulgation—Authority. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-010, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-020	Organization. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-020, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-030	Definitions. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-030, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-100	Exemptions from registration. [Statutory Authority: 1983 1st ex.s. c 22 §§ 2 and 26. 83-24-057 (Order 733 DOL), § 308-127-100, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-150	Application of four dollars per interval fee. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-150, filed 12/6/83.] Repealed by 88-15-017 (Order PM 749), filed 7/11/88. Statutory Authority: RCW 64.36.081.
308-127-155	Fees. [Statutory Authority: RCW 64.36.081. 88-15-017 (Order PM 749), § 308-127-155, filed 7/11/88.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-220	Original application, renewal, termination, and fees for a timeshare salesperson registration. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-220, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.

WAC 308-127-035 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Timeshare Act, chapter 64.36 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) "Agency" means the department of licensing in the state of Washington.

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(3) "Timeshare project" means all the properties located at a specific resort location whether or not subject to resort or condominium regimes documents, which properties are subject to a particular set of timeshare instruments.

(4) "Timeshare property" means all the properties subject to a particular timeshare program established by a particular set of timeshare instruments.

(5) "Timeshare program" means the rights and obligations of the timeshare owners, methods, procedures and rules for occupying, using and managing the timeshared property, as established by a particular set of timeshare instruments.

(6) "Resale timeshare interval" means a timeshare interval offered or sold which is not the original offer, transfer, or sale of such interval to the general public and not a forfeited timeshare sale being reoffered by a promoter, lender, or affiliate.

(7) "Start-up timeshare interval" means a timeshare interval that is being offered or sold to the general public for the first time or a forfeited timeshare purchase being resold by a promoter, lender, or affiliate.

(8) "Advance fee" means consideration of any description, collected for any purpose from buyers or sellers of resale timeshare intervals prior to the time of transacting a purchase or sale of a timeshare resale.

(9) "Prospective purchaser" means any person attending a sales presentation of any description or touring a timeshare property in response to an advertisement placed by any person, including lenders to whom a start-up timeshare purchaser contract is pledged, hypothecated, or conveyed for security purposes.

(10) "Consolidation" means any adding of intervals, real estate, or units of timeshared personal property to a program. Consolidations shall not be construed as amendments to the registration for purposes of determining fees under these rules.

(11) "Amendment" means an amendment of a registration or a public offering statement pursuant to WAC 308-127-040.

(12) "Limited timeshare offering" means a timeshare interval or timeshare intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three-year term subsequent to establishment of the program; and

(b) The establishment of the timeshare program is not for the purpose of making a profit on behalf of any person; and

(c) All co-owners had personal knowledge of each other prior to the establishment of the program and there is no solicitation of co-owners by means of advertising in public media.

(13) "Public offering statement" means the disclosure document referred to in the Timeshare Act.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-035, filed 3/14/90, effective 4/14/90.]

WAC 308-127-040 Materially adverse change. (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause

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loss or risk of loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell-out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall result in the assessing of a \$500.00 penalty fee and shall be cause for suspension, revocation, or denial of a registration.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-040, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-040, filed 12/6/83.]

WAC 308-127-105 Exemptions from registration. (1)

Provided that the conditions stated are met, the director may exempt from registration limited timeshare offerings:

(a) The offering contains fewer than four owners or timeshare intervals for at least three years after its establishment; and

(b) There is no soliciting of purchasers in the timeshare program from among the general public; and

(c) There appears to be neither hazard to the public or owners nor violation of the nonregistration provisions of the statute; and

(d) The co-owners of the timeshare program provide the agency with advance notice of their intent to establish a limited timeshare offering. Such notice may be given on a form for this purpose provided by the agency, or otherwise, which shall include the names and addresses of all co-owners of the

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timeshare program and properties, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(2) Resales, by an owner, on the owner's own account, shall be exempt from registration provided that any such offering or selling is noncommercial in nature. "Noncommercial" shall mean that the owner of the resale intervals is not in the business of offering or selling timeshare intervals and such offering or selling is only incidental to any profession, occupation, or business of the owner.

(3) Offering resale timeshares for another person's account, by a licensed broker or salesperson under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

- (a) The broker shall act solely in a brokerage capacity; and
- (b) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act; and
- (c) The broker shall ensure the transfer of the timeshares; and
- (d) The broker shall not be in a business of marketing as a clearing house for the primary purpose offering or selling timeshares.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-105, filed 3/14/90, effective 4/14/90.]

WAC 308-127-110 Disclosure documents—Projects already registered in foreign jurisdictions. (1) Whenever a timeshare project is sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a copy of the disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the registration in the foreign jurisdiction expires, or, if for any reason, the disclosure statement in that jurisdiction is or becomes deficient.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-110, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 7 and 26. 83-24-057 (Order 733 DOL), § 308-127-110, filed 12/6/83.]

WAC 308-127-120 Financial information requirements. The agency may require that the financial statements provided for in the Timeshare Act, be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified Public Accountants, under circumstances which include but are not limited to the following:

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(1) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(2) For promoters of right-to-use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(3) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-120, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-120, filed 12/6/83.]

WAC 308-127-130 Disclosure of number of intervals to be sold to persons residing in the state of Washington. The public offering statement shall declare the total number of intervals available to be sold to persons residing within the state of Washington.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-130, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-130, filed 12/6/83.]

WAC 308-127-140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of issuance of the registration, or at the time the promoter sells the total number of intervals registered as available to be sold to persons residing in the state of Washington, whichever event occurs first. To continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration. Failure to renew within six months after the renewal date shall result in the termination of the registration and all fees for an original application for registration shall apply.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-140, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 6 and 26. 83-24-057 (Order 733 DOL), § 308-127-140, filed 12/6/83.]

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

- (1) Registration application fees:
 - Start-up timeshare program including one project. \$1500.00
 - Each additional project in program. 500.00
 - Each apartment unit in program. 50.00
 - The first unit of personal property in the timeshare program. 1000.00
 - Each additional unit of personal property in the timeshare program. 100.00
 - Businesses of listing or brokering resale intervals. 500.00

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(2) Interval Fees:	
For each interval through one thousand.	1.00
Intervals beyond one thousand.	0.00
Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals).	10.00
(3) Renewal fees:	
Timeshare program including one project.	1000.00
Late renewal fee for timeshare program.	2000.00
Each additional project to a maximum of five projects.	350.00
Each apartment unit - to maximum of twenty-five apartment units.	50.00
(4) Consolidation fees:	
Each additional project added.	500.00
Each additional apartment unit.	50.00
The first additional unit of personal property being consolidated.	500.00
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	100.00
Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments.	150.00
(8) Fees for persons in the business of offering commercial promotional programs:	
Registration of individual.	500.00

(9) Salespersons fees:	
Registration.	50.00
Renewal.	50.00
Transfer.	50.00
Duplicate license.	25.00

(10) Fees for amendment of registration:	
For a timely submission of an amendment filing.	50.00
Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change.	500.00

(11) Inspection fees:	
Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.	

[Statutory Authority: RCW 64.36.081 and 43.24.086. 02-15-169, § 308-127-160, filed 7/23/02, effective 1/1/03. Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-160, filed 3/14/90, effective 4/14/90.]

WAC 308-127-200 Activities requiring registration as a timeshare salesperson. (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare; or the individual is responsible for causing an advertiser to publicize a timeshare offer.

(2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever one of the following apply:

(a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the program is located in this state; or

(b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the program is located outside of this state, and

(i) The offer is made in or from this state, or

(ii) The person receiving the offer is located in this state at the time the offer is received.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-200, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-200, filed 12/6/83.]

WAC 308-127-210 Relationship of timeshare promoters and salespersons and real estate brokers and salespersons. (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale.

(2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson applies only when the exempted person is performing real

estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while licensed as a real estate broker or salesperson. However, the salesperson shall conduct timeshare activities and maintain associated business records separate and apart from his or her real estate broker or salesperson activities and records. The term "separate and apart" shall not preclude location of timeshare salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-210, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-210, filed 12/6/83.]

WAC 308-127-225 Original application, renewal, termination, and fees for a timeshare salesperson registration. (1) An individual shall apply for registration as a timeshare salesperson on a form prescribed by the agency. The registration for a timeshare salesperson shall identify the specific promoter responsible for the business activities of the salesperson and shall be valid for a period of one year beginning on the issuance date printed on the registration.

(2) The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter. When a timeshare salesperson ceases to be employed by a timeshare promoter the salesperson's registration shall be terminated. Notice of this termination shall be given by the promoter to the director and this notice shall be accompanied by the timeshare salesperson's registration. A terminated individual who desires to work for the same or another promoter shall apply for and receive registration as a timeshare salesperson before engaging in further timeshare sales activities.

(3) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request and renewal fee on or before the expiration of the individual's existing registration. The effective date of the renewal shall be the anniversary date of the previous registration. If the registration is not renewed before the expiration date reregistration is required before timeshare sales activity may be continued.

(4) An application for registration or a renewal of registration is not complete unless it is accompanied by the proper fee. Payment of the fee with a check which is subsequently dishonored is a deficient application. Upon notification to the promoter by the agency, the promoter shall return the registration and cease employment of the applicant as a timeshare salesperson.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-225, filed 3/14/90, effective 4/14/90.]

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WAC 308-127-300 Impoundment. (1) The agency may require impoundment authorized in the Timeshare Act, under circumstances which include, but are not limited to, the following:

(a) The registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or

(b) The registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices; or

(c) The registration of persons in the business of listing or brokering resale timeshare intervals whenever any advance fees or funds of any description are to be collected from buyers or sellers of resale timeshare intervals prior to the time of transacting a purchase or sale of a timeshare interval; or

(d) The registration of persons in the business of offering commercial promotional programs whenever any advance fees or funds of any description are to be collected from persons in advance, in connection with delivery by the promisor of gifts, prizes, awards, or any other item of value.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorize the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or if for other reasons the impoundment is no longer required for the protection of purchasers. A request to authorize the release of the impounded funds to the promoter or an affiliate shall contain the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement;

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds;

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-300, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 13 and 26. 83-24-057 (Order 733 DOL), § 308-127-300, filed 12/6/83.]

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 pro-

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ceedings 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.

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(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 308-129 WAC SELLERS OF TRAVEL

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-129-230	Advertising. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-230, filed 7/2/96, effective 8/2/96.] Repealed by 00-11-047, filed 5/12/00, effective 6/12/00. Statutory Authority: RCW 19.138.170(1).
308-129-320	Brief adjudicative proceedings—Denials based on failure to meet prerequisites for registration. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-320, filed 7/2/96, effective 8/2/96.] Repealed by 96-24-064, filed 12/2/96, effective 1/2/97. Statutory Authority: RCW 34.05.482 and 19.138.170(1).

PART A GENERAL

WAC 308-129-010 Organization. The sellers of travel program of the department of licensing administers the Washington Sellers of Travel Registration Act, chapter 19.138 RCW. Information regarding sellers of travel registrations or the sellers of travel program may be obtained by writing to the Program Manager, Sellers of Travel Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-010, filed 7/2/96, effective 8/2/96.]

WAC 308-129-020 Definitions. (1) "Registration number" means the unified business identifier number (UBI) assigned to the registered seller of travel.

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(2) "Main office" means the first registered business location for a seller of travel.

(3) "Branch office" means each additional business location for a seller of travel after the first location has been registered.

(4) "Other approved account" means (a) bank administered account; (b) account pursuant to other state law; (c) checking account; (d) savings account; (e) an account individually approved of by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-020, filed 7/2/96, effective 8/2/96.]

WAC 308-129-030 Registration. Registration as a seller of travel will be accomplished through the master license system under chapter 19.02 RCW. The fees established by or under chapter 19.138 RCW for registering as a seller of travel shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW.

A corporation, limited liability company, limited liability partnership, or a limited partnership, based in the state of Washington, must first be registered with the office of the secretary of state before registering as a seller of travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-030, filed 7/2/96, effective 8/2/96.]

PART B

REGISTRATION APPLICATION AND FEES

WAC 308-129-100 Applications—Conditions. Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) If the applicant, within the past ten years, has been found guilty of a felony involving moral turpitude, a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion, a copy of such conviction or judgment shall be included.

(2) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(3) Applicants who certify under penalty of perjury that they do not hold for more than five business days any non-exempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust account or other approved account under RCW 19.138.110(5).

(4) A seller of travel applying to be licensed under chapter 19.138 RCW may submit a surety bond as described in RCW 19.138.140 (7)(a)(i) or other instrument approved by the department as described in RCW 19.138.140 (7)(a)(iv). The amount of the surety bond or other approved instrument shall be based upon the prior year's annual gross income of business conducted as outlined in the following scale:

Annual Gross Income of Business Conducted:	Amount of Surety Bond or other instrument approved by the department:
\$199,999 and under	\$10,000
\$200,000 through \$499,999	\$20,000
\$500,000 through \$749,999	\$30,000
\$750,000 through \$999,999	\$40,000
\$1,000,000 and above	\$50,000

(5) Sellers of travel companies upon application and renewal shall attest to their gross annual income of business conducted on a form provided by the department.

[Statutory Authority: RCW 19.138.170(1). 00-11-047, § 308-129-100, filed 5/12/00, effective 6/12/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-100, filed 7/2/96, effective 8/2/96.]

WAC 308-129-110 Seller of travel registration fees.

The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$234.00
Registration renewal	234.00
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

[Statutory Authority: RCW 19.138.170(1). 00-01-128, § 308-129-110, filed 12/20/99, effective 1/20/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-110, filed 7/2/96, effective 8/2/96.]

WAC 308-129-120 Dishonored checks. Payment of any fee required under chapter 19.138 or 19.02 RCW by a check which is dishonored shall be considered a nonpayment and the registration action for which the dishonored check was tendered shall be considered invalid by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-120, filed 7/2/96, effective 8/2/96.]

WAC 308-129-130 Expiration and renewal of registrations. Registrations issued to sellers of travel shall expire concurrently with the master license expiration date. Registrations and fees will be prorated as necessary to match the master license expiration date. Registrations must be renewed each year on or before the expiration date and renewal registration fees as prescribed in WAC 308-129-110 and chapter 19.02 RCW shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the master licensing service delinquency.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-130, filed 7/2/96, effective 8/2/96.]

PART C

REQUIRED RECORDS AND RECORDS PROCEDURES

WAC 308-129-300 Required records. The minimum records a seller of travel shall be required to keep are:

(1) Bank trust account or other approved account records (unless exempt);

(2) Client account information, which includes the client's name, amount and date payment was received and disbursed;

(3) Unless a different period is specified by statute or rule, the required records shall be maintained and available for inspection by representatives of the department for a period of two years after completion of the travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-300, filed 7/2/96, effective 8/2/96.]

WAC 308-129-310 Administration of non-exempt funds and records procedure. Any seller of travel shall distribute non-exempt funds as authorized by statute and these regulations:

(1) The trust account or other approved account shall be in the firm name of the seller of travel as registered;

(2) All disbursements from the trust account or other approved account shall be identified to a specific transaction

(3) If the financial institution charges service fees, the seller of travel shall reimburse the trust account or other approved account within 10 banking days after receipt of the monthly statement.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-310, filed 7/2/96, effective 8/2/96.]

WAC 308-129-335 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through .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 solely limited to one or more of the following issues:

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

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

(c) A determination whether a cease and desist order issued to an unregistered person for selling travel services for which registration is required was properly issued.

[Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-335, filed 12/2/96, effective 1/2/97.]

WAC 308-129-340 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a registration shall consist of:

(a) The application for the registration and all associated documents;

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

(c) All correspondence between the applicant and the program regarding the application.

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

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(a) The previously issued final order;

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

(c) All correspondence between the registrant and the program regarding compliance with the final order; and

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

(3) The preliminary record for determination of the proper issuance of a cease and desist order shall consist of:

(a) The sworn investigative report regarding the person's unregistered sale of travel services; and

(b) All correspondence from the unregistered person regarding the matter.

[Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-340, filed 12/2/96, effective 1/2/97.]

WAC 308-129-350 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the director 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 and affidavits. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents and affidavits 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 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-350, filed 12/2/96, effective 1/2/97.]

Chapter 308-200A WAC

DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS

WAC

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WAC 308-200A-010 Authority. The department adopts by reference the text of WAC 197-10-010, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-010, filed 8/3/78. Formerly WAC 308-200-010.]

WAC 308-200A-020 Purpose. (1) The purpose of this chapter is to establish department of licensing rules interpreting and implementing the State Environmental Policy Act of 1971 (SEPA), which rules will apply to the department, its divisions, and its affiliated agencies.

(2) These rules do not govern compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). When the department is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these rules.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-020, filed 8/3/78. Formerly WAC 308-200-020.]

WAC 308-200A-025 Scope and coverage of this chapter. The department adopts by reference the text of WAC 197-10-025, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-025, filed 8/3/78. Formerly WAC 308-200-025.]

WAC 308-200A-030 Integration of SEPA procedures with other governmental operations. The department adopts by reference the text of WAC 197-10-030, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-030, filed 8/3/78. Formerly WAC 308-200-030.]

WAC 308-200A-040 Definitions. The department adopts by reference the text of WAC 197-10-040, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-040, filed 8/3/78. Formerly WAC 308-200-040.]

WAC 308-200A-050 Use of the environmental checklist form. The department adopts by reference the text of WAC 197-10-050, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-050, filed 8/3/78. Formerly WAC 308-200-050.]

WAC 308-200A-055 Timing of the EIS process. (1) When acting as a lead agency, the department shall identify the times at which the EIS process must be completed on a case-by-case basis.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The maximum time limits contained in these regulations for the threshold determination and EIS process do not apply to a proposal for a governmental action when the proponent of the action is also the lead agency.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-055, filed 8/3/78. Formerly WAC 308-200-055.]

WAC 308-200A-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. The department adopts by reference the text of WAC 197-10-060, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-060, filed 8/3/78. Formerly WAC 308-200-060.]

WAC 308-200A-100 Summary of information which may be required of a private applicant. (1) There are three areas of these rules where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and
- (c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these rules.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth

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in WAC 197-10-365 and in section 308-200A-365 of this chapter, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage.

(3) Threshold determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and final EIS preparation. An EIS may be prepared by the applicant under the direction of the responsible official, if the responsible official requires and so notifies the applicant in writing. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. (See WAC 308-200A-420.)

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-100, filed 8/3/78. Formerly WAC 308-200-100.]

EXEMPTIONS

WAC 308-200A-150 Exemptions exclusive—CEP approval of changes in exemptions. The department adopts by reference the text of WAC 197-10-150, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-150, filed 8/3/78. Formerly WAC 308-200-150.]

WAC 308-200A-160 No presumption of significance for nonexempt actions. The department adopts by reference the text of WAC 197-10-160, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-160, filed 8/3/78. Formerly WAC 308-200-160.]

WAC 308-200A-170 Categorical exemptions. The department adopts by reference the text of WAC 197-10-170, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-170, filed 8/3/78. Formerly WAC 308-200-170.]

WAC 308-200A-175 Exemptions and nonexemptions applicable to the department. All actions and licenses required under programs administered by the department of licensing as of December 12, 1975, are hereby exempted, except the following, which, notwithstanding the provisions

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of WAC 197-10-170 and 308-200A-170 of this chapter, shall not be considered exempt:

(1) Camping club promotional permits required by chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses required by chapter 46.80 RCW. WAC 197-10-170 (5)(i) and 308-200A-170 (5)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

(3) The adoption or amendment by the department of any regulations or standards for motor vehicle wrecker operations or camping club operations affecting environmental values.

The exemptions in this section are in addition to the general exemptions of WAC 197-10-170 and 197-10-180, which apply to all agencies unless the general exemptions are specifically made inapplicable by this section.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-175, filed 8/3/78. Formerly WAC 308-200-175.]

WAC 308-200A-177 Environmentally sensitive areas. The department adopts by reference the text of WAC 197-10-177, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-177, filed 8/3/78.]

WAC 308-200A-180 Exemptions for emergency actions. The department adopts by reference the text of WAC 197-10-180, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-180, filed 8/3/78. Formerly WAC 308-200-180.]

WAC 308-200A-190 Use and effect of categorical exemptions. The department adopts by reference the text of WAC 197-10-190, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-190, filed 8/3/78. Formerly WAC 308-200-190.]

LEAD AGENCY

WAC 308-200A-200 Lead agency—Responsibilities. The department adopts by reference the text of WAC 197-10-200, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-200, filed 8/3/78. Formerly WAC 308-200-200.]

WAC 308-200A-203 Determination of lead agency—Procedures. The department adopts by reference the text of WAC 197-10-203, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-203, filed 8/3/78. Formerly WAC 308-200-203.]

WAC 308-200A-205 Lead agency designation—Governmental proposals. The department adopts by reference the text of WAC 197-10-205, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-205, filed 8/3/78. Formerly WAC 308-200-205.]

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WAC 308-200A-210 Lead agency designation—Proposals involving both private and public construction activity. The department adopts by reference the text of WAC 197-10-210, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-210, filed 8/3/78. Formerly WAC 308-200-210.]

WAC 308-200A-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. The department adopts by reference the text of WAC 197-10-215, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-215, filed 8/3/78. Formerly WAC 308-200-215.]

WAC 308-200A-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. The department adopts by reference the text of WAC 197-10-220, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-220, filed 8/3/78. Formerly WAC 308-200-220.]

WAC 308-200A-225 Lead agency designation—Private projects requiring licenses from more than one state agency. The department adopts by reference the text of WAC 197-10-225, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-225, filed 8/3/78. Formerly WAC 308-200-225.]

WAC 308-200A-230 Lead agency designation—Specific proposals. The department adopts by reference the text of WAC 197-10-230, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-230, filed 8/3/78. Formerly WAC 308-200-230.]

WAC 308-200A-235 Local agency transfer of lead agency status to a state agency. The department adopts by reference the text of WAC 197-10-235, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-235, filed 8/3/78. Formerly WAC 308-200-235.]

WAC 308-200A-240 Agreements as to lead agency status. The department adopts by reference the text of WAC 197-10-240, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-240, filed 8/3/78. Formerly WAC 308-200-240.]

WAC 308-200A-245 Agreements between agencies as to division of lead agency duties. The department adopts by reference the text of WAC 197-10-245, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-245, filed 8/3/78. Formerly WAC 308-200-245.]

WAC 308-200A-260 Dispute as to lead agency determination—Resolution by CEP. The department adopts by

reference the text of WAC 197-10-260, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-260, filed 8/3/78. Formerly WAC 308-200-260.]

WAC 308-200A-270 Assumption of lead agency status by another agency with jurisdiction. The department adopts by reference the text of WAC 197-10-270, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-270, filed 8/3/78. Formerly WAC 308-200-270.]

THRESHOLD DETERMINATION

WAC 308-200A-300 Threshold determination requirement. The department adopts by reference the text of WAC 197-10-300, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-300, filed 8/3/78. Formerly WAC 308-200-300.]

WAC 308-200A-305 Recommended timing for threshold determination. The department adopts by reference the text of WAC 197-10-305, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-305, filed 8/3/78. Formerly WAC 308-200-305.]

WAC 308-200A-310 Threshold determination procedures—Environmental checklist. The department adopts by reference the text of WAC 197-10-310, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-310, filed 8/3/78. Formerly WAC 308-200-310.]

WAC 308-200A-320 Threshold determination procedures—Initial review of environmental checklist. The department adopts by reference the text of WAC 197-10-320, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-320, filed 8/3/78. Formerly WAC 308-200-320.]

WAC 308-200A-330 Threshold determination procedures—Information in addition to checklist. The department adopts by reference the text of WAC 197-10-330, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-330, filed 8/3/78. Formerly WAC 308-200-330.]

WAC 308-200A-340 Threshold determination procedures—Negative declarations. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.]

WAC 308-200A-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. The department

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adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.]

WAC 308-200A-350 Affirmative threshold determination. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.]

WAC 308-200A-355 Form of declaration of significance/nonsignificance. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.]

WAC 308-200A-360 Threshold determination criteria—Application of environmental checklist. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.]

WAC 308-200A-365 Environmental checklist. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.]

WAC 308-200A-370 Withdrawal of affirmative threshold determination. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.]

WAC 308-200A-375 Withdrawal of negative threshold determination. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.]

WAC 308-200A-390 Effect of threshold determination by lead agency. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.]

DRAFT EIS PREPARATION AND CONTENTS

WAC 308-200A-400 Duty to begin preparation of a draft EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.]

WAC 308-200A-405 Purpose and function of a draft EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.]

WAC 308-200A-410 Predraft consultation procedures. The department adopts by reference the text of WAC 197-10-410, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.]

WAC 308-200A-420 Preparation of EIS by persons outside the lead agency. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.]

WAC 308-200A-425 Organization and style of a draft EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.]

WAC 308-200A-440 Contents of a draft EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]

WAC 308-200A-442 Special considerations regarding contents of an EIS on a nonproject action. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.]

WAC 308-200A-444 List of elements of the environment. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.]

WAC 308-200A-446 Draft EIS—Optional additional elements—Limitation. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to any EIS, the following elements:

- (1) Social factors,
- (2) Cultural concerns, and
- (3) Economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.]

[Title 308 WAC—p. 356]

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

WAC 308-200A-450 Public awareness of availability of draft EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.]

WAC 308-200A-455 Circulation of the draft EIS—Review period. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.]

WAC 308-200A-460 Specific agencies to which draft EIS shall be sent. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.]

WAC 308-200A-465 Agencies possessing environmental expertise. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.]

WAC 308-200A-470 Cost to the public for reproduction of environmental documents. The department adopts by reference the text of WAC 197-10-470, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.]

WAC 308-200A-480 Public hearing on a proposal—When required. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.]

WAC 308-200A-485 Notice of public hearing on environmental impact of the proposal. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.]

WAC 308-200A-490 Public hearing on the proposal—Use of environmental documents. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.]

WAC 308-200A-495 Preparation of amended or new draft EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978.

(2003 Ed.)

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.]

RESPONSIBILITIES OF CONSULTED AGENCIES

WAC 308-200A-500 Responsibilities of consulted agencies—Local agencies. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.]

WAC 308-200A-510 Responsibilities of consulted agencies—State agencies with jurisdiction. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.]

WAC 308-200A-520 Responsibilities of consulted agencies—State agencies with environmental expertise. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.]

WAC 308-200A-530 Responsibilities of consulted agencies—When predraft consultation has occurred. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.]

WAC 308-200A-535 Cost of performance of consulted agency responsibilities. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.]

WAC 308-200A-540 Limitations on responses to consultation. The department adopts by reference the text of WAC 197-10-540, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-540, filed 8/3/78. Formerly WAC 308-200-540.]

WAC 308-200A-545 Effect of no written comment. The department adopts by reference the text of WAC 197-10-545, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-545, filed 8/3/78. Formerly WAC 308-200-545.]

PREPARATION, CONTENTS AND CIRCULATION OF FINAL EIS

WAC 308-200A-550 Preparation of the final EIS—Time period allowed. The department adopts by reference the text of WAC 197-10-550, as it existed on January 21, 1978.

(2003 Ed.)

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-550, filed 8/3/78. Formerly WAC 308-200-550.]

WAC 308-200A-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-570, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-570, filed 8/3/78. Formerly WAC 308-200-570.]

WAC 308-200A-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-580, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-580, filed 8/3/78. Formerly WAC 308-200-580.]

WAC 308-200A-600 Circulation of the final EIS. The department adopts by reference the text of WAC 197-10-600, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-600, filed 8/3/78. Formerly WAC 308-200-600.]

USE OF OTHER EIS'S

WAC 308-200A-650 Effect of an adequate final EIS prepared pursuant to NEPA. The department adopts by reference the text of WAC 197-10-650, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-650, filed 8/3/78. Formerly WAC 308-200-650.]

WAC 308-200A-652 Supplementation by a lead agency of an inadequate final NEPA EIS. The department adopts by reference the text of WAC 197-10-652, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-652, filed 8/3/78. Formerly WAC 308-200-652.]

WAC 308-200A-660 Use of previously prepared EIS for a different proposed action. The department adopts by reference the text of WAC 197-10-660, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-660, filed 8/3/78. Formerly WAC 308-200-660.]

WAC 308-200A-690 Use of lead agency's EIS by other acting agencies for the same proposal. The department adopts by reference the text of WAC 197-10-690, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-690, filed 8/3/78. Formerly WAC 308-200-690.]

WAC 308-200A-695 Draft and final supplements to a revised EIS. The department adopts by reference the text of WAC 197-10-695, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-695, filed 8/3/78. Formerly WAC 308-200-695.]

[Title 308 WAC—p. 357]

EFFECT OF EIS PROCEDURES ON AGENCY ACTIVITIES

WAC 308-200A-700 No action for seven days after publication of the final EIS. The department adopts by reference the text of WAC 197-10-700, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-700, filed 8/3/78. Formerly WAC 308-200-700.]

WAC 308-200A-710 EIS combined with existing planning and review processes. The department adopts by reference the text of WAC 197-10-710, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-710, filed 8/3/78. Formerly WAC 308-200-710.]

WAC 308-200A-820 Designation of responsible official. By the terms of WAC 308-200A-175 and 197-10-175, action upon only two licenses issued by the department of licensing is not exempt from compliance with SEPA. These licenses are motor vehicle wrecker licenses and camping club promotional permits. For the former, the responsible official shall be the administrator of the dealer and manufacturer control division. For the latter, the responsible official shall be the administrator of the securities division.

The responsible official shall carry out the duties and functions of the department when it is acting as the lead agency under this chapter.

Should any action of the department, other than action on one of the two aforesaid licenses, be deemed nonexempt from the provisions of SEPA, the responsible official shall be the deputy director of the department of licensing, unless another official shall be so designated by departmental regulation.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-820, filed 8/3/78. Formerly WAC 308-200-820.]

WAC 308-200A-831 Responsibility of agencies—SEPA public information. The department adopts by reference the text of WAC 197-10-831, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-831, filed 8/3/78.]

WAC 308-200A-840 Application of agency rules to ongoing actions. The department adopts by reference the text of WAC 197-10-840, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-840, filed 8/3/78. Formerly WAC 308-200-840.]

WAC 308-200A-860 Fees to cover the costs of SEPA compliance. The department adopts by reference the text of WAC 197-10-860, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-860, filed 8/3/78. Formerly WAC 308-200-860.]

[Title 308 WAC—p. 358]

APPLICABILITY OF THIS CHAPTER

WAC 308-200A-900 Applicability of this chapter.

This chapter integrates the policies and procedures of the State Environmental Policy Act, chapter 43.21C RCW, into the various programs and activities of the department of licensing, its divisions and its affiliated agencies. With a few exceptions for sections peculiar to the department of licensing or in which the department has exercised an option available to it under applicable department of ecology guidelines, this chapter adopts verbatim the language of the respective sections of the department of ecology guidelines, chapter 197-10 WAC. Consequently, references are not usually made directly to the department of licensing, but rather to "lead agency," "consulted agency," etc.; when the department acts as a particular type of agency, reference to that type of agency will apply to the department. Also consequently, some provisions may seem overbroad. Nevertheless, the chapter governs only the SEPA-related actions of the department, its divisions and its affiliated agencies. If the provisions of this chapter do not adequately cover the duties of the department, its divisions and its affiliated agencies on any matter relating to SEPA, chapter 197-10 WAC shall control such duties.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-900, filed 8/3/78. Formerly WAC 308-200-900.]

WAC 308-200A-910 Severability. The department adopts by reference the text of WAC 197-10-910, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-910, filed 8/3/78. Formerly WAC 308-200-910.]

Chapter 308-300 WAC

CONSOLIDATED LICENSING SYSTEM

WAC

308-300-010	Declaration of purpose and authority.
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

308-300-310 Fee for whitewater river for-hire registration. [Statutory Authority: 1986 c 217 § 11(2) and RCW 43.24.086, 86-15-037 (Order BLS 100), § 308-300-310, filed 7/15/86.] Repealed by 98-03-055, filed 1/16/98, effective 2/16/98. Statutory Authority: RCW 88.12.276 and 1997 c 391 9.

WAC 308-300-010 Declaration of purpose and authority. This chapter is enacted to implement chapter 19.02 RCW the Business License Center Act, chapter 319, Laws of 1977 ex. sess., wherein the department of licensing has been directed to establish a consolidated master license system for businesses in the state. It is the belief of the department of licensing that the passage of the Business License Center Act by the legislature has, in certain instances, expressly and by implication amended, repealed or otherwise modified existing statutes and rules in those areas addressed by the act.

Therefore, the following rules are promulgated and published pursuant to the authority granted by sections 3(6) and 6 of the Business License Center Act RCW 19.02.030(6) and 19.02.060 to interpret for affected businesses and state agencies the process by which the licenses, permits, registrations, certificates, and other forms of licensing authorization referred to in this chapter of the regulations are to be administered by the department of licensing.

The department of licensing hereby phases the grocery related consolidated licensing program heretofore operated by the department of commerce and economic development into the department of licensing division entitled the business license center, to further the purposes of the Business License Center Act.

[Order 476-DOL, § 308-300-010, filed 12/30/77.]

WAC 308-300-020 Definitions. The following definitions apply to use of these terms in relation to the Business License Center Act.

(1) "Act" means the Business License Center Act, RCW 19.02, chapter 319, Laws of 1977 ex. sess.

(2) "Agencies" means all state agencies having jurisdiction over businesses covered under this act.

(3) "BLC" means the business license center.

(4) "Business" means any business covered under the terms of this chapter (see WAC 308-300-040).

(5) "Chapter" means this chapter of the administrative code.

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

(7) "Grant" means to authorize or approve the issuance of an individual license and granted individual license stickers to businesses covered by this chapter.

(8) "Individual license" means any of the licenses, registrations, permits, certificates or other forms of authorization covered under this chapter (see WAC 308-300-040).

(9) "Issue" means to process fees and applications and transmit master licenses.

(10) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this chapter.

(11) "Master license" means the single document to be issued by the department of licensing incorporating all indi-

vidual licenses approved for a business covered under this chapter.

(12) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(13) "Station" means any of the department's driver license examining stations located throughout the state.

(14) "Standard industrial classification (SIC)" is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards.

(15) "Supplemental license" means a license which is part of the master license issued after a master license has been issued to a business covered by this chapter.

(16) "Unique identifier" is a designation assigned to each master license by which the person licenses [licensed], and the individual licenses issued, may be identified.

[Order 476-DOL, § 308-300-020, filed 12/30/77.]

WAC 308-300-030 Licenses which are included on the master license. The following registrations, licenses and permits as required for those businesses in WAC 308-300-040 shall be included within this chapter:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor and Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor and Industries
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery and Bakery Distributor's License	Dept. of Agriculture
Pesticide Dealer License	Dept. of Agriculture
Refrigerated Locker License	Dept. of Agriculture
**Class E Beer License	Liquor Control Board
**Class F Wine License	Liquor Control Board
Furniture and Bedding Certificate	Dept. of Social and Health Services
Shopkeepers License	Board of Pharmacy

* If risk classification of industrial insurance other than those required of businesses within SIC group 54 is involved, the applicant must apply directly to the department of labor and industries.

** If A, B, C, or D classes of liquor licenses are required in combination with Class E and/or F licenses, the E and F license(s) shall not be available under this program and the applicant must apply directly to the liquor control board.

[Statutory Authority: RCW 19.02.030(6), 79-01-088 (Order 524-DOL), § 308-300-030, filed 1/3/79; Order 476-DOL, § 308-300-030, filed 12/30/77.]

WAC 308-300-040 Businesses covered. The following businesses shall be covered within this chapter:

(1) Any retail business engaged in the sale of food products (except those businesses selling exclusively fully prepared meals), beverages, and common household goods. Specifically, this will include those businesses classified under SIC group 54 which includes:

Supermarkets, food stores, grocery stores
Delicatessens
Retail coffee, tea, or spice stores
Fruit and/or vegetable stores or stands

Candy, confectionery and/or nut stands
 Retail dairy product stores
 Retail bakeries
 Dietetic food stores
 Health food stores
 Vitamin food stores
 Retail egg and poultry dealers

(2) Businesses owning and servicing vending machines dispensing food products, beverages, or common household goods.

(3) Other retail businesses engaged in the sale of food products (except businesses exclusively selling fully prepared meals), beverages, and common household goods along with other products and/or services. These businesses are covered to the extent of their grocery-related activities (i.e., those licenses referenced in WAC 308-300-030).

(4) This section does not include door-to-door salespersons.

[Order 476-DOL, § 308-300-040, filed 12/30/77.]

WAC 308-300-050 Qualified applicants. Any person requiring a license or other form of authorization for businesses in WAC 308-300-040 shall apply for a master license. A person wishing to do business as a corporation must be duly registered and in good standing with the secretary of state. Prior to issuance of a master license the department will verify corporate status.

[Order 476-DOL, § 308-300-050, filed 12/30/77.]

WAC 308-300-060 Participation. No agency will issue licenses directly to any business within the scope of WAC 308-300-040. It shall be the responsibility of each agency to direct any persons covered by this program to the business license center and to the provisions for licensing herein which must be followed to lawfully engage in the business covered by this chapter.

[Order 476-DOL, § 308-300-060, filed 12/30/77.]

WAC 308-300-070 Authority to prepare forms. The department shall prepare a master application, master license and other forms as required to implement this act. Revisions will be made as appropriate.

[Order 476-DOL, § 308-300-070, filed 12/30/77.]

WAC 308-300-075 Handling fee. Beginning July 1, 1990, a master license handling fee of twelve dollars shall apply to all master business applications for original licenses, permits, or registrations.

Original licenses, permits, or registrations are those that are not currently held by a business and are being sought for the first time through the use of a master application.

Applications for additional licenses, permits, or registrations received within sixty days following the initial application shall be deemed to be part of the first application.

[Statutory Authority: RCW 34.05.220 and 1990 c 264, 90-17-062, § 308-300-075, filed 8/15/90, effective 9/15/90.]

[Title 308 WAC—p. 360]

WAC 308-300-080 Procedures for obtaining master application. (1) Master application forms, along with appropriate written instructions, will be available at the business license center in the department of licensing, Olympia, Washington. Application forms will also be available at such other locations as the director in the director's discretion elects.

(2) All completed application forms, along with appropriate fees, shall be returned to the business license center. Inquiries concerning the master application form will be directed to the business license center.

Business License Center
 Department of Licensing
 Highways-Licenses Building
 Olympia, Washington 98504.

[Order 476-DOL, § 308-300-080, filed 12/30/77.]

WAC 308-300-090 Transfer of master license. Transfer of the master license, including each license held thereunder, is prohibited, except as specifically provided below.

Persons obtaining such businesses, or interests in such businesses, as require that a new master license be issued, or that any new individual license included under this chapter be issued under the rules of the subject granting agency or agencies, prior to the expiration of the then current master license must submit application for licensure themselves, together with all required fees, to the business license center and themselves receive licensure prior to operating a business. If a reduced fee is, or reduced fees are, permitted by the granting agency(ies) when licensing persons to whom a business has been transferred, or who have acquired interest in the business, those fees shall be used in computing the total fee due for such licensure.

Persons operating or conducting a business or businesses covered by this chapter without first having obtained a master license which includes such business or businesses, shall be subject to all applicable penalties for operating such business or businesses without licensure.

In the event of the proven incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the rules of the individual agencies.

[Order 476-DOL, § 308-300-090, filed 12/30/77.]

WAC 308-300-100 Notification of changes. When information filed with the business license center in, or in connection with, a master license application, or otherwise, changes, or becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in the circumstances of the licensee or applicant or any other person, since the information was filed, the applicant or licensee shall immediately notify the business license center in writing of such change or correction. Notification shall be made in advance of the change where possible, and in no event shall be received at the business license center later than thirty days following the change.

Where the rules of the granting agency require notice of a change in advance of a change, or a certain period of time in advance of the change, that requirement shall be met by the licensee.

Where changes require the approval of the granting agency before implementing the change (for example, as is often the case with a change of name or a change of location of the business), the change shall not be implemented until the licensee receives written notice of approval of the change from the state.

Where a fee is required by a granting agency in connection with the change, that fee shall be submitted with notice of the change. Such fees will be processed in the same manner as those fees received with license applications.

Where the change is of such magnitude or character as to require a new master license or a new license from any granting agency or agencies under the rules of such agency or agencies, the person or persons seeking the license shall submit a new master application, setting out the particular licenses sought, together with the total of all fees required by the granting agency for such license. See WAC 308-300-090.

[Order 476-DOL, § 308-300-100, filed 12/30/77.]

WAC 308-300-110 Issuance of master license. (1)

Upon compliance with WAC 308-300-160 on payment of fees, the department will issue and mail the applicant a master license incorporating all individual licenses approved at that time. Initial coverage under this chapter will be acknowledged by issuance of a master license with individual stickers affixed for each individual license issued.

An applicant may request that no master license be issued pending approval of liquor licenses and other licenses within subsection (4) in which event the department will withhold processing of all licenses until determination of liquor licenses has been made.

(2) In those instances where a license is granted by an agency upon receipt of the application and fee payment, the department, upon approval of the appropriate agency, shall issue the license upon proper receipt of those items. This subsection applies to:

(a) Department of revenue; registration, cigarette dealer license, cigarette dealer vending machine license.

(b) Secretary of state, corporate license (renewal only), corporate annual report.

(c) Department of labor and industries; registration for industrial insurance.

(d) Department of employment security; registration for unemployment insurance.

(e) Department of agriculture; nursery license, egg dealer license, seed dealer license.

(f) Department of social and health services; furniture and bedding certificate.

(g) Board of pharmacy; shopkeepers license.

(3) For each of the supplemental licenses specified below, each agency shall, within 21 days of its notification of license application by the department, inform the department of its approval or denial of the licenses sought. This subsection applies to:

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(a) Department of agriculture; refrigerated locker license, pesticide dealer license, bakery and bakery distributors license.

(b) Department of labor and industries; minor work permit.

(4) Due to special investigative procedures, liquor licenses and other licenses, permits, certificates, and registrations which require lengthy investigative procedures will be handled as supplemental licenses in accordance with subsection (5). Upon approval by the appropriate agency, the license will be mailed to the licensee by the department to be affixed to the master license.

(5) The department shall be notified of reasons for delay if approval or denial of those licenses in subsection (3) has not been given in 21 days, and of reasons for delay if approval or denial of those licenses in subsection (4) has not been given within 60 days.

(6) This section shall not apply to the renewal of a license to the original licensee. In such a case individual licenses shall be issued pending approval or denial by the agencies in accordance with RCW 34.04.170 and WAC 308-300-140(1).

(7) It shall remain the responsibility of the appropriate agencies to provide the applicant with materials, information, and instructions pertinent to their periodic reports and other [operation] [operational] requirements.

[Statutory Authority: RCW 19.02.030(6), 79-01-088 (Order 524-DOL), § 308-300-110, filed 1/3/79; Order 476-DOL, § 308-300-110, filed 12/30/77.]

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

WAC 308-300-120 Assignment of renewal schedules.

(1) The department shall assign to each business a common expiration date for all licenses covered by this chapter, with subsequent renewals to be made at yearly intervals thereafter. This section supersedes existing renewal schedules currently operative for all individual licenses required by businesses covered under the act.

(2) Each business shall be assigned a master license expiration date on the following schedule. Fees for such licenses will be charged at the full annual rate, except as set forth in WAC 308-300-170(2):

(a) New applicants; last day of the month of receipt of the application.

(b) Existing business brought into the system; distributed evenly on a monthly basis throughout the year.

(c) New branches; expiration date will be adjusted as required to conform to a common date simultaneous to the majority of the applicant's business branches.

(d) Supplemental license(s); will expire on the same date as the master.

(3) The department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the department.

[Order 476-DOL, § 308-300-120, filed 12/30/77.]

WAC 308-300-130 Renewal notices and procedures.

Renewal notices indicating fees to be paid for the licenses

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then held by the licensee will be mailed to the licensee approximately 45 days prior to license expiration. Applications for renewals shall be made by current licensees by providing the information requested and remitting required fees to the department in accordance with WAC 308-300-160. Renewal acknowledgement will be sent to the licensee by the department in the form of a renewal registration sticker to be affixed to the existing master license.

[Order 476-DOL, § 308-300-130, filed 12/30/77.]

WAC 308-300-140 Renewal of licenses. (1) Following issuance of the master license, individual licenses will be renewed and issued by the department under conditions originally imposed by the agencies unless specific instructions have been received by the department from an agency to deny or otherwise restrict a license. The department will verify corporate status with the secretary of state.

(2) It will be the responsibility of the liquor control board to initiate any special investigations sufficiently in advance of the license expiration date to be able to notify the department of appropriate actions 15 days prior to expiration. Provision will be made for the liquor control board to obtain a listing of all expiring licenses at least 60 days prior to the expiration date.

(3) The department will not issue renewals prior to 15 days before the expiration date.

(4) Following issuance of each renewal license, appropriate agencies will be notified of the licenses issued and corresponding expiration dates.

[Order 476-DOL, § 308-300-140, filed 12/30/77.]

WAC 308-300-150 Voiding notices and procedures.

(1) The agencies will notify the department of any suspensions, revocations, or denials. Nothing contained herein changes the agencies' rules and regulations for determining when suspensions, revocations, or denials are required. The department will provide stickers for voiding individual licenses on the master license document. When an agency orders denial of an individual license, a voiding sticker shall be placed over the individual license to be terminated. Voiding stickers may be handled either by mail or affixed by an inspector or enforcement officer when immediate action is necessary.

(2) When a licensee desires to delete any individual license from their master license, they shall notify the department and the department shall send the voiding stickers to be affixed to the master license by the licensee.

[Order 476-DOL, § 308-300-150, filed 12/30/77.]

WAC 308-300-160 Total fee payable—Handling of fees. (1) The total fee payable shall be the total amount of all individual license fees, late filing fees, other penalty fees, and the industrial insurance premium deposit on original application, if applicable. Payment shall be by check or money order, payable to the department of licensing at the time of application.

(2) The total fee payments in subsection (1) will be deposited within one working day of receipt by the department into an undistributed receipts account. The amount of

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the total fee payment attributable to the assigned initial risk classification and resulting industrial insurance premium deposit will be transferred to the account of the department of labor and industries. An itemization of the amounts received from each applicant and pertinent application information will be transmitted to the department of labor and industries.

(3) The department will distribute the fees received for individual licenses issued or renewed at least once a month to the appropriate agencies. Liquor license fees and fees received for other licenses for which the appropriate agency has withheld notification of approval or denial will be held in the undistributed receipts account of the department until those licenses are issued or denied.

(4) The master license will not be issued until the full amount of the total fee payable is collected. When the fee payment received is less than the total fee payable, the department will bill the applicant for the balance.

(5) When an individual license is denied or when an applicant withdraws an application, a refund shall be made if authorized by the appropriate agency.

[Order 476-DOL, § 308-300-160, filed 12/30/77.]

WAC 308-300-170 Prorating of fees. (1) When additional licenses are added to WAC 308-300-030 or additional businesses are added to WAC 308-300-040, or when licenses within the scope of WAC 308-300-030 and 308-300-040, referred to above are encompassed in the system for the first time there will be a prorating of fees, where necessitated by renewal dates authorized by the department. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and added to or subtracted from the regular annual fee. Prorating shall be based on the number of whole months between the previous expiration date and the next renewal date.

(2) Prorated fees will be made for supplemental licenses and new branch licenses based on the number of whole months to the expiration of the master license, if authorized by the appropriate agency.

[Order 476-DOL, § 308-300-170, filed 12/30/77.]

WAC 308-300-180 Late filing procedures. A late filing penalty may be charged for licenses not renewed by the expiration date. The late filing fee shall be computed according to existing agency statutes. Agency late filing dates are superseded by the date given by the department on the master license. Penalty fees will be deposited in the department's undistributed receipts fund to be forwarded to each appropriate agency. The department shall notify the other agencies of delinquent renewals.

[Order 476-DOL, § 308-300-180, filed 12/30/77.]

WAC 308-300-190 Posting. The master license shall be posted on the licensee's premises, preferably in the office area, and shall be visible and easily accessible for inspection purposes by the agencies.

[Order 476-DOL, § 308-300-190, filed 12/30/77.]

WAC 308-300-200 Misuse of master license. Defacing, remarking, or misusing the master license in any manner,

including noncompliance with official requests of the department, will expose the violator to all penalties applicable to any of the individual licenses appearing on the master license.

[Order 476-DOL, § 308-300-200, filed 12/30/77.]

WAC 308-300-210 Declaration of purpose and authority. This chapter is enacted to implement sections 1 and 3, chapter 22, Laws of 1979 1st ex. sess.; wherein the director of the department of licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-210, filed 9/5/79.]

WAC 308-300-220 Definitions. The following definitions apply to use of these terms in RCW 19.80.010:

(1) Style means: As used in these rules, title or appellation of a person.

(2) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

(3) Application means the master application as prescribed by chapter 19.02 RCW.

(4) Director means the director of the department of licensing.

(5) Department means the department of licensing.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-220, filed 4/24/92, effective 6/1/92. Statutory Authority: Chapter 19.80 RCW. 81-02-038 (Order 601-DOL), § 308-300-220, filed 1/6/81. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-220, filed 9/5/79.]

WAC 308-300-230 Required registration of trade name. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall register a trade name with the department. The application for registration of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature of a person having an interest therein.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

Upon receipt of a properly completed application for trade name registration and proper fee payment, the depart-

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ment shall register the trade name. Such registration shall remain in effect until cancelled.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-230, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-230, filed 9/5/79.]

WAC 308-300-240 Cancellation. (1) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(2) A notice of cancellation, together with a new application for registration of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the application for registration of trade name as those conducting or intending to conduct business under the registered trade name;

(b) There is a change in the wording or spelling of the registered trade name.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-240, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-240, filed 9/5/79.]

WAC 308-300-250 Forms. The department shall provide forms for registration of trade name, which must be used to make the required filings and which will be available from the following:

(1) Business license services of the department of licensing; and

(2) Other distribution points as the director deems appropriate.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-250, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-250, filed 9/5/79.]

WAC 308-300-260 Records—Transfer from counties to department. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-260, filed 9/5/79.]

WAC 308-300-270 Searches. Upon request and the payment of fees as specified in WAC 308-300-280, the department shall make a comprehensive search of the master license service's records to determine any of the following facts:

(1) Persons conducting business under a trade name;

(2) Registered trade names;

(3) Firm names;

(4) Legal owner names; and

(5) Verification of business existence.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-270, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-270, filed 9/5/79.]

WAC 308-300-280 Fees and refunds. (1) The department shall charge and collect:

(a) Five dollars for registration of trade name;

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(b) Four dollars for each trade name search plus the costs of any electronic medium used;

(c) Two dollars for each letter of certification to accompany copies of the document(s).

(2) No refund of less than five dollars shall be made except upon written request by the registrant.

[Statutory Authority: RCW 19.80.045, 92-10-010, § 308-300-280, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3, 79-09-123 (Order 551-DOL), § 308-300-280, filed 9/5/79.]

WAC 308-300-290 Cross-referencing and public access. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name.

[Statutory Authority: 1979 1st ex.s. c 22 § 3, 79-09-123 (Order 551-DOL), § 308-300-290, filed 9/5/79.]

Chapter 308-312 WAC

WHITEWATER RIVER OUTFITTERS

WAC

308-312-010	Definitions.
308-312-020	Whitewater river outfitter license administration office.
308-312-030	Applying for a whitewater river outfitter license.
308-312-040	Renewing a whitewater river outfitter license.
308-312-050	Proof of liability insurance.
308-312-060	Fees.
308-312-080	Appeals of license suspensions.
308-312-100	Proof of having a license.

WAC 308-312-010 Definitions. The following definitions apply to use of these terms in this chapter.

(1) "Business location" means a business office of a whitewater river outfitter. This is a fixed location where business may be conducted with the public and that must post a master license showing "tax registration." It does not mean where river trips take place.

(2) "Master application" means the combined license application form and any addenda provided by the master license service.

(3) "Master license" means the combined license document issued by the master license service.

(4) "Master license service" means the office within the department of licensing operating the master license program, and handling the whitewater river outfitter license.

(5) "Outfitter" means the same as whitewater river outfitter.

(6) "Proof of liability insurance" means the certificate of insurance or other written proof supplied by an insurance provider. The proof lists and guarantees the type and amount of insurance coverage provided and the period of time the coverage is in force.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9, 98-03-055, § 308-312-010, filed 1/16/98, effective 2/16/98.]

WAC 308-312-020 Whitewater river outfitter license administration office. The master license service of the department of licensing handles the whitewater river outfitter license. The office is located at 405 Black Lake Blvd. S.W., Olympia, Washington. Office hours are 8:00 a.m. to 5:00

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p.m., Monday through Friday, excluding state holidays. The office can be contacted by mail or phone at:

Department of Licensing
 Master License Service (360) 664-1400
 Post Office Box 9034 Fax (360) 753-9668
 Olympia WA 98507-9034 TDD (360) 586-2788

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9, 98-03-055, § 308-312-020, filed 1/16/98, effective 2/16/98.]

WAC 308-312-030 Applying for a whitewater river outfitter license. (1) To apply for a license a person must request and file a master application with the master license service. The completed master application must include the information, proof of insurance and certifications listed in RCW 88.12.275 and the fee listed in WAC 308-312-060.

(2) A master license with "whitewater river outfitter" printed on it will be issued after the application has been reviewed and approved. The license application will not be approved and no license will be issued if all the requirements are not met.

(3) Each business location where whitewater river outfitter business is conducted must be licensed even if owned by the same business owner. A separate application must be completed and filed for each business location. Each business location will receive its own master license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9, 98-03-055, § 308-312-030, filed 1/16/98, effective 2/16/98.]

WAC 308-312-040 Renewing a whitewater river outfitter license. (1) The whitewater river outfitter license must be renewed each year by the expiration date. The master license does not allow conducting business as a whitewater river outfitter after the expiration date shown on the license. A renewal must be filed for each business location.

(2) The master license service will mail a renewal notice to each business location at least 30 days before the license expiration date. The licensee must submit the completed renewal application by the expiration date or the late renewal fee listed in RCW 19.02.085 may be charged.

(3) The completed renewal application must include the information and certifications listed in RCW 88.12.275, and the fee listed in WAC 308-312-060. The whitewater river outfitter license will not be renewed if all the requirements are not met.

(4) If a license renewal has not been filed by at least 4 months after the expiration date the license will be considered to have been abandoned and the license status will be terminated. A licensee whose outfitter license has been terminated because of nonrenewal must file a new application as described in WAC 308-312-030 in order to conduct business as a whitewater river outfitter.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9, 98-03-055, § 308-312-040, filed 1/16/98, effective 2/16/98.]

WAC 308-312-050 Proof of liability insurance. (1) Applicants and licensees must provide proof of having liability insurance coverage to the master license service. The proof of insurance must show the applicant or licensee as the insured, and list the master license service as the certificate

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holder to be notified of changes. Changes to be reported include cancellation, termination, nonrenewal, and renewal of a policy. Cancellation, termination, or nonrenewal of a policy must be reported to the master license service at least 30 days before the effective date.

(2) The liability insurance policy may cover outfitter business activities at all locations within the state of Washington. A separate copy of the proof of current liability insurance must accompany each new application for a whitewater river outfitter license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-050, filed 1/16/98, effective 2/16/98.]

WAC 308-312-060 Fees. (1) The following fees apply to the whitewater river outfitter license

(a) New application, \$25.00 per business location.

(b) Annual renewal, \$25.00 per business location.

(2) New and renewal applications are charged the application handling fee listed in RCW 19.02.075.

Delinquent renewal applications may be charged the delinquency fee listed in RCW 19.02.085.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-060, filed 1/16/98, effective 2/16/98.]

WAC 308-312-080 Appeals of license suspensions. A whitewater river outfitter licensee may appeal a license suspension by submitting a written notice of appeal to the department of licensing. The notice of appeal must be received by the department of licensing within twenty days after the date the suspension is issued or the right to appeal is waived. If the notice is mailed the United States post office postmark date will be accepted as the date received by the department of licensing. The department of licensing will take action on the notice as directed by the Administrative Procedure Act found in chapter 34.05 RCW.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-080, filed 1/16/98, effective 2/16/98.]

WAC 308-312-100 Proof of having a license. Persons conducting a whitewater river trip must be able to show proof of operating with a valid outfitter license to law enforcement officials. Proof of having a license must be available at the site where vessels are put into the river, or at the site where vessels are taken out of the river. The proof of having a license is not required to be carried on vessels during a river trip. A photocopy of the original master license that was issued with "whitewater river outfitter" printed on it will be accepted as proof of having a license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-100, filed 1/16/98, effective 2/16/98.]

Chapter 308-320 WAC

COMMERCIAL TELEPHONE SOLICITATION

WAC

308-320-010	Authority and purpose.
308-320-020	Applicable statute.
308-320-030	Definitions.
308-320-040	Registration.
308-320-050	Registration fees.
308-320-060	Annual renewal dates, forms, and fees.

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308-320-080
308-320-090

Changes and fees.
Business records.
Director of the department of licensing as repository for notice of purchase cancellation.

WAC 308-320-010 Authority and purpose. These rules are adopted under the authority of chapter 20, Laws of 1989 and RCW 34.05.220 to establish standards for the registration of commercial telephone solicitors as defined by chapter 20, Laws of 1989.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-010, filed 1/2/90, effective 2/2/90.]

WAC 308-320-020 Applicable statute. The regulations in this chapter shall be considered a supplement to and not a replacement for chapter 20, Laws of 1989 and do not apply to the provisions of RCW 80.36.390 and 80.36.400.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-020, filed 1/2/90, effective 2/2/90.]

WAC 308-320-030 Definitions. As used in this regulation:

(1) "Business" means any person, sole proprietorship, partnership, corporation, or other concern which engages in commercial telephone solicitation.

(2) "Business location" means the premises where business is conducted.

(3) "Business location address" means the address of the geographic location where the business is conducted.

(4) "Business mailing address" means the address where mail deliveries are made for the business.

(5) "Campaign" means a method of marketing a product or service employing specific incentives, sales techniques, or presentations to prospective purchasers.

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

(7) "Manager" means the person in charge of business operations at a business location.

(8) "Nonrefundable fees" means fees which are not returned to an applicant after a registration is issued.

(9) "Nontransferable registration" means a registration that cannot be transferred to another person or business.

(10) "Ownership structure" means the manner in which a business is owned, such as sole proprietorship, partnership, or corporation.

(11) "Proratable fees" means fees that are calculated for a period of time less than twelve months.

(12) "Registration number" means the unified business identifier (UBI) number issued to a business by the state of Washington.

(13) "Solicitor" means a commercial telephone solicitor as defined in chapter 20, Laws of 1989.

(14) "Unified business identifier (UBI)" means a nine-digit number used to identify a business registered or licensed with one or more state agencies.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-030, filed 1/2/90, effective 2/2/90.]

WAC 308-320-040 Registration. Any commercial telephone solicitor who wishes to engage in commercial telephone solicitation as defined by chapter 20, Laws of 1989 must register with the department by:

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(1) Completing the following forms prescribed by the department:

- (a) Master business application;
- (b) Supplemental information form;
- (c) Personal history form for each sole proprietor, partner, manager or the president, vice-president, secretary and treasurer of each corporation; and

(2) Paying the registration fee established in WAC 308-320-060. A commercial telephone solicitor must receive notice of registration from the department prior to conducting business in the state of Washington. A commercial telephone solicitor registration is nontransferable.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-040, filed 1/2/90, effective 2/2/90.]

WAC 308-320-050 Registration fees. The fee for any commercial telephone solicitor required to register in this state shall be seventy-two dollars for each business location annually. The annual fee shall be proratable and nonrefundable.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-050, filed 1/2/90, effective 2/2/90.]

WAC 308-320-060 Annual renewal dates, forms, and fees. Registration renewals must be made annually on the form and date required by the department. The fee for annual renewal shall be seventy-two dollars.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-060, filed 1/2/90, effective 2/2/90.]

WAC 308-320-070 Changes and fees. Registrants shall inform the department of any changes in filed information when the change occurs.

(1) Changes in ownership or ownership structure or a change of more than fifty percent of the partners in a partnership requires submission of a new master business application, new supplemental information statement, new personal history statement(s), and a fee of seventy-two dollars for each business location.

(2) Changes in business location requires a new master business application and a fee of seventy-two dollars.

(3) Changes in managers, general partners of a limited partnership, partners in a general partnership or the president, vice-president, secretary or treasurer of a corporation requires completion of a personal history form for the new individual(s).

(4) Changes in the business mailing address or the location where business records are kept shall be made in writing.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-070, filed 1/2/90, effective 2/2/90.]

WAC 308-320-080 Business records. A commercial telephone solicitor shall maintain records of each commercial solicitation campaign and shall inform the department of the location where the business records are kept. The following business records shall be kept for a period of two years after the campaign has been completed unless otherwise stated below.

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(1) A list of the names, principal residence addresses, and dates of employment of salespersons who solicit on behalf of the commercial telephone solicitor and the name(s) the salesperson(s) uses while soliciting.

(2) A list and a description of the items the solicitor is offering for sale and the suppliers name, address, and telephone number.

(3) A copy of all sales scripts the solicitor requires salespersons to use when soliciting prospective purchasers, or if no sales script is required to be used, a statement to that effect.

(4) A copy of all sales training information and literature, including but not limited to, scripts, outlines, instructions, and information regarding how to conduct telephone sales, sample introductions, sample closings, product information, and contest or premium awards information provided by the solicitor to salespersons in writing or orally, and a copy of all written materials the solicitor sends to any prospective or actual purchaser.

(5) If the solicitor represents or implies, or directs salespersons to represent or imply to purchasers that the purchaser will receive certain specific items or certificates, whether the items or certificates are described as gifts, premiums, bonuses, prizes, or otherwise, the solicitor shall maintain a written record which includes:

(a) A list of the items offered.

(b) The value or worth of each item described to the prospective purchasers and the basis for the valuation.

(c) The price paid by the solicitor to the supplier for each of these items and the name, address and telephone number of each supplier.

(d) Paper documentation of all rules, regulations, terms, and conditions a prospective purchaser must meet in order to receive an item.

(6) If the purchaser is to receive fewer than all of the items described by the solicitor, the record shall include the following:

(a) The manner in which the solicitor decides which item or items a particular prospective purchaser is to receive.

(b) The odds a single prospective purchaser has of receiving each described item.

(c) The name and address of each recipient who has during the preceding twelve months, or as long as the solicitor has been in business if less than twelve months, received the item having:

(i) The greatest value; and

(ii) The item having the least odds of being received.

(7) A historical listing of all products sold by the solicitor clearly showing when the sale of each product was initiated and subsequently terminated.

(8) A list of the business telephone numbers at each location where telephone solicitation is taking place.

(9) The name of the manager or other person in charge at each location where telephone solicitation is taking place.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-080, filed 1/2/90, effective 2/2/90.]

WAC 308-320-090 Director of the department of licensing as repository for notice of purchase cancellation. In the event that the purchaser is unable to send the notice of

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cancellation to the seller, the purchaser may send a written notice of cancellation to the Director, Department of Licensing, Business License Services, 405 Black Lake Place, Olympia, WA 98504. When notices of cancellation are mailed to the department, the effective date shall be the postmark date stamped on the mailing envelope or metered stamp. When notices of cancellation are hand delivered, the effective date shall be upon receipt by the department.

The department shall not be the repository for undeliverable cancelled merchandise.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-090, filed 1/2/90, effective 2/2/90.]

Chapter 308-330 WAC

WASHINGTON MODEL TRAFFIC ORDINANCE

WAC

308-330-005	Purpose of this chapter.
308-330-010	Amendments to this chapter automatically included.
308-330-030	Uniformity in application.
308-330-100	Chapter 46.04 RCW (Definitions) adopted by reference.
308-330-109	Bus.
308-330-112	Bus stop.
308-330-115	City.
308-330-118	Demolish.
308-330-127	Holidays.
308-330-133	Loading zone.
308-330-136	Official time standard.
308-330-139	Ordinance.
308-330-142	Parking meter.
308-330-145	Parking meter space.
308-330-148	Parking meter zone.
308-330-151	Passenger loading zone.
308-330-154	Planting strip.
308-330-157	Police or police officer.
308-330-160	Police chief or chief of police.
308-330-163	Police department.
308-330-169	School bus zone.
308-330-172	Service parking.
308-330-175	Street.
308-330-178	Taxicab.
308-330-181	Taxicab stand.
308-330-184	Tow truck operator.
308-330-187	Traffic division.
308-330-190	U-turn.
308-330-195	RCW sections adopted—Livestock.
308-330-197	RCW sections adopted—Off-road and nonhighway vehicles.
308-330-200	RCW sections adopted—Snowmobiles.
308-330-205	Public employees to obey traffic regulations.
308-330-210	Police administration.
308-330-215	Duty of traffic division.
308-330-220	Authority of police and fire department officials.
308-330-225	Records of traffic violations.
308-330-230	Traffic division to investigate accidents.
308-330-235	Traffic accident studies.
308-330-240	Traffic accident reports.
308-330-245	Traffic division to submit annual traffic safety report.
308-330-250	Police department to administer bicycle licenses.
308-330-255	Police department to regulate parking meters.
308-330-260	Traffic engineer.
308-330-265	Traffic engineer—Authority.
308-330-270	Local authority—Authority.
308-330-275	Traffic safety commission—Powers and duties.
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308-330-310	RCW sections adopted—Financial responsibility.
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308-330-320	RCW sections adopted—Size, weight, load.

308-330-322	RCW sections adopted—Transportation of hazardous materials.
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308-330-360	Owner of record presumed liable for costs when vehicle abandoned—Exception.
308-330-365	Contract with registered disposer to dispose of vehicles and hulks—Compliance required.
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308-330-400	Provisions of chapter refer to vehicles upon highway—Exception.
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308-330-423	RCW sections adopted—Speed restrictions.
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308-330-436	Parking for certain purposes unlawful.
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308-330-442	Standing in loading zone.
308-330-445	Standing in a tow-away zone.
308-330-448	Violating permits for loading or unloading at an angle to the curb.
308-330-451	Standing or parking on one-way roadways.
308-330-454	Stopping, standing, and parking of buses and taxicabs regulated.
308-330-457	Restricted use of bus stops and taxicab stands.
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308-330-462	RCW sections adopted—Stopping, standing, and parking.
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308-330-466	Funeral processions.
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308-330-500	Bicycle license required.
308-330-505	Bicycle license application.
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308-330-515	Attachment of bicycle license plate or decal.
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308-330-525	Renewal of bicycle license.
308-330-530	Bicycle transfer of ownership.
308-330-535	Bicycle rental agencies.
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308-330-550	Bicycles—Parking.
308-330-555	Bicycles—Riding on sidewalks.
308-330-560	Bicycles—Penalties.
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308-330-600	Parking meter spaces.
308-330-610	Parking meters—Deposit of coins and time limits.
308-330-620	Parking meters—Use of slugs prohibited.
308-330-630	Tampering with parking meter.
308-330-640	Parking meters—Rule of evidence.
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308-330-660	Service parking.
308-330-700	RCW sections adopted—Disposition of traffic infractions.
308-330-705	RCW sections adopted—Enforcement.
308-330-710	Penalties.
308-330-720	Citation on illegally parked vehicle.
308-330-730	Failure to comply with traffic citation attached to parked vehicle.
308-330-740	Presumption in reference to illegal parking.
308-330-800	RCW sections adopted—Traffic control devices.
308-330-810	RCW sections adopted—Limited access facilities.
308-330-815	RCW sections adopted—Alcoholic beverage control.
308-330-820	RCW sections adopted—Guide and service dogs.
308-330-825	RCW sections adopted—Littering.

308-330-910 Uniformity of interpretation.

**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 308-330-005 Purpose of this chapter. The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-005, filed 12/13/93, effective 7/1/94.]

WAC 308-330-010 Amendments to this chapter automatically included. The addition of any new section to, or amendment or repeal of any section in, this chapter shall be deemed to amend any city, town, or county ordinance which has adopted by reference to this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-010, filed 12/13/93, effective 7/1/94.]

WAC 308-330-030 Uniformity in application. The provisions of this chapter relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-030, filed 12/13/93, effective 7/1/94.]

WAC 308-330-100 Chapter 46.04 RCW (Definitions) adopted by reference. All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as

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a part of this chapter in all respects as though such sections were set forth herein in full.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-100, filed 12/13/93, effective 7/1/94.]

WAC 308-330-109 Bus. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-109, filed 12/13/93, effective 7/1/94.]

WAC 308-330-112 Bus stop. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: Provided, That such bus provides regularly scheduled service within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-112, filed 12/13/93, effective 7/1/94.]

WAC 308-330-115 City. "City" means every incorporated city and town.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-115, filed 12/13/93, effective 7/1/94.]

WAC 308-330-118 Demolish. "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-118, filed 12/13/93, effective 7/1/94.]

WAC 308-330-127 Holidays. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday in January, commonly called Martin Luther King Jr. day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday. Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-127, filed 12/13/93, effective 7/1/94.]

WAC 308-330-133 Loading zone. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-133, filed 12/13/93, effective 7/1/94.]

WAC 308-330-136 Official time standard. "Official time standard" means, whenever certain hours are named,

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standard time or daylight saving time as may be in current use within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-136, filed 12/13/93, effective 7/1/94.]

WAC 308-330-139 Ordinance. "Ordinance" means a city or town ordinance or a county ordinance or resolution.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-139, filed 12/13/93, effective 7/1/94.]

WAC 308-330-142 Parking meter. "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-142, filed 12/13/93, effective 7/1/94.]

WAC 308-330-145 Parking meter space. "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-145, filed 12/13/93, effective 7/1/94.]

WAC 308-330-148 Parking meter zone. "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-148, filed 12/13/93, effective 7/1/94.]

WAC 308-330-151 Passenger loading zone. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-151, filed 12/13/93, effective 7/1/94.]

WAC 308-330-154 Planting strip. "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-154, filed 12/13/93, effective 7/1/94.]

WAC 308-330-157 Police or police officer. "Police or police officer" includes, in addition to the meaning in RCW 46.04.391, the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is

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applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-23-029, § 308-330-157, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-157, filed 12/13/93, effective 7/1/94.]

WAC 308-330-160 Police chief or chief of police. "Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-160, filed 12/13/93, effective 7/1/94.]

WAC 308-330-163 Police department. "Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-163, filed 12/13/93, effective 7/1/94.]

WAC 308-330-169 School bus zone. "School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-169, filed 12/13/93, effective 7/1/94.]

WAC 308-330-172 Service parking. "Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-172, filed 12/13/93, effective 7/1/94.]

WAC 308-330-175 Street. "Street" means a "city street."

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-175, filed 12/13/93, effective 7/1/94.]

WAC 308-330-178 Taxicab. "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-178, filed 12/13/93, effective 7/1/94.]

WAC 308-330-181 Taxicab stand. "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-181, filed 12/13/93, effective 7/1/94.]

WAC 308-330-184 Tow truck operator. "Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-184, filed 12/13/93, effective 7/1/94.]

WAC 308-330-187 Traffic division. "Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be deemed to refer to the police department of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-187, filed 12/13/93, effective 7/1/94.]

WAC 308-330-190 U-turn. "U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-190, filed 12/13/93, effective 7/1/94.]

WAC 308-330-195 RCW sections adopted—Livestock. The following sections of the Revised Code of Washington (RCW) pertaining to livestock on highway right-of-way 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 16.24.065, and 16.24.070.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-195, filed 12/13/93, effective 7/1/94.]

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 308-330-205 Public employees to obey traffic regulations. The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-205, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-210 Police administration. There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-210, filed 12/13/93, effective 7/1/94.]

WAC 308-330-215 Duty of traffic division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-215, filed 12/13/93, effective 7/1/94.]

WAC 308-330-220 Authority of police and fire department officials. (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: Provided, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-220, filed 12/13/93, effective 7/1/94.]

WAC 308-330-225 Records of traffic violations. (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five-year period, and from that time on the records shall be maintained complete for at least the most recent five-year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-225, filed 12/13/93, effective 7/1/94.]

WAC 308-330-230 Traffic division to investigate accidents. It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-230, filed 12/13/93, effective 7/1/94.]

WAC 308-330-235 Traffic accident studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-235, filed 12/13/93, effective 7/1/94.]

WAC 308-330-240 Traffic accident reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-240, filed 12/13/93, effective 7/1/94.]

WAC 308-330-245 Traffic division to submit annual traffic safety report. The traffic division shall annually prepare a traffic report which shall be filed with the appointing authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-245, filed 12/13/93, effective 7/1/94.]

WAC 308-330-250 Police department to administer bicycle licenses. The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-250, filed 12/13/93, effective 7/1/94.]

WAC 308-330-255 Police department to regulate parking meters. The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-255, filed 12/13/93, effective 7/1/94.]

WAC 308-330-260 Traffic engineer. (1) The office of traffic engineer is established: Provided, That if there is no traffic engineer, then the engineer of the local authority shall

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serve as traffic engineer in addition to his/her other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: Provided further, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-260, filed 12/13/93, effective 7/1/94.]

WAC 308-330-265 Traffic engineer—Authority. The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he/she may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersection or other roadway junctions at

which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: Provided, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-265, filed 12/13/93, effective 7/1/94.]

WAC 308-330-270 Local authority—Authority.

After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:

(1) Decrease maximum speed limits pursuant to RCW 46.61.415;

(2) Increase maximum speed limits pursuant to RCW 46.61.415;

(3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;

(4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575(3);

(5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;

(6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;

(7) Close any highway or part thereof temporarily to any or all traffic;

(8) Determine and declare one-way highways pursuant to RCW 46.61.135;

(9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-270, filed 12/13/93, effective 7/1/94.]

WAC 308-330-275 Traffic safety commission—Powers and duties.

(1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his/her discretion as his/her representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chair of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to

recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-275, 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, 46.12.103, 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. 99-04-070, § 308-330-300, filed 2/1/99, effective 3/4/99; 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, 46.16.180, 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. 02-04-075, § 308-330-305, filed 2/1/02, effective 3/4/02; 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 and identicards. 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 46.20.001, 46.20.005, 46.20.015, 46.20.017, 46.20.021, 46.20.022, 46.20.024, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.075, 46.20.0921, 46.20.109, 46.20.220, 46.20.308, 46.20.3101, 46.20.338, 46.20.342, 46.20.345, 46.20.349, 46.20.391, 46.20.394, 46.20.410, 46.20.500, 46.20.510, 46.20.720, 46.20.740, and 46.20.750.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-307, filed 2/1/02, effective 3/4/02; 00-18-067, § 308-330-307, filed 9/1/00, effective 10/2/00; 99-04-070, § 308-330-307, filed 2/1/99, effective 3/4/99. 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 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act. The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act 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 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.110, 46.25.120, and 46.25.170.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-309, filed 12/13/93, effective 7/1/94.]

WAC 308-330-310 RCW sections adopted—Financial responsibility. The following section of the Revised Code of Washington (RCW) pertaining to financial responsibility 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 46.29.605.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-310, filed 12/13/93, effective 7/1/94.]

WAC 308-330-312 RCW sections adopted—Mandatory liability insurance. The following sections of the Revised Code of Washington (RCW) pertaining to mandatory liability insurance 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 46.30.010, 46.30.020, 46.30.030, and 46.30.040.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-312, filed 12/13/93, effective 7/1/94.]

WAC 308-330-314 RCW sections adopted—Vehicle inspection. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle inspection 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 46.32.060 and 46.32.070.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-314, 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, 46.37.4215, 46.37.4216, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 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. 00-18-067, § 308-330-316, filed 9/1/00, effective 10/2/00; 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 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load 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 46.44.010, 46.44.015, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, and section 3, chapter 262, Laws of 2001.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-320, filed 2/1/02, effective 3/4/02; 94-23-029, § 308-330-320, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-320, 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 308-330-325 RCW sections adopted—Accidents, reports. The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports 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 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, and 46.52.101.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-325, filed 9/1/00, effective 10/2/00; 94-01-082, § 308-330-325, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-327 RCW sections adopted—Hulk haulers and scrap processors. The following sections of the Revised Code of Washington (RCW) pertaining to hulk haulers and scrap processors 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 46.79.010 and 46.79.120.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-327, filed 12/13/93, effective 7/1/94.]

WAC 308-330-330 RCW sections adopted—Motor vehicle wreckers. The following section[s] of the Revised Code of Washington (RCW) pertaining to motor vehicle wreckers as now or hereafter amended is [are] hereby adopted by reference as a part of this chapter in all respects as though such section[s] were set forth herein in full: RCW 46.80.010 and 46.80.060.

[Statutory Authority: RCW 46.90.010. 95-23-042, § 308-330-330, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-330, filed 12/13/93, effective 7/1/94.]

WAC 308-330-360 Owner of record presumed liable for costs when vehicle abandoned—Exception. (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section if within five days of the transfer he/she transmits to the department a seller's report of sale on a form prescribed by the director.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-360, filed 12/13/93, effective 7/1/94.]

WAC 308-330-365 Contract with registered disposer to dispose of vehicles and hulks—Compliance required. (1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the local authority or the director.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-365, filed 12/13/93, effective 7/1/94.]

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

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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 308-330-400 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 308-330-403 Required obedience to traffic ordinance. It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-403, 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, 46.55.075, 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. 00-18-067, § 308-330-406, filed 9/1/00, effective 10/2/00; 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 308-330-409 Traffic control devices required—Stopping, standing, and parking. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-409, filed 12/13/93, effective 7/1/94.]

WAC 308-330-412 Crossing new pavement and markings. No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-412, 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, 46.61.183, 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. 00-18-067, § 308-330-415, filed 9/1/00, effective 10/2/00; 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—Turning, 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. 00-18-067, § 308-330-421, filed 9/1/00, effective 10/2/00; 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 308-330-423 RCW sections adopted—Speed restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions 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 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, and 46.61.470.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-423, filed 9/1/00, effective 10/2/00; 94-01-082, § 308-330-423, 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, 46.61.50571, 46.61.5058, 46.61.506, 46.61.513, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.5249, 46.61.525, 46.61.527, 46.61.530, 46.61.535, and 46.61.540.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-425, filed 2/1/99, effective 3/4/99. 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 308-330-430 Obedience to angle-parking signs or markings. Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-430, filed 12/13/93, effective 7/1/94.]

WAC 308-330-433 Parking not to obstruct traffic. (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-433, 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.

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(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 308-330-439 Standing in passenger loading zone. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-439, filed 12/13/93, effective 7/1/94.]

WAC 308-330-442 Standing in loading zone. (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-442, filed 12/13/93, effective 7/1/94.]

WAC 308-330-445 Standing in a tow-away zone. No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-445, filed 12/13/93, effective 7/1/94.]

WAC 308-330-448 Violating permits for loading or unloading at an angle to the curb. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-448, filed 12/13/93, effective 7/1/94.]

WAC 308-330-451 Standing or parking on one-way roadways. In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-451, filed 12/13/93, effective 7/1/94.]

WAC 308-330-454 Stopping, standing, and parking of buses and taxicabs regulated. (1) The operator of a bus shall not stop, stand, or park such vehicle upon any highway

at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stop, stand, or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

[Statutory Authority: RCW 46.90.010. 95-23-042, § 308-330-454, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-454, filed 12/13/93, effective 7/1/94.]

WAC 308-330-457 Restricted use of bus stops and taxicab stands. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of, or while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-457, filed 12/13/93, effective 7/1/94.]

WAC 308-330-460 Right of way for parking. The driver of any vehicle who first begins driving or maneuvering his/her vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him/her thereof by blocking his/her access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-460, 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.]

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WAC 308-330-464 RCW sections adopted—Operation and restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers 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 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.730, and section 1, chapter 325, Laws of 2001.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-464, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-464, filed 12/13/93, effective 7/1/94.]

WAC 308-330-466 Funeral processions. (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-466, filed 12/13/93, effective 7/1/94.]

WAC 308-330-469 When permits required for parades and processions. With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-469, filed 12/13/93, effective 7/1/94.]

WAC 308-330-472 Interfering with processions. (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession. This provision shall not apply at intersections where traffic is controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-472, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-475 Boarding or alighting from vehicles. No person shall board or alight from any vehicle while such vehicle is in motion.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-475, filed 12/13/93, effective 7/1/94.]

WAC 308-330-478 Unlawful riding. No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-478, filed 12/13/93, effective 7/1/94.]

WAC 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of nonmotorized 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 46.61.750, 46.61.755, 46.61.758, 46.61.760, 46.61.765, 46.61.770, 46.61.775, 46.61.780, and 46.61.790.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-481, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-481, filed 12/13/93, effective 7/1/94.]

WAC 308-330-500 Bicycle license required. No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in WAC 308-330-500 through 308-330-540.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-500, filed 12/13/93, effective 7/1/94.]

WAC 308-330-505 Bicycle license application. Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-505, filed 12/13/93, effective 7/1/94.]

WAC 308-330-510 Issuance of bicycle license. (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the

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person to whom issued, and a record of all bicycle license fees collected by him.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-510, filed 12/13/93, effective 7/1/94.]

WAC 308-330-515 Attachment of bicycle license plate or decal. (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-515, filed 12/13/93, effective 7/1/94.]

WAC 308-330-520 Inspection of bicycles. The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he/she determines is in unsafe mechanical condition.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-520, filed 12/13/93, effective 7/1/94.]

WAC 308-330-525 Renewal of bicycle license. Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-525, filed 12/13/93, effective 7/1/94.]

WAC 308-330-530 Bicycle transfer of ownership. Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-530, filed 12/13/93, effective 7/1/94.]

WAC 308-330-535 Bicycle rental agencies. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-535, filed 12/13/93, effective 7/1/94.]

WAC 308-330-540 Bicycle dealers. Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to

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whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-540, filed 12/13/93, effective 7/1/94.]

WAC 308-330-545 Bicycles—Obedience to traffic control devices. (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-545, filed 12/13/93, effective 7/1/94.]

WAC 308-330-550 Bicycles—Parking. No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-550, filed 12/13/93, effective 7/1/94.]

WAC 308-330-555 Bicycles—Riding on sidewalks. (1) No person shall ride a bicycle upon a sidewalk in a business district.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-555, filed 12/13/93, effective 7/1/94.]

WAC 308-330-560 Bicycles—Penalties. Violation of any provision of WAC 308-330-500 through 308-330-540 is a traffic infraction.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-560, filed 12/13/93, effective 7/1/94.]

WAC 308-330-565 Unclaimed bicycles. All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-565, filed 12/13/93, effective 7/1/94.]

WAC 308-330-600 Parking meter spaces. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the park-

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ing meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-600, filed 12/13/93, effective 7/1/94.]

WAC 308-330-610 Parking meters—Deposit of coins and time limits. (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his/her control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-610, filed 12/13/93, effective 7/1/94.]

WAC 308-330-620 Parking meters—Use of slugs prohibited. No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-620, filed 12/13/93, effective 7/1/94.]

WAC 308-330-630 Tampering with parking meter. No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-630, filed 12/13/93, effective 7/1/94.]

WAC 308-330-640 Parking meters—Rule of evidence. The parking or standing of any motor vehicle in a

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parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-640, filed 12/13/93, effective 7/1/94.]

WAC 308-330-650 Parking meters—Application of proceeds. (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs for any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making collections from such parking meters, and for the enforcement of provisions herein applicable to parking meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-650, filed 12/13/93, effective 7/1/94.]

WAC 308-330-660 Service parking. The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, tow keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

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(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6:00 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited. Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall, unless revoked, be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood, a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit deposit.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-660, filed 12/13/93, effective 7/1/94.]

WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions. The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, and 46.63.151.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-700, filed 12/13/93, effective 7/1/94.]

WAC 308-330-705 RCW sections adopted—Enforcement. The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies 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 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048, 46.64.050, and section 3, chapter 289, Laws of 2001.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-705, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-705, filed 12/13/93, effective 7/1/94.]

WAC 308-330-710 Penalties. Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of these rules shall be punished by a penalty of not more than two hundred fifty dollars.

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[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-710, filed 12/13/93, effective 7/1/94.]

WAC 308-330-720 Citation on illegally parked vehicle. Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-720, filed 12/13/93, effective 7/1/94.]

WAC 308-330-730 Failure to comply with traffic citation attached to parked vehicle. If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-730, filed 12/13/93, effective 7/1/94.]

WAC 308-330-740 Presumption in reference to illegal parking. (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in WAC 308-330-720 and 308-330-730 has been followed.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-740, 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 308-330-810 RCW sections adopted—Limited access facilities. The following sections of the Revised Code of Washington (RCW) pertaining to limited access facilities

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 47.52.010, 47.52.011, 47.52.040, 47.52.110, and 47.52.120.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-810, filed 12/13/93, effective 7/1/94.]

WAC 308-330-815 RCW sections adopted—Alcoholic beverage control. The following sections of the Revised Code of Washington (RCW) pertaining to drinking in public conveyance 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 66.44.240 and 66.44.250.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-815, filed 12/13/93, effective 7/1/94.]

WAC 308-330-820 RCW sections adopted—Guide and service dogs. The following sections of the Revised Code of Washington (RCW) pertaining to guide and service dogs 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 70.84.020, 70.84.021, and 70.84.040.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-820, 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.]

WAC 308-330-910 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those local authorities which enact it.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-910, filed 12/13/93, effective 7/1/94.]

Chapter 308-390 WAC UNIFORM COMMERCIAL CODE, REVISED ARTICLE 9

(Formerly chapters 308-400 and 308-410 WAC)

WAC

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308-390-601	Agricultural liens.
308-390-602	Preparer or processor lien.
308-390-603	Notice of liens in favor of a governmental body.

WAC 308-390-100 General provisions. (1) These rules are adopted under the authority of Revised Article 9 of the Uniform Commercial Code, chapter 62A.9A RCW. The rules set forth in this chapter are effective with respect to financing statements filed on or after July 1, 2001, and to predecessor filings in effect immediately prior to that date.

(2) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

- (a) Determine the legal sufficiency or insufficiency of a record.
- (b) Determine that a security interest in collateral exists or does not exist.
- (c) Determine that information in the record is correct or incorrect, in whole or in part.
- (d) Create a presumption that information in the record is correct or incorrect, in whole or in part.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-100, filed 4/27/01, effective 7/1/01.]

WAC 308-390-101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(3) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(4) "Certified search" is a certified record of information maintained by the filing office.

(5) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(6) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(7) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(8) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(9) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(10) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(11) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(12) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(13) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(14) "On-line services" means the interactive internet application for filing and search functions.

(15) "Organization" means a legal person who is not an individual.

(16) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

(17) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(18) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(19) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(20) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(21) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(22) "UCC website" means the series of related internet web pages provided for on-line filing and search functions.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-101, filed 4/27/01, effective 7/1/01.]

WAC 308-390-102 UCC record delivery and time of filing. UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information management system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-102, filed 4/27/01, effective 7/1/01.]

WAC 308-390-103 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-103, filed 4/27/01, effective 7/1/01.]

WAC 308-390-104 Forms. Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the filing office shall be accepted.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-104, filed 4/27/01, effective 7/1/01.]

WAC 308-390-105 Fees. (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there

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are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

(5) UCC search—Partial copies. The fee for a UCC search and copies of first pages only is \$20.00.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-105, filed 4/27/01, effective 7/1/01.]

WAC 308-390-106 Expedited services. Expedited services are not provided.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-106, filed 4/27/01, effective 7/1/01.]

WAC 308-390-107 Methods of payment. Filing fees and fees for public records services may be paid by the following methods:

(1) Cash. Payment in cash shall be accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks and money orders made payable to the department of licensing shall be accepted if they are drawn on a bank acceptable to the filing office.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(4) Credit cards. The filing office shall accept payment by credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. This method of payment is accepted for on-line services only.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-107, filed 4/27/01, effective 7/1/01.]

WAC 308-390-108 Overpayment and underpayment policies. (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to

the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue and will not be reissued.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-108, filed 4/27/01, effective 7/1/01.]

WAC 308-390-109 Bulk records. Bulk data from the UCC information management system shall be available in a format approved by the department. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Charges shall be determined by written agreement between the department and the purchaser.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-109, filed 4/27/01, effective 7/1/01.]

WAC 308-390-200 Acceptance and refusal of records. The following filing requirements are in addition to those outlined in chapter 62A.9A RCW.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-200, filed 4/27/01, effective 7/1/01.]

WAC 308-390-201 Multiple names. (1) To file multiple debtor names on a paper submittal, a filer must provide the additional names in boxes 2 or 11 only of the national UCC Financing Statement and box 7 only on the national UCC Financing Statement Amendment. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(2) To file multiple secured party names on a paper submittal, a filer must provide the additional names in box 12 only of the national UCC Financing Statement Addendum and box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-201, filed 4/27/01, effective 7/1/01.]

WAC 308-390-202 Deadline for filing a continuation statement. (1) The first day on which a continuation may be filed is the date corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses, although filing by certain means may not be possible on the date if the filing office is not open on that date. The relevant lapse date for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

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[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-202, filed 4/27/01, effective 7/1/01.]

WAC 308-390-203 Acknowledgment. (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was recorded. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401. If no objection to the department of licensing record is communicated by the filer within ninety days, the record will be deemed identical to the filing submitted.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-203, filed 4/27/01, effective 7/1/01.]

WAC 308-390-204 Grounds for refusal. (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address is given in the address field. As used in this section, address is deemed to include city and state.

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record with the filing date and time the UCC record was originally tendered for filing. The filing

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officer shall also file a statement noting when and why the record was changed.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-204, filed 4/27/01, effective 7/1/01.]

WAC 308-390-300 UCC information management system. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-300, filed 4/27/01, effective 7/1/01.]

WAC 308-390-301 Primary data elements. The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement is identified by its file number as described in RCW 62A.9A-519(b). Identification of the initial financing statement is permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(b) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of lapsed or unlapsed.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in RCW 62A.9A-515.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-301, filed 4/27/01, effective 7/1/01.]

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WAC 308-390-302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: 100 characters.
- (b) Middle name: 100 characters.
- (c) Last name: 100 characters.
- (d) Suffix: 10 characters.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-302, filed 4/27/01, effective 7/1/01.]

WAC 308-390-303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC record.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—Organization names. The organization name field in the UCC data base is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-303, filed 4/27/01, effective 7/1/01.]

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WAC 308-390-304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under WAC 308-390-302.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-304, filed 4/27/01, effective 7/1/01.]

WAC 308-390-305 Trusts. If the trust is named in its organic record(s), its full legal name, as set forth in such record(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under WAC 308-390-403.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-305, filed 4/27/01, effective 7/1/01.]

WAC 308-390-306 Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-306, filed 4/27/01, effective 7/1/01.]

WAC 308-390-307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(a) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or

secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(b) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC records. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(c) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(d) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(e) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-307, filed 4/27/01, effective 7/1/01.]

WAC 308-390-308 Assignment of powers of secured party of record. (1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-308, filed 4/27/01, effective 7/1/01.]

WAC 308-390-309 Status of parties upon filing a continuation. (1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-309, filed 4/27/01, effective 7/1/01.]

WAC 308-390-310 Status of parties upon filing a termination. (1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-310, filed 4/27/01, effective 7/1/01.]

WAC 308-390-311 Correction statement. (1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-311, filed 4/27/01, effective 7/1/01.]

WAC 308-390-312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement lapsed and the financing statement will no longer be made available to a searcher unless unlapsed statements are requested by the searcher and the financing statement is still retrievable by the information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-312, filed 4/27/01, effective 7/1/01.]

WAC 308-390-313 XML records. (1) The Extensible Markup Language (XML format), as adopted by the International Association of Corporation Administrators, is adopted in this state for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

(2) Implementation guide. The filing office publishes an implementation guide that prescribes the use of the XML format. The guide shall be available to the public upon request.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-313, filed 4/27/01, effective 7/1/01.]

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WAC 308-390-314 EDI documents. Electronic data interchange (EDI) of UCC records using ANSI X12 154 standards is not an accepted form of electronic transmission.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-314, filed 4/27/01, effective 7/1/01.]

WAC 308-390-315 Direct on-line (non-XML) filing and search procedures. (1) Direct on-line filing and search services are available to any person with internet access to the UCC website. On-line services require payment by credit card or an ACH account number as provided in WAC 308-390-107.

(2) Record filing procedures. Initial financing statements and amendments may be filed via the UCC website that allows entry of the information permitted on the national forms. A record which is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office, except that attachments may not be submitted. Instructions on how to file are provided on the website.

(3) Search request procedures. A certified search naming a particular debtor may be obtained via the UCC website. A request that is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper search request submitted to the filing office. Copies of individual financing statements may be ordered on-line, but will not be displayed or transmitted on-line. Copies will be deposited in the U.S. Postal Service within two business days following receipt of the request. Instructions on how to request a certified search are provided on the website.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-315, filed 4/27/01, effective 7/1/01.]

WAC 308-390-400 Filing and data entry procedures. This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC record. Except as provided in these rules, data are transferred from a UCC record to the information management system exactly as the data are set forth in the record or search request. No effort is made to correct errors of any kind.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-400, filed 4/27/01, effective 7/1/01.]

WAC 308-390-401 Errors of the filing officer. The filing officer may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-401, filed 4/27/01, effective 7/1/01.]

WAC 308-390-402 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, for-

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mal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-402, filed 4/27/01, effective 7/1/01.]

WAC 308-390-403 Data entry of names. A record should designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

(1) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) Individual names. The filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-403, filed 4/27/01, effective 7/1/01.]

WAC 308-390-500 Search requests and reports. General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor, the name of the secured party, and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-500, filed 4/27/01, effective 7/1/01.]

WAC 308-390-501 Search requests. Search requests shall contain the following information:

(1) Name searched. A customer's search request should state the full correct name of the debtor or the name variant to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted.

(2) Fee. The appropriate fee shall be enclosed, payable by a method described in WAC 308-390-107.

(3) Search request with filing. If a filer requests a search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC document, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC document is filed.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-501, filed 4/27/01, effective 7/1/01.]

WAC 308-390-502 Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

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(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accents are disregarded.

(4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-502, filed 4/27/01, effective 7/1/01.]

WAC 308-390-503 Optional information. A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages or of first pages only of UCC documents identified on the primary search response.

(3) The request may ask for a listing of all financing statements and notices that include a named secured party in a specific city and state. Copies may not be requested.

(4) The request may ask for records of lien notices only, or by type of lien.

(5) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(6) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-503, filed 4/27/01, effective 7/1/01.]

WAC 308-390-504 Search responses. Reports created in response to a search request shall include the following:

(1) Filing officer. Identification of the filing officer and the certification of the filing officer required by RCW 62A.9A-523.

(2) Report date. The date the report was generated.

(3) Name searched. Identification of the name searched.

(4) Certification date. The certification date and time for which the search is effective.

(5) Identification of initial financing statements. Identification of each unlapsed initial financing statement or lien filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

(6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

(7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-504, filed 4/27/01, effective 7/1/01.]

WAC 308-390-505 Transition. For five years after the on-line search application is made available, a person may browse the UCC data base at no cost for the purpose of identifying debtor names to be searched. Instructions on how to use the browse function are provided on the UCC website. The noncertified response to a debtor name browse will include whether or not an exact name match occurred and if so, in what city the debtor resides. A data browse may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the searcher bears the risk of relying on the uncertified inquiry.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-505, filed 4/27/01, effective 7/1/01.]

WAC 308-390-600 Other lien notices. Notices of certain liens are filed in the UCC office and are included in search reports.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-600, filed 4/27/01, effective 7/1/01.]

WAC 308-390-601 Agricultural liens. Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5. The lien shall be indexed by debtor name and will be revealed by searches as provided in WAC 308-390-504.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-601, filed 4/27/01, effective 7/1/01.]

WAC 308-390-602 Preparer or processor lien. (1) A producer or commercial fisherman may authenticate a record evidencing a preparer or processor lien using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by adding the following statutory requirements prescribed in RCW 60.13.040:

(a) Designate the statement as a preparer or processor lien by marking "Non-UCC Filing" (not AG-lien) in box 5 and naming the type of lien in box 8.

(b) Identify name and address of the preparer, processor, or conditioner to be charged with the lien in box 1.

(c) Identify name and address of the lien holder in box 3.

(d) Describe the agricultural product or fish to be charged with the lien in box 4.

(e) State the amount of the debt and the date on which payment was due in box 10 of the Addendum.

(2) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(3) Fee. The fees are the same as provided in WAC 308-390-105.

(4) Duration. The lien lapses five years after the date of filing unless continued as provided in WAC 308-390-202.

(5) Mechanics of search. All liens and financing statements are revealed in a search as provided in WAC 308-390-504.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-602, filed 4/27/01, effective 7/1/01.]

WAC 308-390-603 Notice of liens in favor of a governmental body. Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-390-504.

(1) Notice of Federal Tax Lien, RCW 60.68.045

(2) Criminal Profiteering Lien, RCW 9A.82.120-140

(3) Department of Justice Lien, RCW 60.68.015

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-603, filed 4/27/01, effective 7/1/01.]

Chapter 308-420 WAC CAMPING RESORTS—CONTRACTS—RESALE, ETC.

WAC	
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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 308-420-010 Organization. The administrator, business and occupations division, professional licensing services, department of licensing, administers the Camping Resorts Act for the director of licensing. Information regarding the regulation of camping resort offerings and salespersons may be obtained by writing to: Administrator, Business and Occupations Division, Department of Licensing, P.O. Box 9020, Olympia, Washington 98504. Persons desiring to visit the business and occupations division on matters relating to camping resort offerings or camping resort salespersons may do so at the business and occupations division offices located on the 2nd Floor, 2424 Bristol Court, Olympia, Washington 98504.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-010, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-005.]

WAC 308-420-020 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Camping Resorts Act, (chapter 19.105 RCW).

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Camping resort" shall be synonymous with "camping club," or "camp resort" whether or not structured as or involved with a common-interest entity, provided the method of structuring the project meets the definition of "camping resort" in RCW 19.105.300(1).

(4) "Camping resort program" means the rights and obligations of a purchaser and the methods and procedures for occupying or using camping resort facilities and properties, as established by the purchase contract and other written instruments, such as covenants, declarations, bylaws or rules.

(5) "Camping resort project" shall mean a camping resort and all of its parks, sites, properties and facilities, that are part of the program in which a purchaser receives use, occupancy, membership, or ownership rights.

(6) "Public offering statement" shall mean the written disclosures referred to in RCW 19.105.320 (1)(b) and 19.105.370.

(7) "Statement of record" shall mean all materials, not exclusive of others, including application forms, documents, exhibits, statements, the public offering statement, correspondence, and affidavits, filed with the agency, for registration purposes.

(8) "Resale camping resort contract" shall mean a camping resort contract offered or sold which is not the original offer, transfer or sale of such contract, and not a forfeited contract being reoffered by an operator.

(9) "Start-up camping resort contract" means a camping resort contract that is being offered or sold for the first time or a forfeited contract being resold by a camping resort operator.

(10) "Advance fees" shall mean fees, funds, or consideration of any description, collected for any purpose from buyers or sellers of resale camping resort contracts, prior to the time of settlement of a purchase transaction.

(11) "Prospective purchaser" shall mean any person attending a sales presentation or touring a camping resort when such attendance results from an operator's solicitation or advertising.

(12) "Right to use or multiple use camping resort" shall mean a camping resort where the fee title or leasehold interest to the land remains with the operator and memberships are sold in excess of one membership to each camping site and usage is subject to operator established rules.

(13) "Common-interest camping resort" shall mean a member-owned entity which has the fee title or leasehold interest to the land in its own name and the memberships of the common interest entity are sold one membership to a specific camping site and the site usage is exclusive to the member.

(14) "Undivided interest camping resort" shall mean a camping resort entity which conveys the fee title or leasehold interest to the land to the member, and the memberships are sold in excess of one membership to each camping site and their usage is subject to the operator's established rules.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-020, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-015.]

WAC 308-420-030 Reporting events that shall require that the operator keep written disclosures current. (1) Not exclusive of others, the following are events that shall require that the operator provide the agency with notice and amendment to the public offering statement, pursuant to the provisions of RCW 19.105.420 for the purpose of keeping the public offering statement current:

(a) Any change or event causing information in the public offering statement to be outdated, incorrect, incomplete or deceptive.

(b) Any damage to the property or facilities of a camping resort which limits the use of the properties or facilities by the contract purchasers.

(c) Any hazard threatening the properties or facilities which presents a danger of injury to the contract purchasers or limits their use of properties or facilities.

(d) Any order or action by a local, state or federal regulatory agency in the granting, denial, revocation, or suspension of a permit or authorization affecting the camping resort properties or facilities which limits the use of the camping resort properties or facilities by the contract purchasers.

(e) The completion of promised facilities or the failure to complete promised facilities on a date or at the occurrence of an event, as promised.

(f) A bulk sale of the project or a significant portion of the project to another person.

(g) Changes in the provisions of instruments or documentation utilized to establish the camping resort program or a common-interest entity involved in the camping resort operations.

(h) Any change in the provisions or content of a purchase contract, deed, membership certificate or members handbook.

(i) Lawsuits filed or served, which name the operator, its affiliates or the project's common-interest entity and concern the provisions of the Camping Resorts Act (chapter 19.105

RCW) and rules or the financial condition of the operator or its affiliates, the project, or a common-interest entity.

(j) Changes in management, if the project or its amenities are managed by a common-interest entity.

(k) Any new contract, change in a contract, or termination of a contract with an outside reciprocal-use or exchange entity.

(l) Any proposed change in the ratio of contracts to be sold relative to the number of camp sites available.

(2) It shall be a violation of chapter 19.105 RCW and these rules for a registrant to have knowledge or cause the occurrence of an event specified in subsection (1) of this section, without providing timely notice of the event to the agency as required in RCW 19.105.420 and 19.105.360(3).

(3) Notice for the purpose of keeping the public offering statement current shall be accomplished by providing the agency with:

(a) Copies or prototypes of documents or other materials pertinent to the event.

(b) A cover letter explaining the event.

(c) A redraft of the public offering statement identifying the proposed corrections, deletions, or additions to the existing information.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-030, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-017.]

WAC 308-420-040 Material events that are amendments requiring notice and a filing fee. (1) Not exclusive of others, the following shall be events that will have a material effect on the conduct of the operation of a camping resort and require both notice to the agency and the submission of a filing fee.

(a) Any proposed sale or transfer, of an interest in the project or shares of stock of the registrant which results in a change of voting, management, or ownership control.

(b) Any removing, substituting, leasing, optioning, selling or withdrawing of existing properties, resorts, or facilities from the camping resort program.

(c) Any adding, deleting, or rearranging of camping sites or facilities within an existing camping resort in a manner that would reduce the size or change the number or quality of sites.

(d) Any adding of camping resorts, facilities or properties to any existing camping resort program and any purchase or acquisition of other camping resorts, facilities or properties by an operator or its affiliates.

(e) Any new encumbrances, liens or loans that affect the camping resort properties.

(f) A change in the status, provisions, or conditions of an escrow, trust, impound, reserve account or other security device being utilized to protect the interests of purchasers, whether or not impound or reserve accounts are required as a condition to registration under chapter 19.105 RCW.

(g) The filing by any person of any bankruptcy, receivership, or trustee action that involves any of the camping resort properties, the registrant, a common-interest entity or an affiliate, as a party to the action.

(h) The operator makes an initial offering of stock to the public.

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(i) The refinancing of all or any part of the operator's debts affecting the project.

(j) Any change in the financial condition of the registrant, an affiliate, or a common-interest entity, if such change could result in an inability to provide promised sites, facilities, or services.

(2) Filing an amendment and reporting events that might have a material effect shall be accomplished by providing the agency with the following:

(a) Copies or prototypes of documents or other materials pertinent to the event.

(b) A cover letter explaining the event and any proposed amendment.

(c) A redraft of the public offering statement identifying the proposed corrections, deletions, or additions to the existing information.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-040, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-018.]

WAC 308-420-050 Exemptions from registration—Noncommercial resale contract offerings. As provided in RCW 19.105.325(2), the director exempts from the registration requirements of chapter 19.105 RCW the offering and selling of resale camping resort contracts by a common interest entity, entirely owned and operated by the purchasers of the camping resort contracts, which markets no more than ten resale camping resort contracts during one registration period, provided that any such offering or selling is noncommercial in nature and that registration is not necessary for the protection of purchasers. Noncommercial shall mean that the common-interest entity is not primarily in the business of offering or selling camping resort contracts.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-050, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-022.]

WAC 308-420-060 Statement of record—Filings and information required upon application for registration of start-up camping resort projects and contract offerings.

(1) An application for registration of a start-up contract offering shall be made by completing forms prepared for such purpose by the agency.

(2) The application, documents and information filed for registration purposes shall be referred to as the statement of record.

(3) The statement of record for a registration of a start-up contract offering shall include the following:

(a) The prescribed filing fee.

(b) The completed application forms.

(c) The draft of the proposed public offering statement.

(d) A sample or prototype of any documents to be signed or initialed by and that commits purchasers. Such documents shall contain the cancellation notice required in RCW 19.105.390.

(e) Copies of all recorded or unrecorded encumbrances, mortgages, liens, deeds, leases, contracts, and any amendments thereto, that affect camping resort projects.

(f) A preliminary title report, dated within ten days of application, covering all of the acreages, park sites, and areas on which facilities are located.

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(g) Financial statements and information as required by WAC 308-420-110.

(h) If the registrant is other than a natural person, copies of relevant articles of incorporation, bylaws, partnership, or joint venture documentation.

(i) Promotional materials, including advertising and contract forms covering travel programs, discount programs, programs for the use or occupancy of in-park trailers or mobiles and those providing memberships in other recreational programs, if such materials or programs are to be utilized to promote sales of camping resort contracts or are to be offered to contract owners as part of the camping resort programs.

(j) Rules and regulations governing the use and occupancy of project parks and facilities.

(k) A statement as required pursuant to RCW 19.105.320 (1)(d).

(l) Applications for and contracts of affiliation with any outside exchange or reciprocal-use entity.

(m) Information covering purchaser costs, rules, contract forms, and any fees required for purchaser use of operator-owned trailers, mobiles, tents, or other over-night accommodations, available for purchasers as an alternative to using the purchaser's own mobile units.

(n) A statement describing the operator's, an affiliate's, or successor's right to substitute, change, or withdraw from use all or a portion of the camping resort properties and the extent to which the camping resort operator, affiliates, or successors are obligated to replace the camping resort properties substituted or withdrawn within a reasonable period of time after such action, with substituted properties in the same general area, that are at least as desirable for the purpose of camping and outdoor recreation.

(i) If a nonaffiliate or any other person has the ability through existing agreements to exercise a right of withdrawal of camping resort properties in the program from use by the camping resort members, provide copies of any and all documentation evidencing the ability to exercise such right of withdrawal.

(ii) If a withdrawal becomes effective on a specific date, provide a description of the means and method of withdrawal and state the date.

(o) Whenever applicable to the structuring of the project, provide a copy or prototype of the following:

(i) Plats, maps, site plans, or surveys.

(ii) Water, sewerage, or land use authorizations or permits, or denial of permits of local jurisdictions.

(iii) A copy of any administrative, civil, or criminal proceeding involving theft, fraud, or dishonesty, or violations of any act designed to protect consumers or involving dishonest practices in any industry involving sales to consumers in which the applicant is or has within the past five years been a party.

(iv) Performance bonds, letters of credit, surety or guaranty agreements affecting the project or the program.

(v) Trust or escrow arrangements affecting the project.

(vi) Market surveys or feasibility studies, if presently available.

(vii) Appraisals of market value of the project, if presently available.

(viii) Engineering studies or surveys of physical hazards such as earthquakes, floods, beach erosions, landslides, or volcanoes, if presently available.

(ix) Covenants or declarations affecting camping resort properties.

(x) Agreements for the usage of amenities or facilities owned by persons other than operator.

(p) If the project involves a common-interest entity copies or prototypes of the following:

(i) Declaration and bylaws.

(ii) Rules and regulations.

(iii) Membership certificate and proxy forms.

(iv) Evidences of title to any personal property owned or to be owned by the association or purchasers collectively.

(v) Agreements for managing the properties.

(vi) Agreements for payment or subsidizing the payment of project operational expenses during the term of registrant marketing.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-060, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-025.]

WAC 308-420-070 The public offering statement—Form, content, and preparation. (1) The written disclosures provided for in RCW 19.105.320 (1)(b) and 19.105.370 shall be in a document to be known as the public offering statement.

(2) The public offering statement shall be prepared and promulgated in a form prescribed by the agency.

(3) The public offering statement shall consist of two parts:

(a) Part I, written disclosures, to be prepared by the applicant.

(b) Part II, attachments of exhibits provided by applicant in the statement of record, when required by the agency for the protection of purchasers, and a copy or prototype of the purchaser contract form(s).

(4) The applicant's disclosures for Part I of the public offering statement for a start-up camping resort contract offering shall be prepared in sections, captioned in bold print as follows:

(a) **The camping resort operator:** Information in this section is to include the name, address, and business telephone number of the operator, the common-interest entity and a brief summary of the operator's experience in the camping resort business.

(b) **The project. General information:** Information in this section shall specify the location and provide a brief description of the park sites and significant facilities and recreation services already available for use by purchasers in each park site and the program.

(c) **Facilities, amenities, park sites, and programs that are planned or promised:** Information in this section is to cover that required in RCW 19.105.320 (1)(b)(iv) and (vi).

(d) **Nature of the interest which you are purchasing:** Information in this section is to cover that required in RCW 19.105.320 (1)(b)(iii). If the purchase contract, membership certificate, or project rules and regulations refer to or make use of the term(s) "club," "member," or "membership,"

describe whether or not any of the following are available to the purchasers:

(i) A membership in any common-interest entity, non-profit corporation or other form of common-interest community.

(ii) Shares of stock that allow participation in any profits earned by the operator or its affiliates.

(iii) The right to vote for officers and directors.

(iv) The right to make decisions on how the project or program is managed.

(v) The right to vote for or against any proposed rule changes.

(vi) Attendance at membership meetings.

(e) **Ownership of project properties and encumbrances, liens, and other conditions affecting ownership:** Information provided in this section is to cover that required in RCW 19.105.320 (1)(b)(v).

(f) **Purchaser protections—Assurances of future availability of the promised camping resort sites, facilities, and program.** The information in this section is to be provided in bold print and include that information required by RCW 19.105.320 (1)(b)(xii) and (xiv) and a statement describing the operator's, or an affiliate's or successor's right to substitute, change, or withdraw from use all or a portion of the camping resort properties and the extent to which the camping resort operator, affiliates, or successors are obligated to replace the camping resort properties substituted or withdrawn within a reasonable period of time after such action, with substituted properties in the same general area, that are at least as desirable for the purpose of camping and outdoor recreation.

(g) **Summary of purchasers rights to and restrictions for use of project sites and facilities:** The information in this section is to include that information required pursuant to RCW 19.105.320 (1)(b)(v), (vii), and (xi).

(h) **Restrictions on sale, transfer, or assignment of camping resort contracts, memberships, licenses, or deeds:** The information in this section is to be provided in bold print, underlined, and to include in summary form, that information required pursuant to RCW 19.105.320 (1)(b)(x) and (xiii).

(i) **Purchaser costs:** The information in this section is to include that required pursuant to RCW 19.105.320 (1)(b)(ix).

(5) For applicants whose projects are structured as common-interest entities, or that otherwise are involved with memberships in common-interest entities which are to be responsible for management or ownership of camping resort properties, additional information is to be included in the public offering statement, pursuant to the requirements of RCW 19.105.320(vii), in a section headed "**Governing documentation—The '_____,' common interest entity.**"

(6) Prior to approval of a registration or promulgation of the proposed public offering statement by the applicant, the applicant's draft for the public offering statement shall be reviewed by the agency to determine its completeness and accuracy.

(7) If the agency deems that sections or areas of the proposed public offering statement are incomplete, inaccurate, deceptive, or not presented in the proper format, the agency

shall reject the proposed public offering statement and return it to the applicant for correction of noted deficiencies.

(8) Guidelines, instructions, and preprinted materials for preparing the public offering statement may be obtained from the agency.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-070, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-027.]

WAC 308-420-080 Signing of application and the permit. Both the application for registration of camping resort contracts and the agency permit shall be signed by the camping resort operator or the appropriate officer or general partner of the camping resort operator. However, these documents may be signed by another person holding a power of attorney for such purposes from the applicant and, if signed on behalf of the applicant pursuant to such power of attorney, shall include as an additional exhibit a copy of said power of attorney or a copy of the corporate resolution authorizing the person signing to act on behalf of the applicant.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-080, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-030.]

WAC 308-420-090 The public offering statement—Delivery to prospective purchasers. (1) The operator or its agents shall provide all prospective purchasers with the agency-registered Part I of the public offering statement prior to the completion of a sales presentation or a camping resort tour whether or not such persons purchase a camping resort contract.

(2) Part II of the public offering statement shall be provided to actual purchasers.

(3) Any person who requests of an operator or its agents, a public offering statement, shall be provided Part I of the public offering statement, whether or not such person has received a solicitation.

(4) Any prospective purchaser who attends a sales presentation or tour of a camping resort, upon request of the prospective purchaser, shall be given a copy or prototype of the operator's camping resort contract, which the prospective purchaser may retain, whether or not there has been an actual purchase made. No fee shall be charged for this document.

(5) No fee may be charged for the initial copy of the Part I of the public offering statement provided persons. A fee covering the operator's actual costs for production of the document may be charged for additional copies.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-090, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-032.]

WAC 308-420-100 Purchaser cancellations of contracts—Prompt refund of funds and consideration. (1) "Promptly" with reference to the refund and return of a person's funds and consideration, referred to in RCW 19.105.390 shall be as follows:

(a) For cash, cashiers checks, money orders, credit card slips held and not processed and other similar consideration, the operator or its agents shall make refunds within ten business days of a demand.

(b) For credit card purchases where the operator has processed the credit card slip(s) to the care of the credit card

company, the operator shall notify the credit card company of a credit to the account of the purchaser within three business days of a demand.

(c) Promissory notes and similar evidences of debt shall be voided and returned within three business days of demand.

(d) Within ten business days after demand, the operator or its agents shall give the purchaser evidence that the purchase commitment has been voided.

(2) No purchaser camping resort contract, promissory note or other evidences of debt may be sold, transferred, hypothecated or pledged by an operator until at least five business days after the termination of the statutory-prescribed cancellation term.

(3) No fees or charges may be made of a purchaser by an operator for use of written materials or camping resort facilities offered gratuitously prior to the cancellation request; however, nothing in this statement shall preclude an operator from requiring return of materials in the custody of a purchaser not constituting either Part I or Part II of the public offering statement.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-100, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-035.]

WAC 308-420-110 Financial statements and information. (1) Financial statements provided by the applicant, reporting on the applicant as a business, shall be audited and prepared in accordance with generally accepted accounting principles by a public accountant independent of the operator or affiliate.

(2) The financial statements shall include a balance sheet, statements of income and changes in financial position for each of the three fiscal years preceding the date of application. For the period between the end of the previous fiscal year and the date of application, interim financial statements, for all calendar quarters covering the period sixty or more days prior to the date of application shall be submitted but need not be audited.

(3) In order to be assured of continued payment of the project operating expenses and the funding of capital improvement accounts for future repairs, replacement or refurbishment of depreciable properties and facilities, and for contingencies, the following financial statements, documentation or information, reporting on the financial operations of the resorts and its facilities, as distinguished from that financial information reporting on the applicant as a business, required in subsections (1) and (2) of this section, are to be provided to the agency:

(a) The location of and amounts in all capital improvement, reserve and contingency accounts.

(b) Financial statements including a balance sheet, statements of income and changes in financial position covering the camping resort operating income and expenses and funding of capital improvements, for each of the three fiscal years preceding the date of application, or for the preceding year for a renewal applicant.

(4) All applicants shall provide a statement concerning the liens and encumbrances affecting all camping resort properties and facilities in the camping resort program, and shall include the following information:

(a) The identity of the lien or encumbrance.

(b) The identity of the holder or owner of the lien or encumbrance.

(c) A description of the property encumbered or affected.

(d) The original amount of each loan or encumbrance.

(e) The balance due and whether or not any payments are then in arrears.

(f) A schedule of amounts and dates payable or conditions of any future payments.

(g) If deemed necessary for the protection of purchasers, the agency may require reporting and confirmation of payments made on liens and encumbrances.

(5) For purposes of purchaser protection, the agency may require additional financial information in the event such information appears necessary to determine the requirements of RCW 19.105.340, and 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(6) The agency may waive any or all of the financial information requirements of this section in the event such information does not appear necessary for purposes of determining whether an applicant must comply with RCW 19.105.340, 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(7) The agency may require that the financial statements and information required in this section be consolidated with that of affiliates or other business endeavors if it appears necessary to do so for the protection of purchasers or to assist in the determination whether the applicant must comply with the requirements of RCW 19.105.340 and 19.105.350, or if grounds exist for administrative action under RCW 19.105.380.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-110, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-045.]

WAC 308-420-120 Written disclaimer of endorsement. The public offering statement and each advertisement or sales promotional literature required to be filed pursuant to RCW 19.105.360(1) or that is utilized by an operator, its agents or affiliates, shall contain, in a conspicuous location, the following statement in at least 10 point type:

THIS DOCUMENT HAS BEEN FILED WITH THE DEPARTMENT OF LICENSING, STATE OF WASHINGTON, AS REQUIRED BY WASHINGTON LAW. VALUE, QUALITY, OR CONDITIONS STATED, AND PERFORMANCE ON PROMISES ARE THE RESPONSIBILITY OF THE OPERATOR, NOT THE DEPARTMENT. THE FILING DOES NOT MEAN THAT THE DEPARTMENT HAS APPROVED THE MERITS OR QUALIFICATIONS OF ANY REGISTRATION, ADVERTISING, OR ANY GIFT, PRIZE, OR ITEM OF VALUE AS PART OF ANY PROMOTIONAL PLAN.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-120, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-055.]

WAC 308-420-130 Notice of termination of sales. The camping resort operator shall file with the director a statement setting forth that he or she has terminated offers and sales of camping resort contracts in the state of Washington.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-130, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-060.]

WAC 308-420-140 Receipt of written disclosures. The camping resort operator or salesperson shall obtain from each person that tours a camping resort or attends a sales pre-

sentation, a signed statement evidencing receipt of the appropriate parts(s) of the public offering statement. The operator shall retain each receipt for a period of at least three years from the date of signature thereon.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-140, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-070.]

WAC 308-420-150 Depository. Funds subject to an impound condition shall be placed in a separate trust account with a bank or depository institution approved by the director. A written consent of the depository to act in such capacity shall be filed with the director.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-150, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-080.]

WAC 308-420-160 Operation of impound condition. When an impound condition is imposed in connection with the registration of camping resort contracts, up to 100% of the proceeds and other funds as specified by the impound conditions shall, be placed with the depository within 48 hours after the cancellation periods prescribed in WAC 308-420-100 or the next banking day after the cancellation periods whichever is later, until the director takes further action pursuant to WAC 308-420-170.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-160, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-090.]

WAC 308-420-170 Release of impounds. The director or administrator will authorize the depository to release to the operator or others as provided in the terms of the impound, the amount of the impounded funds applicable to a specified purpose, upon a showing that the operator can satisfy his obligations under the camping resort contract and the impound arrangement or that for other reasons the impound is no longer required for the protection of the purchasers. An application for an order of the director or administrator authorizing the release of the impound to the operator or other persons shall be by affidavit and shall contain the following:

(1) A statement of the operator that all required proceeds and documents from the sale of camping resort contracts have been placed with the depository in accordance with the terms and conditions of the impound agreement.

(2) A statement of the depository signed by an appropriate officer setting forth the amount of funds placed, already disbursed and presently in the custody of the depository.

(3) The names of each contract purchaser and the amount held in the impound for each of the accounts.

(4) Such other information as the director may request.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-170, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-100.]

WAC 308-420-180 Fee for impound. The director shall impose a fee for each impound or reserve required to be set up pursuant to RCW 19.105.340 and 19.105.350.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-180, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-105.]

(2003 Ed.)

WAC 308-420-190 Renewals. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made not less than thirty days prior to the expiration date of a registration, on a form to be provided by the agency.

(2) It shall be the applicant's responsibility to procure forms and file them with the agency.

(3) The renewal application shall include the following:

(a) Affidavits by the operator stating whether or not there have been any changes in the information and documentation previously submitted for purposes of registration.

(b) Copies or prototypes of all amended, altered, or new documentation evidencing changes; the changes shall be underlined or referred to by footnotes.

(c) A draft of a proposed amended public offering statement evidencing changes; the changes shall be underlined or referred to by a cover letter calling the agency's attention to the proposed changes, additions to or deletions from the public offering statement previously accepted by the agency.

(d) A copy of all camping resort contract forms marked and underscored to reflect changes, additions or deletions.

(e) Financial statements and information as provided for in WAC 308-420-110.

(f) Payment of fees as provided for in RCW 19.105.411.

(4) Failure of the renewal applicant to renew in a timely manner on or before the date of permit expiration, shall mean that the registration and permit have expired. Upon expiration of registration the camping resort contracts are deemed not registered and the operator must register as a new applicant pursuant to the provisions of RCW 19.105.320 and WAC 308-420-060 and 308-420-070.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-190, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-115.]

WAC 308-420-200 Salesperson registrations. (1) Each applicant for registration as a camping resort salesperson shall register on a form prescribed by the agency and pay a filing fee as provided by the director.

(2) Registration as a camping resort salesperson shall be renewed annually or at the time the salesperson obtains employment by a camping resort operator subsequent to a termination of a employment by a camping resort operator, by the filing of a form prescribed by the agency and payment of the proscribed fee.

(3) The following information shall be provided on the original application or renewal of a camping resort salesperson's registration:

(a) The applicant's date and place of birth.

(b) Proof of identity.

(c) Information covering employment for the prior five years.

(d) Information concerning any administrative action taken against permits, licenses or registrations in other professions, businesses or occupations.

(4) Upon the occurrence of any material change in the information contained in the registrant's file, each salesperson registrant shall promptly file with the agency an amendment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

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(a) Any termination of employment with a camping resort operator.

(b) Upon being named a defendant or a party in any administrative, civil or criminal proceeding involving theft, fraud or dishonesty or violation of any act designed to protect consumers, or involving unethical or dishonest practices in any industry involving sales to consumers or violations of chapter 19.105 RCW, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

(c) A change of name.

(d) A change of residence or mailing address.

(5) Each operator of a camping resort whose camping resort contracts are registered with the agency, shall upon the termination of employment of a camping resort salesperson provide the department with a notice of termination and to return to the department the salesperson registration within ten days of the termination.

(6) The operator is responsible for posting the salesperson registration in a conspicuous location on the premises where the salesperson is employed.

(7) As a condition of continued registration the salesperson registrant shall comply with the following:

(a) During the entire term of the registration the registrant is to be employed or engaged by an operator that is registered with the agency as an offeror of camping resort contracts, and the salesperson shall be offering contracts on behalf of or in the employment of such operator-registrant. Upon termination of employment with a registered camping resort operator, the salesperson registration is deemed to have expired.

(b) The salesperson shall clearly identify himself or herself by full name, by means of a business card, lapel pin or by other means, upon contact with any prospective purchaser.

(c) The salesperson shall cooperate fully with the agency in any investigation of alleged violations by the registrant, salesperson, or others, of the Camping Resort Act or these rules.

(d) It shall not be represented to any prospective purchaser that there is any form of a membership resale program for membership contracts being offered by the operator of the camping resort unless the same be true.

(8) Applications for registration or renewal that are for any reason defective or that are not legible shall be returned and the application shall be deemed not filed until the form is received by the agency with the deficiencies corrected.

(9) An application for renewal of a salesperson registration not filed in a timely manner or not received or acted upon by the agency prior to the expiration date shall be deemed by the agency as having expired. The salesperson must thereafter register as a new applicant for registration. Salespersons who have failed to make timely renewal applications shall not engage in camping resort activities. It is the salesperson's responsibility to secure the necessary forms and renew a registration in a timely manner. Applications for renewal should be forwarded to the agency by registered mail at least thirty days prior to expiration of the current registration. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-200, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-122.]

WAC 308-420-210 Request for withdrawal of camping resort property. A camping resort operator may request an order from the director for authority to withdraw any substantial camping or recreation portion of any camping resort property devoted to camping or recreational activities pursuant to RCW 19.105.380 (1)(q)(iv) by filing with the director a request 90 days before the intended withdrawal date or such lesser time as the director may allow identifying the portion of the property to be withdrawn and stating the reasons for such withdrawal accompanied by copies of any materials or data supporting such reasons or the necessity for such withdrawal.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-210, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-130.]

WAC 308-420-220 Advertisements. (1) No camping resort operator or salesperson shall use advertisements or sales promotion literature that are deceptive, false, or misleading.

(2) Advertisements or sales promotion literature that offer any gift, prize, award, sweepstakes, premium, free items, or item of value as an inducement to the recipient to buy a camping resort membership, visit a camping resort property, complete a tour of a camping resort property, receive a sales presentation, or contact salespersons shall be subject to the following provisions:

(a) The name of the operator providing the services which are the subject of the advertisement or sales promotion shall appear on the front or first page of the offer. If the offer is made by an agent or independent contractor employed or authorized by the operator, or is made under a name other than the registered name of the operator, the name of the operator shall be more prominently and conspicuously displayed than the name of the agent, independent contractor, or other name.

(b) No item or promotion may be labeled gift, prize, award, sweepstakes, premium, free, or the like if the intended recipient is required to purchase a camping resort contract or expend any sum of money other than travel costs to attend a sales presentation or pay any shipping and handling charges to receive or redeem the item.

(c) The use of any printing styles, graphics, lay-outs, text, colors, or formats on envelopes or on the offer which implies, creates an appearance, or would lead a reasonable person to believe, that the offer originates from or is issued by or on behalf of a government or public agency, public utility, public organization, insurance company, credit reporting agency, bill collecting company or law firm, unless the same is true, is prohibited.

(d) All references to the size, quantity, identity, value, or quality of any incentive must be accurate and correct.

(e) All references to the odds of receiving any particular incentive must be accurate and correct.

(f) References that represent directly or by implication that the number of participants has been significantly limited or that any person has been selected to receive a particular incentive unless fact are prohibited.

(g) No offer shall be labeled a notice of termination or notice of cancellation.

(h) The offer, plan, program or the affiliation, connection, association, or contractual relationship between the person making the offer and the operator may not be represented if they are not the same.

(i) The advertisement or sales promotion literature shall identify each item and its retail fair market value. To determine the retail fair market value, the following methods may be used:

(i) Approximate retail sales price of the item in the trade area in which the offer is made; or

(ii) Approximate retail sales price in the trade area of similar items of comparable quality if the item is not available in the trade area in which the offer is made;

(iii) Appraisals adjusted to local retail fair market value;

(iv) Only if local retail fair market value cannot be determined by the methods set forth above then it may be established by multiplying by three the operator's actual cost of the item.

(j) If the item is one or more of a larger group, and if offered or given on a random basis, the advertisement or sales promotion literature must disclose the actual odds of receiving each item. The odds shall be stated in Arabic numerals in ratio form and if the odds are not printed on the front or first page of the offer, then the location of the odds must be disclosed on the front or first page in a type size that is equal to or larger than standard text type used on the front or first page of the offer.

(k) If receipt of the advertised item is contingent upon certain restrictions or qualifications which the recipient must meet, then a clear and complete disclosure of those restrictions and whether they apply to receipt of the gift or acceptability to buy into the program, must be made in the offer. Restrictions that must be disclosed include, but are not limited to the following:

(i) The deadline by which the recipient must buy a camping resort membership, visit a camping resort property, complete a tour of a camping resort property, receive a sales presentation, or contact a salesperson in order to receive an item, if any such deadline exists;

(ii) The days and hours during which visits may be made, tours may be taken, or sales presentations received and the approximate length in hours of such visits, tours or sales presentations if any visit, tour, or sales presentation is necessary in order for the recipient to receive the item; and

(iii) Any requirement such as age, marital status, financial qualifications, or that both husband and wife must be present.

(l) No camping resort operator or salesperson shall make any offer of an item when the operator or salesperson knows or has reason to know that the item is not readily available;

(m) Any restriction or requirement that time, money or effort must be expended by the recipient of an item in order for the recipient to use the item must be disclosed in the advertisement or sales promotion literature. Examples of such restrictions or requirements include any items that require assembly by the recipient, travel or other entertainment gifts or prizes for which there are limitations on the dates or times when the recipient may use the item, or which

require nonrefundable reservation deposits or additional travel costs in order for the recipient to use the travel or other entertainment gift or prize.

(n) Provisions explaining any conditions to qualify for a gift, prize, award, sweepstakes, premium, free item, or any item of value must be in type at least equal to or larger than the average type size on the face page of the advertisement or sales promotion literature.

(3) Whenever one or more items are offered to a recipient as an inducement to buy a camping resort membership, visit a camping resort property, receive a sales presentation, or contact a salesperson such items shall be identified specifically and discussed as a group whenever mentioned.

(4) Nothing in this section shall affect the remedies of the director, attorney general, or any other person responding to advertisements or sales promotions if such advertisements or promotions are deceptive, false or misleading or otherwise in violation of chapter 19.105 RCW.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-220, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-140.]

WAC 308-420-230 Rainchecks. (1) In the event rainchecks, in lieu of an offered item are provided to recipients, a report will be due to the agency by the 10th of each month, on a form furnished by the agency listing all rainchecks outstanding as of the last day of the preceding month and indicating deliveries of any previously reported rainchecked items.

(2) In regard to substitute items of greater value which are to be distributed to recipients, documentation establishing the local retail fair market value must be submitted to the agency prior to offering substitute items of greater value which are to be distributed to recipients.

(3) All gifts, prizes, awards, sweepstakes, premiums, free items or other items, with the exception of the major incentives with odds of 1:1,000 or greater must be available for display to the recipient prior to the sales presentation. In the event rainchecks are to be presented, this fact must be announced prior to the tour or sales presentation.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-230, filed 12/17/90, effective 1/17/91.]

WAC 308-420-240 Fees and charges. The following fees shall be paid under the provisions of chapter 19.105 RCW:

	TITLE OF FEE	FEE
(1)	Original registration:	
	One camping resort	\$3,200.00
	Each additional camping resort in this state	1,000.00
(2)	Contract fees:	
	One to five hundred contracts	500.00
	Each additional five hundred contracts, or fraction thereof	100.00
(3)	Renewal fees:	
	Annual renewal	2,000.00
	Each additional camping resort in this state	800.00

	TITLE OF FEE	FEE
	Contract fees as described in subsection (2) of this section for each grouping of contracts:	
	One to five hundred contracts	500.00
	Each additional five hundred contracts, or fraction thereof	100.00
	Late renewal penalty	800.00
(4)	Fees for amending registration and public offering statements:	
	For each amendment of registration or the public offering statement, not requiring an examination of documentation for adding campground or additional contracts to registration	50.00
	Amendment for the establishment of an additional campground into the registration for which an examination of documents is required exclusive of any other fees	1,500.00
	Penalty fee for failure to file an amendment within thirty days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040	100.00
(5)	Fees for impounds, escrows, trust and depositories:	
	For each initial establishment of impound, escrow, trust or other arrangement requiring agency monitoring	250.00
	Each required periodic report	20.00
(6)	Advertising filings:	
	Each individual advertisement filed with the department	100.00
	Advertisement involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies	75.00
(7)	Salesperson fees:	
	Registration	150.00
	Renewal	150.00
	Transfer	150.00
	Duplicate license	35.00
(8)	Fees for exemptions and exemption applications:	
	Review of application for exemption under RCW 19.105.320(2)	150.00
(9)	All fees are nonrefundable after the application has been received.	
(10)	All fees shall be paid to the order of the Washington state treasurer.	

[Statutory Authority: RCW 19.105.411, 43.24.086, and 2001 c 7. 02-15-168, § 308-420-240, filed 7/23/02, effective 1/1/03. Statutory Authority: RCW 19.105.411 and 43.240.086. 98-18-082, § 308-420-240, filed 9/1/98, effective 10/2/98. Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-240, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-145.]

[Title 308 WAC—p. 398]

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.

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(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.]