

Title 308 WAC

LICENSING, DEPARTMENT OF

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

<p>Chapters</p> <p>308-04</p> <p>308-08</p> <p>308-10</p> <p>308-11</p> <p>308-12</p> <p>308-13</p> <p>308-14</p> <p>308-15</p> <p>308-17</p> <p>308-18</p> <p>308-19</p> <p>308-20</p> <p>308-29</p> <p>308-30</p> <p>308-33</p> <p>308-47</p> <p>308-48</p> <p>308-49</p> <p>308-56A</p> <p>308-57</p> <p>308-61</p> <p>308-63</p> <p>308-65</p> <p>308-66</p> <p>308-67</p> <p>308-72</p> <p>308-77</p> <p>308-78</p> <p>308-80</p> <p>308-87</p> <p>308-88</p> <p>308-89</p> <p>308-90</p> <p>308-91</p> <p>308-93</p> <p>308-94</p> <p>308-94A</p> <p>308-96A</p> <p>308-96B</p> <p>308-97</p> <p>308-99</p> <p>308-100</p> <p>308-102</p> <p>308-103</p> <p>308-104</p> <p>308-105</p>	<p>General provisions.</p> <p>Practice and procedure.</p> <p>Public records disclosure.</p> <p>Regulation of auctioneers.</p> <p>Architects.</p> <p>Board of registration for landscape architects.</p> <p>Court reporters.</p> <p>Geologist licensing services.</p> <p>Private investigative agencies and private investigators.</p> <p>Private security guard companies and private security guards.</p> <p>Bail bond agencies and bail bond agents.</p> <p>Cosmetology—Barber—Manicurist—Esthetician rules.</p> <p>Collection agencies and repossession services.</p> <p>Notaries public.</p> <p>Employment agencies—Fee schedules.</p> <p>Rules of procedure for cremation.</p> <p>Funeral directors and embalmers.</p> <p>Prearrangement funeral services.</p> <p>Certificates of title—Motor vehicles, etc.</p> <p>Motor vehicle excise tax.</p> <p>Unauthorized and abandoned vehicles.</p> <p>Wreckers.</p> <p>Hulk haulers/scrap processors.</p> <p>Motor vehicle dealers and manufacturers.</p> <p>Vehicle dealer manufacturer franchise disputes.</p> <p>Motor vehicle fuel tax.</p> <p>Special fuel tax rules and regulations.</p> <p>Aircraft fuel tax.</p> <p>Transporters.</p> <p>Limousine carrier businesses.</p> <p>Rental car taxation and licensing.</p> <p>Transportation of passengers in for hire vehicles.</p> <p>Vessel dealer registration.</p> <p>Reciprocity and proration.</p> <p>Vessel registration and certificates of title.</p> <p>Snowmobiles.</p> <p>Off-road and nonhighway vehicles.</p> <p>Vehicle licenses.</p> <p>Individuals with disabilities vehicle license privileges.</p> <p>Vehicle license interstate and intransit permits.</p> <p>Vehicle reciprocity.</p> <p>Drivers' licenses—Special provisions.</p> <p>Administration of the Financial Responsibility Act—Procedures.</p> <p>Rules of procedure for hearings conducted under RCW 46.20.308.</p> <p>Drivers' licenses.</p> <p>Enhanced drivers' license and identicard.</p>	<p>308-106</p> <p>308-107</p> <p>308-108</p> <p>308-124</p> <p>308-124A</p> <p>308-124B</p> <p>308-124C</p> <p>308-124D</p> <p>308-124E</p> <p>308-124H</p> <p>308-125</p> <p>308-127</p> <p>308-129</p> <p>308-200A</p> <p>308-300</p> <p>308-312</p> <p>308-320</p> <p>308-330</p> <p>308-390</p> <p>308-420</p>	<p>Mandatory insurance.</p> <p>Ignition interlock driver's license.</p> <p>Driver training schools.</p> <p>Real estate brokers and salespersons— General provisions.</p> <p>Real estate—Licensing and examination.</p> <p>Real estate—Broker's office.</p> <p>Real estate—Records and responsibilities.</p> <p>Real estate—Operational procedures.</p> <p>Real estate—Trust account procedures.</p> <p>Real estate course school and instructor approval—Education of real estate brokers and salespersons.</p> <p>Real estate appraisers.</p> <p>Timeshare.</p> <p>Sellers of travel.</p> <p>Department of licensing environmental regulations.</p> <p>Consolidated licensing system.</p> <p>Whitewater river outfitters.</p> <p>Commercial telephone solicitation.</p> <p>Washington model traffic ordinance.</p> <p>Uniform Commercial Code, revised Article 9.</p> <p>Camping resorts—Contracts—Resale, etc.</p>
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**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 308-16
BARBERS, BARBER SHOPS, AND BARBER COLLEGES**

<p>308-16-010</p> <p>308-16-020</p> <p>308-16-030</p> <p>308-16-040</p> <p>308-16-050</p> <p>308-16-060</p> <p>308-16-070</p> <p>308-16-080</p> <p>308-16-090</p> <p>308-16-100</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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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.	308-16-218	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.
308-16-120	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.
		308-16-430	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.		filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
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.	308-24-100	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.
308-16-460	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.	308-24-110	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.
308-16-470	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.	308-24-120	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.
308-16-500	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.	308-24-130	Disinfection and sanitization of implements. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
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.	308-24-140	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.
308-21-100	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.	308-24-150	Badges for certain students. [Regulation, filed 7/8/66.] Repealed by Order PL 152, filed 10/11/73.
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.	308-24-160	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.
308-21-300	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.	308-24-170	Equivalent high school education. [Order PL 105, § 308-24-170, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-21-400	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.	308-24-180	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.
308-21-500	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.	308-24-190	Trainee students. [Order PL 105, § 308-24-190, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
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.	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.
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.	308-24-210	Post graduate training for instructors. [Order PL 105, § 308-24-210, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-24-010	Licensing out-of-state applicants—Equivalency. [Rules (part), filed 3/23/60.] Repealed by Order PL 105, filed 2/11/71.	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.
308-24-020	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.	308-24-300	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.
308-24-030	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.	308-24-305	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.
308-24-040	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.	308-24-310	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.
308-24-050	Licensing of foreign beauticians. [Order PL 105, § 308-24-050, filed 2/11/71; Rules, filed 6/14/66; Rules (part),	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.		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.	308-24-440	Licensees and employees. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-440, filed 11/8/79; Order PL 279, § 308-24-440, filed 12/19/77; Order PL 152, § 308-24-440, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-350	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.	308-24-450	School equipment and facilities. [Order PL 152, § 308-24-450, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-355	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.	308-24-460	Posting of rules, licenses and inspection reports. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-460, filed 11/8/79; Order PL 152, § 308-24-460, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-360	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.	308-24-470	Inspections. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-470, filed 11/8/79; Order PL 279, § 308-24-470, filed 12/19/77; Order PL 152, § 308-24-470, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-370	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.	308-24-480	License renewal fee. [Order PL 163, § 308-24-480, filed 3/18/74.] Repealed by Order PL 212, filed 11/5/75. Later promulgation, see WAC 308-24-490.
308-24-380	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.	308-24-485	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.
308-24-382	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.	308-24-490	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.
308-24-384	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.	308-24-500	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.
308-24-390	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.	308-24-510	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.
308-24-395	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.	308-24-520	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.
308-24-400	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.	308-24-530	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.
308-24-403	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.	308-24-540	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.
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.]		
			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), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-050.	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), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-815-060.
308-25-020	The examination. [Statutory Authority: RCW 43.24-020 and 43.24.024. 83-07-051 (Order PL 430), § 308-25-020, filed 3/18/83; 82-11-068 (Order PL 398), § 308-25-020, filed 5/14/82; 82-06-043 (Order 672), § 308-25-020, filed 3/2/82.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29-031.	308-25-072	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.
308-25-025	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.	308-25-073	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.
308-25-030	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.	308-25-074	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.
308-25-035	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.	308-25-080	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.
308-25-037	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.	308-25-090	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.
308-25-038	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.	308-25-100	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.
308-25-040	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.	308-25-110	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.
308-25-041	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.	308-25-120	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.
308-25-050	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.	308-25-130	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.
308-25-060	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.	308-25-140	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.
308-25-065	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.	308-25-150	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.		121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-824-060.
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.	308-26-020	Fees. [Statutory Authority: RCW 18.34.070. 82-21-035 (Order PL 408), § 308-26-020, filed 10/15/82; Order PL 220, § 308-26-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-26-040.
308-25-200	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	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.
		308-26-200	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-

308-31-057

308-31-060

308-31-100

308-31-110

308-31-120

308-31-200

308-31-210

308-31-220

308-31-230

308-31-240

308-31-250

308-31-260

308-31-270

055, filed 8/10/83. Formerly WAC 308-31-310.] 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.

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.

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.

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.

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.

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.

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). 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.

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.

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.

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.

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.

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.

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.	308-32-050	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.
308-31-300	License renewal fee. [Order PL-163, § 308-31-300, filed 3/18/74.] Repealed by Order PL 226, filed 11/5/75.	308-32-060	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.
308-31-310	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.	308-32-070	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.
308-31-500	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.	308-32-080	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.
308-31-510	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.	308-32-090	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.
308-31-520	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.	308-32-100	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.
308-31-530	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.	308-32-110	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.
308-31-540	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.	308-32-120	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.
308-31-550	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.	308-32-300	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.
308-31-560	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.	308-32-310	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.
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.	308-34-010	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).
308-32-015	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.	308-34-020	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).
308-32-020	Blind advertising. [Order 2, § 308-32-020, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.	308-34-030	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).
308-32-030	Deceptive advertising. [Order 2, § 308-32-030, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.	308-34-040	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).
308-32-040	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.	308-34-050	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).		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.
308-34-100	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.	308-34-420	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.
308-34-110	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.	308-34-430	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.
308-34-120	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.	308-34-440	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.
308-34-130	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.	308-34-450	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.
308-34-140	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.	308-34-460	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.
308-34-150	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.	308-34-470	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.
308-34-160	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.	308-34-480	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.
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		

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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-020.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-030.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-040.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-050.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-060.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-070.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-080.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-090.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-100.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-110.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-120.

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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.-640. Recodified as WAC 246-816-201.
- 308-38-110 Definitions. [Statutory Authority: RCW 18.32.640, 81-17-054 (Order PL 382), § 308-38-110, filed 8/18/81.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.-640. Recodified as WAC 246-816-210.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-220.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-230.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-240.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-250.
- 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.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-260.

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.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-301.
- 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.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-310.
- 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.] Decodified by 91-02-049 (Order 106B), filed 12/27/90, effective 1/31/91.

	Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-320.		12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-150.
308-39-130	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.	308-40-100	Examination for a dental license. [Order PL 277, § 308-40-100, filed 11/17/77; Order PL 266, § 308-40-100, filed 3/24/77; Order PL 237, § 308-40-100, filed 2/18/76; Order PL 151, § 308-40-100, filed 10/3/73; Order PL-108, § 308-40-100, filed 6/25/71; Order, § 308-40-100, filed 12/3/69; § 308-40-100, filed 4/14/67; Examination rule, filed 6/30/64.] Repealed by 79-04-011 (Order 295, Resolution No. 295), filed 3/13/79. Statutory Authority: RCW 18.32.040.
308-39-140	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.	308-40-101	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.
308-39-150	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.	308-40-102	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.
308-39-160	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.	308-40-103	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.
308-39-170	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.	308-40-104	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.
308-39-180	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.	308-40-105	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.
308-39-190	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.	308-40-106	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.
308-39-200	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.	308-40-107	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.
308-39-210	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.	308-40-110	Graduates of nonaccredited schools. [Statutory Authority: RCW 18.32.040. 84-23-062 (Order PL 496), § 308-
308-39-220	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.		
Chapter 308-40 DENTISTRY			
308-40-010	Maintenance of records. [Order, § 1, filed 3/23/60.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.-640. Recodified as WAC 246-816-130.		
308-40-020	Prescriptions. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-020, filed 1/26/82; Order, § 2, filed 3/23/60.] Decodified by 91-02-048 (Order 106B), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.32.640. Recodified as WAC 246-816-140.		
308-40-030	Previous rules and regulations repealed. [Order, § 3, filed 3/23/60.] Repealed by 88-13-131 (Order PM 740), filed 6/22/88. Statutory Authority: RCW 18.32.040 and 18.130.050.		
308-40-040	A rule applicable to dental technicians. [Order, filed 3/23/60.] Decodified by 91-02-048 (Order 106B), filed		

- 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	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 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
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 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161. Recodified as WAC 246-828-090.		

	2/8/74.] Repealed by 86-09-064 (Order PL 586), filed 4/17/86. Statutory Authority: RCW 18.35.161.	308-50-340	Fees. [Order PL 222, § 308-50-340, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-50-375.
308-50-240	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.	308-50-350	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.
308-50-250	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.	308-50-375	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.
308-50-260	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.	308-50-380	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.
308-50-270	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.	308-50-390	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.
308-50-280	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.	308-50-400	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.
308-50-290	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.	308-50-410	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.
308-50-295	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.	308-50-420	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.
308-50-300	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.	308-50-430	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.
308-50-310	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.	308-50-440	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.
308-50-320	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.	308-50-500	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.
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.		

**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.
- 308-51-021 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.
- 308-51-030 Massage licensing—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-51-030, filed 9/25/80; Order PL 255, § 308-51-030, filed 8/20/76; Order PL 231, § 308-51-030, filed 10/30/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-51-200.
- 308-51-040 Denial, suspension or revocation of license. [Order PL 231, § 308-51-040, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-050 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.
- 308-51-060 Facility standards. [Order PL 231, § 308-51-060, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-070 Communicable disease control. [Order PL 231, § 308-51-070, filed 10/30/75.] Repealed by 88-14-097 (Order PM 743), filed 7/6/88. Statutory Authority: RCW 18.108.025.
- 308-51-080 Inspection of massage premises. [Order PL 238, § 308-51-080, filed 2/9/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-100 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.
- 308-51-110 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.
- 308-51-120 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.
- 308-51-125 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.
- 308-51-130 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.
- 308-51-140 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.
- 308-51-150 Massage business licensee reports. [Order PL 255, § 308-51-150, filed 8/20/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-190 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 48. 84-21-092 (Order PL 485), § 308-51-190, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-037 (Order PL 554), filed 9/12/85. Statutory Authority: RCW 18.108.075.
- 308-51-200 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-51-200, filed 11/2/83; 83-17-031 (Order PL 442), § 308-51-200, filed 8/10/83. Formerly WAC 308-51-030.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.-086.
- 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.
- 308-51-220 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.
- 308-51-230 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.
- 308-51-240 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.
- 308-51-250 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.
- 308-51-260 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.
- 308-51-270 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.
- 308-51-280 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.
- 308-51-290 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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 1/19/82; 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.] Decoded 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.] Decoded 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.] Decoded by 91-06-030 (Order 147B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-100.

308-52-142	Physicians' assistants—Registration fee. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-142, filed 3/14/78.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.	308-52-210	National board of medical examiners. [Order PL 110, § 308-52-210, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
308-52-143	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.	308-52-211	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.
308-52-144	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.	308-52-215	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.
308-52-145	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.	308-52-220	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.
308-52-146	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.	308-52-221	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.
308-52-147	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.	308-52-230	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.
308-52-148	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.	308-52-240	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.
308-52-149	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.	308-52-250	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.
308-52-150	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.	308-52-255	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.
308-52-160	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.	308-52-260	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.
308-52-165	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.	308-52-265	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.
308-52-190	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.	308-52-270	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.
308-52-200	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.	308-52-300	License renewal registration fee. [Order PL 163, § 308-52-300, filed 3/18/74.] Repealed by Order PL 209, filed 11/5/75.
308-52-201	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.	308-52-310	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.
308-52-205	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, effective 3/29/91. Statutory Authority: RCW 18.71.017. Recodified as WAC 246-918-190.		

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.	301), § 308-52-510, filed 5/22/79.] Decoded 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.	
308-52-320	License renewal registration date and fee. [Order PL 242, § 308-52-320, filed 3/15/76.] Decoded 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.	308-52-515	Acupuncture examination review procedures. [Statutory Authority: RCW 18.71A.020. 86-16-054 (Order PM 609), § 308-52-515, filed 8/1/86.] Decoded 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.
308-52-400	Scope. [Order PL 247, § 308-52-400, filed 5/17/76.] Decoded 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.	308-52-520	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.
308-52-405	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.] Decoded 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.	308-52-530	Investigation. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-530, filed 5/22/79.] Decoded 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.
308-52-406	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.] Decoded 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.	308-52-540	English fluency. [Statutory Authority: RCW 18.71A.-020. 79-06-055 (Order PL 301), § 308-52-540, filed 5/22/79.] Decoded 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.
308-52-410	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.] Decoded 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.	308-52-550	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.
308-52-415	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.] Decoded 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.	308-52-560	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.
308-52-420	Approval not required. [Order PL 247, § 308-52-420, filed 5/17/76.] Decoded 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.	308-52-570	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.] Decoded 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.
308-52-425	Certification of compliance. [Order PL 247, § 308-52-425, filed 5/17/76.] Decoded 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.	308-52-580	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.] Decoded 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.
308-52-500	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.] Decoded 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.	308-52-590	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.
308-52-502	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.] Decoded 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.	308-52-600	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.] Decoded 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.
308-52-504	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.] Decoded 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.	308-52-610	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.] Decoded 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.
308-52-510	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	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.] Decoded 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.] Decoded 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.		025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-270.
308-53-146	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.	308-53-211	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).
308-53-150	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 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-180.	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.
308-53-151	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.	308-53-215	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.
308-53-155	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.	308-53-220	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.
308-53-160	Recordation of credit. [Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-160, filed 1/17/78; Order PL 239, § 308-53-160, filed 3/3/76.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.	308-53-230	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.
308-53-165	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.	308-53-235	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.
308-53-170	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 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-220.	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.
308-53-175	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.	308-53-245	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.
308-53-180	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 3/3/76.] Decodified by 91-06-025 (Order 119B), filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070. Recodified as WAC 246-851-240.	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.
308-53-190	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).	308-53-260	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.
308-53-200	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.	308-53-265	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.
308-53-205	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.	308-53-270	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.
308-53-210	Retention of minimum contact lens records. [Order PL 256, § 308-53-210, filed 9/13/76.] Decodified by 91-06-	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.	308-54-080	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.
308-53-330	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.	308-54-090	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.
308-53-340	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.	308-54-095	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.
308-53-350	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.	308-54-100	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.
308-53-400	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.	308-54-110	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.
	Chapter 308-54 NURSING HOME ADMINISTRATOR	308-54-120	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.
308-54-010	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.	308-54-125	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.
308-54-020	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.	308-54-130	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.
308-54-030	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.	308-54-140	Approval of courses of study. [Statutory Authority: RCW 18.52.100(14), 87-02-008 (Order PM 633), § 308-54-140, filed 12/29/86. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2), 84-07-051 (Order PL 461), § 308-54-140, filed 3/21/84; 82-20-092 (Order PL 407), § 308-54-140, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110, 80-01-057 (Order PL 328), § 308-54-140, filed 12/20/79; Order PL 260, § 308-54-140, filed 12/10/76; Order PL 186, § 308-54-140, filed 3/19/75; Order PL 107, § 308-54-140, filed 3/3/71.] Repealed by 88-23-038 (Order PM 791), filed 11/9/88. Statutory Authority: RCW 18.52.100(11).
308-54-050	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.	308-54-150	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.
308-54-060	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.	308-54-155	Certification of compliance. [Statutory Authority: RCW 18.52.100(14) and 18.52.110, 80-01-057 (Order
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. Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-070.		

	PL 328), § 308-54-155, filed 12/20/79.] Decoded 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.		Statutory Authority: RCW 18.52.100. Recodified as WAC 246-843-240.
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.] Decoded 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.	308-54-250	Duplicate licenses. [Order PL 107, § 308-54-250, filed 3/3/71.] Decoded 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.
308-54-162	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.] Decoded 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.	308-54-300	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.
308-54-170	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.] Decoded 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.	308-54-310	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.
308-54-180	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.] Decoded 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.	308-54-315	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.] Decoded 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.
308-54-190	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.	308-54-320	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.] Decoded 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.
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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded by 91-06-060 (Order 141B), filed 3/1/91, effective 4/1/91.		
			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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.] Decoded 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.

	Authority: RCW 43.70.040. Recodified as WAC 246-849-070.	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.
308-55-095	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.	308-56-160	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.
308-55-105	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.	308-56-170	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.
308-55-115	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.	308-56-180	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.
308-55-200	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.	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

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.

	11/5/63; § 2(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.	308-56-610	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.
308-56-400	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.	308-56-620	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.
308-56-410	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.	308-56-630	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.
308-56-420	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.	308-56-640	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.
308-56-430	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.	308-56-650	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.
308-56-440	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.	308-56-660	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.
308-56-450	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.	308-56-670	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.
308-56-460	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.	308-56-680	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.
308-56-470	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.	308-56-690	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.
308-56-480	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.	308-56-700	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.
308-56-490	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.	308-56-710	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.
308-56-500	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.	308-56-720	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.
308-56-510	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.	308-56-730	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.
308-56-520	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.	308-56-740	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.
308-56-530	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.	308-56-750	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.
308-56-540	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.	308-56-760	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.
308-56-550	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.	308-56-770	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.
308-56-560	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.	308-56-780	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.
308-56-570	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.	308-56-790	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.
308-56-580	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.	308-56-800	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.
308-56-590	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.	308-56-810	Certificate of title endorsements and signatures on applications—Partnership. [§ 4(10), filed 11/5/63; §
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.		

	4(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.	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.
308-56-820	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.	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.
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.	308-76-030	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.
308-58-020	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.	308-76-035	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.
308-58-030	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.	308-76-040	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.
308-58-040	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.	308-76-045	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.
308-58-050	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.	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.
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.	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.
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.	308-76-090	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.
308-62-020	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.	308-76-100	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.
308-62-030	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.	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.
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.	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.
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.	308-76-130	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.
308-76-010	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.	308-76-140	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.
308-76-015	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.	308-76-200	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.	308-96-075	"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.
308-92-200	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.	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.
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.	308-96-085	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.
308-95-020	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.	308-96-090	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.
308-95-030	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.	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.
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.	308-96-100	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.
308-96-010	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.	308-96-1001	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.
308-96-015	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.	308-96-105	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.
308-96-020	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.	308-96-110	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.
308-96-025	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.	308-96-115	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.
308-96-030	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.	308-96-120	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.
308-96-035	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.	308-96-121	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.
308-96-040	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.	308-96-122	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.
308-96-045	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.	308-96-125	Consular plates. [§ 8(18), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
308-96-050	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.	308-96-130	Disabled operators. [§ 8(19), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
308-96-055	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.	308-96-135	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.
308-96-060	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.	308-96-140	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.
308-96-065	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.	308-96-145	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.
308-96-070	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.	308-96-150	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.	308-96-320	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.
308-96-200	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.	308-96-325	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.
308-96-205	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.	308-96-330	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.
308-96-210	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.	308-96-335	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.
308-96-220	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.	308-96-340	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.
308-96-225	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.	308-96-345	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.
308-96-230	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.	308-96-350	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.
308-96-235	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.	308-96-355	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.
308-96-240	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.	308-96-360	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.
308-96-245	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.	308-96-365	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.
308-96-250	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.	308-96-370	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.
308-96-255	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.	308-96-375	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.
308-96-260	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.	308-96-380	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.
308-96-265	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.	308-96-385	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.
308-96-270	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.	308-96-390	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.
308-96-275	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.	308-96-395	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.
308-96-280	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.	308-96-400	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.
308-96-285	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.	308-96-405	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.
308-96-290	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.	308-96-410	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.
308-96-295	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.	308-96-415	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.
308-96-300	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.	308-96-420	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.
308-96-305	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.	308-96-425	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.
308-96-310	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		

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.		
308-115-130	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.	308-115-260	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.
308-115-140	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.	308-115-270	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.
308-115-150	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.	308-115-280	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.
308-115-160	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.	308-115-290	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.
308-115-170	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.	308-115-300	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.
308-115-180	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.	308-115-310	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.
308-115-190	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.	308-115-320	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.
308-115-200	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.	308-115-330	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.
308-115-210	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.	308-115-340	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.
308-115-220	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.	308-115-350	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.
308-115-230	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.	308-115-400	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.
308-115-240	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.	308-115-405	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.
		308-115-500	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.	308-116-170	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.	308-116-180	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.	308-116-190	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.	308-116-200	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.	308-116-230	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.	308-116-240	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.	308-116-250	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.	308-116-260	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.	308-116-270	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.	308-116-280	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.	308-116-290	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.	308-116-295	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.	308-116-300	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.	308-116-310	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-	308-116-325	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.

**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.		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.
308-117-020	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.	308-117-095	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.
308-117-025	Standards of conduct for discipline for licensed practical nurses. [Statutory Authority: RCW 18.78.050, 18.130-050 (1) and (12) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-025, filed 8/27/86. Statutory Authority: RCW 18.78.050. 86-01-084 (Order PL 574), § 308-117-025, filed 12/18/85.] 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.	308-117-100	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 (12) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-100, filed 8/27/86. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-100, filed 12/19/83. Formerly WAC 308-116-280.] 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.
308-117-030	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.	308-117-105	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.
308-117-040	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.	308-117-110	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.
308-117-050	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.	308-117-120	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.
308-117-060	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.	308-117-130	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.
308-117-070	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.	308-117-140	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.
308-117-080	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.	308-117-150	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.
308-117-090	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,	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.

	tive 1/31/91. Statutory Authority: RCW 18.78.050. Recodified as WAC 246-838-210.	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.
308-117-190	Structure for curriculum implementation. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-190, 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.	308-120-015	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.
308-117-200	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 246-838-230.	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.
308-117-300	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.	308-120-021	Reciprocity, declaration of policy. [Order 120-70-1, § 308-120-021, filed 8/19/70.] Repealed by Order PL-124, filed 5/26/72.
308-117-360	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.	308-120-025	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.
308-117-400	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.	308-120-030	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.
308-117-410	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.	308-120-040	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.
308-117-420	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.	308-120-050	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.
308-117-460	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.	308-120-060	High school equivalency. [Order 5, § 308-120-060, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
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.	308-120-070	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.
308-117-480	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.	308-120-080	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.
308-117-500	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.	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),

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REGISTERED NURSES**

	§ 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.		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.
308-120-162	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.	308-120-180	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.
308-120-163	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.	308-120-18001	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.
308-120-164	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.	308-120-185	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.
308-120-165	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.	308-120-186	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.
308-120-166	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.	308-120-190	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.
308-120-168	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.	308-120-191	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.
308-120-170	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,	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.	308-120-338	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.
308-120-270	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.	308-120-340	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.
308-120-275	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.	308-120-345	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.
308-120-300	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.	308-120-350	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.
308-120-305	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.	308-120-355	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.
308-120-310	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.	308-120-360	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.
308-120-315	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.	308-120-365	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.
308-120-320	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.	308-120-400	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.
308-120-325	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.	308-120-410	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.
308-120-330	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.	308-120-420	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.
308-120-335	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.	308-120-430	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.		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.
308-120-440	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.	308-120-512	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.
308-120-450	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.	308-120-513	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.
308-120-505	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.	308-120-514	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.
308-120-506	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.	308-120-515	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.
308-120-507	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.	308-120-516	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.
308-120-508	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.	308-120-517	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.
308-120-509	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.	308-120-518	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.
308-120-510	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.	308-120-519	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.
308-120-511	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-	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.	308-120-575	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), § 308-120-575, 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 246-839-575.
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.	308-120-600	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.
308-120-535	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.	308-120-601	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.
308-120-540	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.	308-120-602	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.
308-120-545	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.	308-120-603	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.
308-120-550	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.	308-120-604	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.
308-120-555	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.	308-120-605	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.
308-120-560	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.	308-120-606	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.
308-120-565	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.	308-120-607	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.
308-120-570	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.	308-120-608	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.	308-121-050	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.
308-120-740	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.	308-121-055	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.
308-120-750	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.	308-121-060	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.
308-120-760	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.	308-121-070	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.
308-120-770	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.	308-121-110	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.
308-120-780	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.	308-121-120	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.
308-120-800	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.	308-121-130	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.
308-120-810	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.	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.
Chapter 308-121 NURSING ASSISTANTS		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.
308-121-010	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.	308-121-150	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.
308-121-020	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.	308-121-155	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.
308-121-030	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), filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 18.88.080.	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.
308-121-040	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),		

308-121-165	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.		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.
308-121-170	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.	308-122-210	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).
308-121-175	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.	308-122-211	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.
308-121-180	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.	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.
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.	308-122-220	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.
308-122-005	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.	308-122-225	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.
308-122-006	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.	308-122-230	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.
308-122-010	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.	308-122-235	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.
308-122-020	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.	308-122-275	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.
308-122-030	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.	308-122-280	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.
308-122-040	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).	308-122-300	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.
308-122-050	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).	308-122-350	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.
308-122-060	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.	308-122-360	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.	308-122-503	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.
308-122-380	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.	308-122-505	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.
308-122-390	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.	308-122-510	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.
308-122-400	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.	308-122-515	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.
308-122-410	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.	308-122-520	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.
308-122-420	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.	308-122-525	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.
308-122-430	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.	308-122-530	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.
308-122-440	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.	308-122-535	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.
308-122-450	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.	308-122-540	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.
308-122-460	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.	308-122-545	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.
308-122-500	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.	308-122-550	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.
- 308-126-080 Statements and reports—Effective dates. [Order RE 109, § 308-126-080, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

- 308-126-090 Notice of deficiency—Rejection. [Order RE 109, § 308-126-090, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-100 Amendments—Consolidated registration. [Order RE 109, § 308-126-100, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-110 Filing fees. [Order RE 109, § 308-126-110, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-120 Mortgages, liens or other encumbrances. [Order RE 109, § 308-126-120, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-130 Approval of out-of-state trustee or escrow depository. [Order RE 109, § 308-126-130, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-140 Escrow requirements. [Order RE 109, § 308-126-140, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-150 Duration of duty to escrow. [Order RE 109, § 308-126-150, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-160 Termination of developer's business. [Order RE 109, § 308-126-160, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-170 Instruments of sale. [Order RE 109, § 308-126-170, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-180 Improvements. [Order RE 109, § 308-126-180, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-190 Developers' duties. [Order RE 109, § 308-126-190, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-200 Reporting requirements. [Order RE 109, § 308-126-200, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-210 Withdrawal. [Order RE 109, § 308-126-210, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-220 Declaratory rulings—Advisory opinion. [Order RE 109, § 308-126-220, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-230 Officers to administer oaths and affirmations. [Order RE 109, § 308-126-230, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-240 Officers to issue subpoenas and institute discovery. [Order RE 109, § 308-126-240, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-250 Posting of notice of order. [Order RE 109, § 308-126-250, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-260 Service of process. [Order RE 109, § 308-126-260, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-270 Hearings. [Order RE 109, § 308-126-270, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-280 Orders—Receivership. [Order RE 109, § 308-126-280, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-290 Revocation. [Order RE 109, § 308-126-290, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-300 Litigation. [Order RE 109, § 308-126-300, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-310 Protection of purchasers. [Order RE 109, § 308-126-310, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-320 Advertising. [Order RE 109, § 308-126-320, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-330 Promotional activities. [Order RE 109, § 308-126-330, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-340 Presumptions. [Order RE 109, § 308-126-340, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-350 Rules effect. [Order RE 109, § 308-126-350, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 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.
- 308-126A-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.

Chapter 308-126B

LAND DEVELOPMENT REGISTRATION—REGISTRATION

- 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.

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.
- 308-126A-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.

308-126B-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 9/21/77.] 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 9/21/77.] 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 Expeditious 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 licensees' 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

308-136-300 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.
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, effective 1/31/91. Statutory Authority: RCW 18.57-005. Recodified as WAC 246-853-040.
308-138-080 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.		effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-050.
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.	308-150-010	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.
308-140-180	Telephone solicitors identification requirements. [Order PL 161, § 308-140-180, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.	308-150-011	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.
308-140-190	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.	308-150-012	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.
308-140-200	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.	308-150-013	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.
308-140-210	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.	308-150-014	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.
308-140-230	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.	308-150-015	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.
308-140-240	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.	308-150-020	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.
308-140-250	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.	308-150-025	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.
308-140-260	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.	308-150-030	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.
308-140-270	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.	308-150-035	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.
308-140-280	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.	308-150-040	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.
308-140-300	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.	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.
Chapter 308-150		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.
VETERINARY BOARD OF GOVERNORS—		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.
VETERINARY CODE OF PROFESSIONAL CONDUCT/ETHICS		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.
308-150-005	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.	308-150-061	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. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-150.
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.	308-150-062	Prohibited transactions. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-062, 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 246-933-160.
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,		

308-150-070 Cooperation with the board. [Statutory Authority: RCW 18.92.030, 80-09-106 (Order PL 351), § 308-150-070, 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 246-933-170.

**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, 79-10-087 (Order 318), § 308-151-070, filed 9/21/79.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-240.

308-151-080 Examination procedures. [Statutory Authority: RCW 18.92.030, 88-08-033 (Order PM 719), § 308-151-080, filed 4/1/88; 85-03-085 (Order PL 509), § 308-151-080, filed 1/18/85. Statutory Authority: RCW 18.92.030 and 18.92.070, 83-07-050 (Order PL 429), § 308-151-080, filed 3/18/83. Statutory Authority: RCW 18.92.030, 80-05-032 (Order 340), § 308-151-080, filed 4/15/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.-030. Recodified as WAC 246-933-250.

308-151-090 Frequency and location of examinations. [Statutory Authority: RCW 18.92.030, 88-08-033 (Order PM 719), § 308-151-090, filed 4/1/88; 80-05-032 (Order 340), § 308-151-090, filed 4/15/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-260.

308-151-100 Examination results. [Statutory Authority: RCW 18.92.030, 85-07-021 (Order PL 523), § 308-151-100, filed 3/13/85; 85-03-085 (Order PL 509), § 308-151-100, filed 1/18/85. Statutory Authority: RCW 18.92.-030 and 18.92.070, 83-07-050 (Order PL 429), § 308-151-100, filed 3/18/83. Statutory Authority: RCW 18.92.030, 80-16-023 (Order PL 358), § 308-151-100, filed 10/29/80; 80-05-032 (Order 340), § 308-151-100, filed 4/15/80.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-270.

308-151-110 Examination review procedures. [Statutory Authority: RCW 18.92.030, 86-08-068 (Order PL 584), § 308-151-110, 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 246-933-280.

**Chapter 308-152
VETERINARY FEES**

308-152-010 Veterinary—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-152-010, filed 9/25/80; Order PL 229, § 308-152-010, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-152-015.

308-152-015 Fees. [Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-152-015, filed 11/2/83; 83-17-031 (Order PL 442), § 308-152-015, filed 8/10/83. Formerly WAC 308-152-010.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

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, 90-18-039 (Order 084), § 308-152-030, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-152-030, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-152-030, filed 5/1/87.] Repealed by 91-02-050 (Order

122), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040.

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

308-153-010 Definitions. [Statutory Authority: RCW 18.92.030, 89-02-006 (Order PM 804), § 308-153-010, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-010, filed 6/18/86; Order PL-236, § 308-153-010, filed 2/18/76.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-310.

308-153-020 General requirements for all veterinary medical facilities. [Statutory Authority: RCW 18.92.030, 88-08-033 (Order PM 719), § 308-153-020, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-020, filed 6/18/86; Order PL-236, § 308-153-020, filed 2/18/76.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-320.

308-153-030 Minimum physical facilities. [Statutory Authority: RCW 18.92.030, 89-02-006 (Order PM 804), § 308-153-030, filed 12/27/88; 88-08-033 (Order PM 719), § 308-153-030, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-030, filed 6/18/86; Order PL-236, § 308-153-030, filed 2/18/76.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.-030. Recodified as WAC 246-933-330.

308-153-040 Minimum aseptic surgery facility. [Order PL-236, § 308-153-040, filed 2/18/76.] Repealed by 86-13-070 (Order PM 600), filed 6/18/86. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139.

308-153-045 Practice management. [Statutory Authority: RCW 18.92.030, 89-02-006 (Order PM 804), § 308-153-045, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-045, filed 6/18/86.] Decodified by 91-02-060 (Order 108B), filed 12/28/90, effective 1/31/91. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-933-340.

**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, 80-16-023 (Order PL 358), § 308-154-040, filed 10/29/80; Order 233, § 308-154-040, 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 246-933-440.

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 (2) 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.	308-156-075	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. 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.
308-154-085	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.	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.
Chapter 308-156		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.
REGISTRATION OF ANIMAL TECHNICIANS		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.
308-156-010	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.	308-156-200	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.
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.		Chapter 308-157
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.		MISCELLANEOUS PROCEDURES AND REQUIREMENTS
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.	308-157-010	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.
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.		Chapter 308-158
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.		SUBSTANCE ABUSE MONITORING PROGRAMS FOR VETERINARIANS
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.	308-158-010	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.
308-156-060	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. Statutory Authority: RCW 18.92.030. Recodified as WAC 246-935-070.	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.
308-156-070	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.]	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.
- 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),

308-171-301	filed 2/12/91, effective 3/15/91. Statutory Authority: RCW 18.59.130. Recodified as WAC 246-847-160. 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.	308-173-220	3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-400. 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.
308-171-302	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.	308-173-230	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.
308-171-310	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.	308-173-240	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.
308-171-320	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.	308-173-245	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.
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.	308-173-250	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.
	Chapter 308-173 NURSING ASSISTANTS	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.
308-173-010	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.	308-173-260	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.
308-173-020	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.	308-173-265	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.
308-173-070	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.	308-173-270	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.
308-173-080	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.	308-173-275	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.
308-173-090	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.	308-173-280	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. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-510.
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, effective 1/31/91. Statutory Authority: RCW 43.70.-040. Recodified as WAC 246-841-610.		Chapter 308-175 HEALTH CARE ASSISTANTS
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.	308-175-010	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.
308-173-210	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	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.	308-175-110	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.
308-175-030	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.	308-175-115	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.
308-175-040	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.	308-175-120	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.
308-175-050	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.	308-175-125	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.
308-175-060	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.	308-175-130	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.
308-175-065	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.	308-175-135	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.
308-175-070	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.	308-175-140	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.
308-175-075	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.	308-175-200	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.
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.	308-177-010	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.
308-175-090	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.	308-177-020	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.
308-175-095	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.	308-177-030	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.
308-175-100	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.	308-177-040	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. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-822-050.
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.	308-177-050	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.
		308-177-060	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

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	Authority: RCW 43.70.040. Recodified as WAC 246-822-070.	
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 Authority: RCW 43.70.040. Recodified as WAC 246-822-160.	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.
308-177-190	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.	308-180-240 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.] Decodi-

	<p>filed 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.</p>		
308-180-260	<p>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.</p>	308-183-020	<p>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.</p>
308-180-270	<p>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.</p>	308-183-030	<p>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.</p>
308-180-280	<p>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.</p>	308-183-040	<p>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.</p>
308-180-290	<p>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.</p>	308-183-050	<p>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.</p>
308-180-300	<p>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.</p>	308-183-060	<p>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.</p>
308-180-310	<p>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.</p>	308-183-070	<p>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.</p>
308-180-320	<p>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.</p>	308-183-080	<p>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.</p>
308-180-330	<p>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.</p>	308-183-090	<p>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.</p>
308-180-340	<p>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.</p>	308-183-100	<p>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.</p>
308-180-350	<p>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.</p>	308-183-110	<p>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.</p>
308-180-360	<p>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.</p>	308-183-120	<p>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.</p>
308-180-370	<p>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.</p>	308-183-130	<p>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.</p>
308-180-400	<p>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.</p>	308-183-140	<p>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.</p>
	<p>Chapter 308-183 RADIOLOGICAL TECHNOLOGISTS</p>	308-183-150	<p>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.</p>
308-183-010	<p>General provisions. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-010,</p>	308-183-160	<p>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</p>

	(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.	308-190-080	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.
308-183-180	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.	308-190-090	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.
308-183-190	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.	308-190-100	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.
308-183-200	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.	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.
	Chapter 308-190 COUNSELORS	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.
308-190-010	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.	308-190-130	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.
308-190-020	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.	308-190-140	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.
308-190-030	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.	308-190-200	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.
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.		Chapter 308-195 RESPIRATORY CARE PRACTITIONERS
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.	308-195-020	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.
308-190-042	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.	308-195-030	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.
308-190-050	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.	308-195-040	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.
308-190-060	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.	308-195-050	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.
308-190-070	Mandatory reporting. [Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-070,	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.
- 308-200-180 Exemptions for emergency actions. [Order MV 382, § 308-200-180, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-180.
- 308-200-190 Use and effect of categorical exemptions. [Order MV 382, § 308-200-190, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority:

	ity: RCW 43.21C.120. Later promulgation, see WAC 308-200A-190.		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 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-300.	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.
308-200-305	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.	308-200-420	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.
308-200-310	Threshold determination procedures—Environmental checklist. [Order MV 382, § 308-200-310, filed		

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.	308-200-530	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.
308-200-440	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.	308-200-535	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.
308-200-442	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.	308-200-540	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.
308-200-444	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.	308-200-545	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.
308-200-446	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.	308-200-550	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.
308-200-450	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.	308-200-570	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.
308-200-455	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.	308-200-580	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.
308-200-460	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.	308-200-600	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.
308-200-465	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.	308-200-650	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.
308-200-470	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.	308-200-652	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.
308-200-480	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.	308-200-660	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.
308-200-485	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.	308-200-690	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.
308-200-490	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.	308-200-695	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.
308-200-495	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.	308-200-700	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.
308-200-500	Responsibilities of consulted agencies—Local agencies. [Order MV 382, § 308-200-500, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-500.	308-200-710	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.
308-200-510	Responsibilities of consulted agencies—State agencies with jurisdiction. [Order MV 382, § 308-200-510, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-510.	308-200-820	Designation of responsible official. [Order MV 382, § 308-200-820, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-820.
308-200-520	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.		

	RCW 43.21C.120. Later promulgation, see WAC 308-200A-820.		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.
Chapter 308-210			
MENTAL HEALTH COUNSELORS			
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: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-050, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-050, filed 5/11/88.] Decodified by 91-02-049 (Order 121), filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.040. Recodified as WAC 246-810-521.	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.
308-210-060	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.]	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.	308-230-030	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.
308-220-060	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.	308-230-040	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.
308-220-070	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.	308-230-050	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.
308-220-090	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.	308-230-060	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.
308-220-100	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.	308-230-070	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.
308-220-110	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.	308-230-080	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.
308-220-120	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.	308-230-090	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.
308-220-130	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.	308-230-100	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.
308-220-140	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.	308-230-110	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.
308-220-150	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.	308-230-120	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.
308-220-160	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.	308-230-130	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.
308-220-170	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.	308-230-140	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.
308-220-200	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.	308-230-200	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, 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 246-810-720.
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.

**Chapter 308-250
TRIPLICATE 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.	308-400-059	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.
308-400-050	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.	308-400-060	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.
308-400-052	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.	308-400-080	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).
308-400-053	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.	308-400-092	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.
308-400-056	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.	308-400-100	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.

tive 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.
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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.
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308-08-460	Excerpts from documentary evidence.
308-08-505	Adjudicative proceedings—Pleadings, briefs, and motions.
308-08-515	Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.
308-08-525	Brief adjudicative proceedings—When they can be used.
308-08-535	Brief adjudicative proceedings conversion to formal adjudicative proceedings—Dealer and manufacturer services.
308-08-545	Brief adjudicative proceedings.
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.] Repealed by 90-21-086, filed 10/17/90, effective 11/17/90. Statutory Authority: RCW 34.05.220 (1)(a).

- 308-08-410 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—Requirements. [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 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 examination 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 pre-

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siding 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 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 wit-

ness 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.]

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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;

(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 deci-

sion 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;

(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 prehearing 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. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that there is material clerical error or specific material error of fact or law in the final order. Any response to the petition shall be filed with the office of the director within ten days of the date of service of the petition.

[Statutory Authority: RCW 18.235.030 and chapter 34.05 RCW. 05-02-006, § 308-08-416, filed 12/22/04, effective 1/22/05. 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 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 308-08-515 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

(1) At least five days before the scheduled brief adjudicative proceeding, any party, including the department, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the agency.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 18.235.030 and chapter 34.05 RCW. 05-02-006, § 308-08-515, filed 12/22/04, effective 1/22/05.]

WAC 308-08-525 Brief adjudicative proceedings—When they can be used.

(1) The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the director. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the department issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

(o) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the department may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.235.030 and chapter 34.05 RCW. 05-02-006, § 308-08-525, filed 12/22/04, effective 1/22/05.]

WAC 308-08-535 Brief adjudicative proceedings conversion to formal adjudicative proceedings—Dealer and manufacturer services. (1) At least five days before the scheduled issuance of either an initial or a final order, any party, including the department, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that it be converted to a formal adjudicative proceeding. Upon receiving a timely written objection, the presiding officer or reviewing officer, shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding or reviewing officer may convert any brief adjudicative proceeding to a formal adjudicative proceeding whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the agency.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding or reviewing officer in resolving contested issues of fact;

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(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding or reviewing officer deems relevant in reaching a determination.

[Statutory Authority: RCW 34.05.220. 05-21-025, § 308-08-535, filed 10/10/05, effective 11/10/05.]

WAC 308-08-545 Brief adjudicative proceedings. To what do they apply? The department of licensing, dealer and manufacturer services section, adopts the provisions of RCW 34.05.482 through 34.05.494 for the matters listed in this section. The department may use brief adjudicative proceedings (BAPs) where their use will not violate any provisions of law, and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties.

The department may use BAPs including, but not limited to, the following matters:

(1) Whether a surety bond (or insurance) has been exhausted or cancellation pursuant to RCW 46.70.070, 46.80.070, 46.55.030 or 88.02.060, or the insurance required in RCW 46.55.030;

(2) Whether the licensee has failed to maintain an established place of business pursuant to RCW 46.70.023, WAC 308-66-140, RCW 46.80.130, WAC 308-63-070, RCW 46.55.060, WAC 308-61-108, RCW 88.02.078, 46.79.030, or WAC 308-65-030;

(3) Whether a person has failed to comply with an order or to pay a previously assessed fine, pursuant to RCW 46.70.101, 46.55.200, 46.80.110, or 88.02.188;

(4) Whether a licensee has been selling, exchanging, offering, brokering, auctioning, soliciting, advertising new or current model vehicles without a service agreement with a manufacturer, pursuant to RCW 46.70.101 or 46.70.041;

(5) Whether a licensee had failed to promptly transfer title, pursuant to RCW 46.70.122, WAC 308-66-190, 308-56A-420, or 308-90-150;

(6) Whether a licensee had failed to notify the department of a fact in which the licensee is required to timely notify the department (e.g., WAC 308-66-210 or 308-61-108);

(7) Whether a licensee has failed to have a current certificate or registration with the department of revenue pursuant to RCW 46.70.101;

(8) Whether the applicant whose license was suspended for cause and the terms of the suspension have not been fulfilled pursuant to RCW 46.70.101;

(9) Whether the applicant having been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion pursuant to RCW 46.70.101 or 46.80.110 in

the case of vehicle wreckers, or RCW 46.79.070 in the case of hulk haulers or scrap processors;

(10) Whether the applicant knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto pursuant to RCW 46.70.101;

(11) Whether an applicant or licensee has sufficient education credits as required by RCW 46.70.079;

(12) Whether a person is engaging in or about to engage in the business of a licensee as referenced in RCW 46.70.115, 46.80.180, or 46.55.210;

(13) Whether an applicant or licensee is solvent within the meaning of RCW 46.70.101;

(14) Whether a licensee has failed to maintain records as required by RCW 46.70.120, WAC 308-66-180, RCW 46.55.150 or 46.80.080.

The sole issue to be heard at the adjudicative proceedings shall be whether the applicant is in compliance with the requirements set forth in subsections (1) through (14) of this section.

[Statutory Authority: RCW 34.05.220, 05-21-025, § 308-08-545, filed 10/10/05, effective 11/10/05.]

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.]

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

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

WAC 308-08-640 Review procedures. In all cases not heard by a person authorized to make final decisions on behalf of the department, the file, summary of the findings, and recommendation shall be forwarded to the administrator of the 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

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308-10-041	Processing of public records requests—General.
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308-10-070	Communications with department.

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

308-10-035	Office hours. [Order MV 348, § 308-10-035, filed 12/24/75.] Repealed by 06-16-039, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110.
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WAC 308-10-005 Authority and purpose. (1) RCW 42.17.260(1)/42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

(2) The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the department of licensing and establish processes for both requestors and the department of licensing staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the department of licensing will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-005, filed 7/26/06, effective 8/26/06. 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 42.17.020/42.56.010 shall apply to this chapter.

(2) "Designee" is a department employee authorized by the public records officer to receive and respond to a public records request.

(3) 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

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appropriate, the term department also refers to the staff and employees of the department of licensing.

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

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

(6) "Individual" means a natural person.

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

(8) "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 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-010, filed 7/26/06, effective 8/26/06. 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 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, chief financial officer, chief information officer and three assistant directors. Each assistant director and officer is delegated authority to act in a specific functional area. The five major functional components are: Vehicle services, driver services, finance and administration division, 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 and officer 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
- Auctioneers
- Bail bonds
- Boxing
- Camping resorts
- Cemeteries
- Collection agencies
- Cosmetologists
- Court reporters
- Employment agencies
- Engineers
- Firearms
- Funeral directors
- Geologists
- Land surveyors
- Landscape architects
- Limousines
- Martial arts
- Notaries public
- On-site wastewater treatment
- Real estate
- Private investigators
- Security guards
- Sellers of travel
- Timeshares

Vehicle for hire (includes taxis)

Wrestling

Uniform commercial code (UCC)

(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:

Real Estate Appraiser Commission

Board of registration for architects

Board of funeral directors and embalmers

Cemetery licensing board

Collection agency board

Cosmetology, barbering, esthetics, and manicuring advisory board

Professional engineers and land surveyors board

Landscape architect board

Real estate commission

On-site wastewater design advisory committee

Geologist licensing board

(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 chief financial officer, finance and administration division, 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) Records 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 chief information officer, 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 interagency 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 pro-

visions 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 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-020, filed 7/26/06, effective 8/26/06. 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 normal business hours pursuant to these rules, except as otherwise provided by chapters 42.17/42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business 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.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-025, filed 7/26/06, effective 8/26/06. 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 records officer. The department's public records officer shall be designated by the director. The person so designated shall be located in the main administrative offices of the department. The public records 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.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-030, filed 7/26/06, effective 8/26/06. 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 308-10-040 Requests for public records. In accordance with requirements of chapter 42.17/42.56 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 the department's public records request form or by letter, fax, or e-mail addressed to the public records officer or designee where the record is held. 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 contact information including telephone number and any e-mail address.

(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.

(4) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 308-10-045, standard photocopies will be provided at fifteen cents per page.

(5) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm, in writing, receipt of the information and the substance of the request.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-040, filed 7/26/06, effective 8/26/06. 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 308-10-041 Processing of public records requests—General. (1) Providing "fullest assistance." The department is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Consequences of failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer or designee to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public

records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) Inspection of records.

(a) Consistent with other demands, the department shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the department's notification to him or her that the records are available for inspection or copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set or records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the department has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the department has closed the request.

(10) Later discovered documents. If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-041, filed 7/26/06, effective 8/26/06.]

WAC 308-10-045 Costs of providing copies of public records. (1) 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
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable

(2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(3) Payment may be made by check or money order to the department.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-045, filed 7/26/06, effective 8/26/06. 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 chapter 42.17/42.56 RCW. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) Under RCW 42.17.260/42.56.210, 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 42.17/42.56 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.

(5) The department is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-050, filed 7/26/06, effective 8/26/06. 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. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the manager of administration, finance and administration division. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.17.325/42.56.530, if the department denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-055, filed 7/26/06, effective 8/26/06. 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.]

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.]

(2009 Ed.)

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 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 department 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 department in carrying out its duties.

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

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

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

(2) The department 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 by the department. The index of records is available during regular business hours for public inspection at the department's main office located at the Department of Licensing, 1125 Washington Street S.E., Olympia, Washington 98504. The public records officer is responsible for updating the general index.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-067, filed 7/26/06, effective 8/26/06. 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 42.17/42.56 RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public Records Officer, Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504-8001.

[Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-070, filed 7/26/06, effective 8/26/06. 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.

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 18.11.200 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.
308-11-140	Application of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.200. Later promulgation, see chapter 308-08 WAC.
308-11-150	Preliminary record in brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.-200. Later promulgation, see chapter 308-08 WAC.
308-11-160	Conduct of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.11.200. Later promulgation, see chapter 308-08 WAC.

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	\$155.00
Renewal	155.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	255.00
Renewal	255.00
Late renewal penalty	100.00
Duplicate license	15.00

[Statutory Authority: RCW 18.11.200 and 43.24.086. 07-16-036, § 308-11-030, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 18.11.060, 43.24.086, 43.24.023. 04-17-074, § 308-11-030, filed 8/13/04, effective 10/1/04. 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.]

(2009 Ed.)

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.]

Chapter 308-12 WAC ARCHITECTS

WAC

308-12-010	State board for architects.
308-12-025	Application for examination.
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308-12-190	Records required for the brief adjudicative proceeding.
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308-12-240	Reinstatement of suspended certificates, eligibility for registration, or denied renewals.
308-12-320	Renewal of licenses.
308-12-326	Architect fees.

RULES OF PROFESSIONAL PRACTICE

308-12-330 Rules of professional practice.

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, filed 9/25/72.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.

308-12-110 Architect listings. [Statutory Authority: RCW 18.08.-130, 85-05-010 (Order PL 517), § 308-12-110, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-110, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-110, filed 2/2/83; Order PL 178, § 308-12-110, filed 10/23/74; Order PL-132, § 308-12-110, filed 9/25/72.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.

308-12-120 Definition of principal. [Statutory Authority: RCW 18.08.130, 83-04-071 (Order PL 422), § 308-12-120, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-120, filed 12/27/78; Order PL 178, § 308-12-120, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.

308-12-130 Definition of supervision. [Statutory Authority: RCW 18.08.130, 83-04-071 (Order PL 422), § 308-12-130, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-12-130, 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).

308-12-210 Application of brief adjudicative proceedings. [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.] Repealed by 07-05-040, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.

308-12-220 Preliminary record in brief adjudicative proceedings. [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.] Repealed by 07-05-040, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.

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 10/17/85. 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 for architects. (1)

Meetings: The Washington state board for architects, hereafter called the board, shall hold its regular public meeting annually during the second quarter of the calendar year. 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.

(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.

[Statutory Authority: RCW 18.96.060, 07-05-040, § 308-12-010, filed 2/15/07, effective 3/18/07. 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. As determined by the board and consistent with National Council of Architectural Registration Boards (NCARB) recommendations, applicants with an accredited professional architectural degree may take portions of the examination concurrently with practical work experience.

(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 18.96.060. 07-05-040, § 308-12-025, filed 2/15/07, effective 3/18/07. 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.]

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.

(2) 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.

(3) That the applicant provides a typed summary of chapter 18.08 RCW and chapter 308-12 WAC. The summary must be of sufficient detail to demonstrate a thorough understanding of the law and rules.

(4) 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.

(5) 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 18.96.060, 07-05-040, § 308-12-050, filed 2/15/07, effective 3/18/07. 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.]

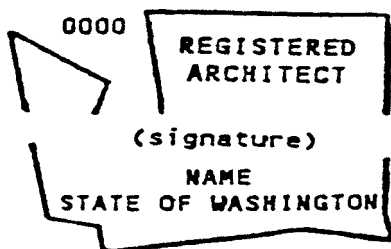
WAC 308-12-080 Approved schools of architecture.

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 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. These rules govern the design and use of the architect stamp.

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." A facsimile of the board-authorized seal appears below. Deviations are not allowed.



The following must be signed and sealed by the architect:

All technical submissions required for building permits or regulatory approvals that are filed with authorities having jurisdiction.

(1) Drawings prepared by the architect must be signed and sealed on each sheet.

(2) Specifications and other technical submissions need only be sealed on the cover, title page, and all pages of the table of contents.

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.

Without exception, these stamping requirements for architects apply to all work prepared or supervised by the architect regardless of whether the work is exempt from the licensing requirements found in RCW 18.08.410.

[Statutory Authority: RCW 18.96.060, 07-05-040, § 308-12-081, filed 2/15/07, effective 3/18/07. 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 308-12-111 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.

(1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity; or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general

expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
- (ii) Is one to which the board is or will be a party; or
- (iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following:

Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

- (a) A decision, determination, finding, ruling, or order; and
- (b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.

(a) **EXAMPLE 1:**

The state board for architects disciplines licensed architects in Washington. The board is conducting an investigation involving the services provided by a licensed architect. One of the members of the board is currently serving a subcontractor to that architect on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed architect services.

(b) **EXAMPLE 2:**

The state board for architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed architects, including one of the board members. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) **EXAMPLE 3:**

The state board for architects makes licensing decisions on applications from registered architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as an architect by a multinational corporation that is planning

to build its world headquarters in Washington and has hired a board member's firm as the architect for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to this rule, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-111, filed 2/15/07, effective 3/18/07.]

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

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

(3) Intern development program (IDP)—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) The title "intern architect" may be used while enrolled in the structured intern program recognized by the board, in WAC 308-12-025(2), and working under the direct supervision of a licensed architect.

(5) 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.

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

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

(8) 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.

(9) "Technical submission" means designs, drawings, specifications, studies, and other technical documents prepared in the course of practicing architecture.

[Statutory Authority: RCW 18.96.060, 07-05-040, § 308-12-115, filed 2/15/07, effective 3/18/07. 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 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 308-12-180 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.08 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.96.060, 07-05-040, § 308-12-180, filed 2/15/07, effective 3/18/07.]

WAC 308-12-190 Records required for the brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) Default of student loan payments:

(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;

(d) 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

(e) 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.

(4) Determination of compliance with previously issued board order:

(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.

[Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-190, filed 2/15/07, effective 3/18/07.]

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.

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

(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 18.96.060. 07-05-040, § 308-12-320, filed 2/15/07, effective 3/18/07. 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
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 cir-

cumstances 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****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 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-13-150.
308-13-210	Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.96.060, 97-10-026, § 308-13-210, filed 4/30/97, effective 5/31/97.] Repealed by 07-05-039, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.
308-13-220	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.96.060, 97-10-026, § 308-13-220, filed 4/30/97, effective 5/31/97.] Repealed by 07-05-039, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.

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.]

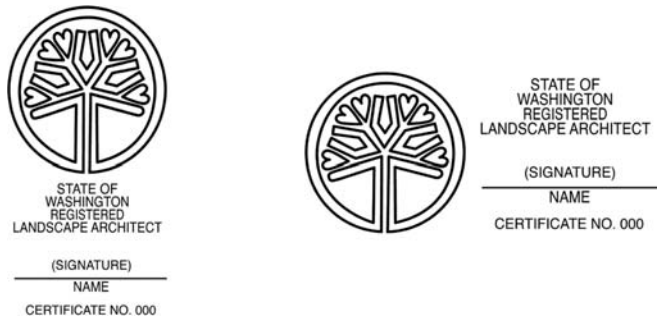
WAC 308-13-010 State board of registration. (1) Meetings. The Washington state board of registration for landscape architects, hereinafter called the board, will hold quarterly regular public meetings each year.

(2) Officers. At its regular meeting during the second quarter of the calendar year, 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. 08-22-027, § 308-13-010, filed 10/28/08, effective 11/28/08; 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 308-13-011 The seal/stamp. These rules govern the design and use of the landscape architect seal/stamp.

(1) Every landscape architect licensed in the state of Washington shall have a seal/stamp of design authorized by the board, bearing the registrant's name, license number and the legend "Registered landscape architect, state of Washington." The seal/stamp may be used in a horizontal or vertical format, and scaled as appropriate, provided it remains readable. Other deviations are not allowed. Facsimiles of the board-authorized seal/stamp appear below.



(2) The following shall be signed and sealed/stamped by the landscape architect:

All technical submissions required for building permits, regulatory approvals and/or construction drawings that are filed with authorities having jurisdiction.

- Drawings prepared by the landscape architect on each sheet.
- Specifications and other technical submissions need only be sealed/stamped on the cover, title page, and all pages of the table of contents.

(3) No landscape architect's seal/stamp or countersignature shall be affixed to any drawings not prepared by the landscape architect or his or her regularly employed subordinates, or reviewed by the landscape architect. A landscape architect who seals/stamps or signs drawings or specifications that he or she has reviewed shall be responsible to the same extent as if prepared by that landscape architect.

(4) Without exception, these sealing/stamping requirements for landscape architects shall apply to all work prepared or supervised by the landscape architect.

[Statutory Authority: RCW 18.96.060. 08-22-027, § 308-13-011, filed 10/28/08, effective 11/28/08.]

WAC 308-13-012 Standards of practice and conduct.

(1) Competence.

(a) In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordi-

narily applied by landscape architects of good standing practicing in the same locality.

(b) In designing a project, a landscape architect shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. A landscape architect shall not knowingly design a project in violation of such laws and regulations.

(c) A landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(2) Conflict of interest.

(a) A landscape architect shall 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) If a landscape architect has any business association or direct or indirect financial interest that is substantial enough to influence the landscape architect's judgment in connection with the performance of professional services, the landscape architect shall fully disclose this in writing to the client or employer. If the landscape architect's client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the commission or employment.

(c) A landscape architect shall 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 landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

(3) Full disclosure.

(a) A landscape architect shall disclose whenever he or she is being compensated for making public statements concerning landscape architectural issues.

(b) A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and clearly define the scope of his or her responsibility in connection with work for which the landscape architect is claiming responsibility.

(c) If a landscape architect becomes aware of a decision made by his or her employer or clients against the landscape architect's advice, that violates applicable construction laws, zoning codes or other applicable regulations and that will, in the landscape architect's judgment, materially and adversely affect the public health, safety and welfare, the landscape architect shall:

(i) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;

(ii) Refuse to consent to the decision; and

(iii) In circumstances where the landscape architect reasonably believes that other such decisions will be made notwithstanding his or her objection, then the landscape architect shall terminate services with reference to the project. In the case of a termination in accordance with this paragraph of this rule, the landscape architect shall have no liability to the client on account of such termination.

(d) A landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.

(e) A landscape architect shall not assist in the application for licensure of a person known by the landscape architect to be unqualified in respect to education, examination, experience or character.

(4) Compliance with laws.

(a) A landscape architect shall not, in the practice of landscape architecture, knowingly violate any criminal law.

(b) A landscape architect shall neither offer nor make any payment or gift to any governmental 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 landscape architect is interested.

(c) A landscape architect shall comply with the laws and regulations governing professional practice in any jurisdiction.

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

[Statutory Authority: RCW 18.96.060, 08-22-027, § 308-13-012, filed 10/28/08, effective 11/28/08.]

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. In addition to having passed the licensing examination required under WAC 308-13-032, applicants for licensure shall provide the following as minimum evidence of qualification for licensure:

(2009 Ed.)

(1) Three references from landscape architects having personal knowledge of the applicant's practical experience as described in subsection (2) of this section;

(2) A summary of the applicant's practical training; and

(3) Documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board. The board shall use the following criteria when evaluating experience:

(a) ACADEMIC TRAINING

(i) 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.

(ii) 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.

(iii) 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.

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

(b) PRACTICAL TRAINING

(i) Practical training necessary to qualify for licensure will be measured in months.

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

(iii) Credit for practical training will be based on a verifiable demonstration of competency and progressive responsibility in the analysis, synthesis, and evaluation of landscape architecture concepts and data and demonstrating their experience in a position of making independent judgments and decisions. The amount of credit is determined by the following:

(A) Full-time credit must be at least thirty-five hours per week for a minimum of ten consecutive weeks;

(B) Part-time credit must be at least twenty hours per week for six or more consecutive months;

(C) Project and self-employment credit will be given credit based on verification by at least two licensed landscape architects who have reviewed and provided written acknowledgement of the applicant's work.

[Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-020, filed 2/15/07, effective 3/18/07; 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 per WAC 308-13-005(6) or practical training approved in lieu of academic training per WAC 308-13-020, 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:

(a) The applicable fee as outlined in WAC 308-13-150; and

(b) An official sealed transcript showing courses taken and degree received from the applicant's attended college or university. Photocopies of transcripts are not acceptable; and

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(c) An application based on practical training as outlined in WAC 308-13-020(2).

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) 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.

(3) Application fees for examination and reexamination are administrative charges and will not be refunded.

[Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-024, filed 2/15/07, effective 3/18/07; 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.

(1) There are five sections of the examination offered according to CLARB's examination schedule.

(a) Sections A, B, and D of the examination are administered by CLARB. Fees for these sections shall be paid to and collected by CLARB.

(b) Sections C and E of the examinations are administered by the department of licensing. Fees for these sections will be first collected by the board, and then forwarded to CLARB.

(c) The current charges for each examination can be obtained by contacting CLARB or by contacting the board office.

(2) Applicants are notified of their scores by mail. No scores are given by telephone. Reexamination information shall be provided to candidates along with scores if the candidate has not passed all sections.

(3) An applicant must successfully complete the entire examination within a five-year period. The five-year period shall begin with the passing of one or more examination sections. Applicants may retake any section not passed. Applicants may not transfer passing section scores beyond the five-year period.

(4) Following successful completion of the licensing 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, 07-05-039, § 308-13-032, filed 2/15/07, effective 3/18/07; 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 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.

(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) Reinstatement of a license, delinquent less than five years, requires a letter to the board administrator requesting reinstatement, payment(s) of the fee from the previous renewal cycle, the current renewal fee, and late penalty.

(2) Reinstatement of a license, delinquent five or more years, requires:

(a) A letter of application to the board requesting reinstatement, payment(s) of the fee from the previous renewal cycle, the current renewal fee and late penalty;

(b) A resume of landscape architectural activities and projects since the date of expiration;

(c) A detailed explanation of the circumstances surrounding the failure to maintain current licensure; and

(d) 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.

[Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-100, filed 2/15/07, effective 3/18/07; 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:

Title of Fee	Fee
Application fee	\$50.00
Reexamination administration fee	50.00
Renewal (2 years)	200.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	200.00
Reciprocity application fee	200.00
Replacement wall certificate	20.00

[Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-150, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.080 and 43.24.086, 05-17-004, § 308-13-150, filed 8/3/05, effective 9/3/05; 05-04-050, § 308-13-150, filed 1/28/05, effective 2/28/05; 04-17-026, § 308-13-150, filed 8/9/04, effective 9/9/04; 03-11-074, § 308-13-150, filed 5/20/03, effective 6/20/03; 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02.

(2009 Ed.)

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 308-13-170 Retired status certificate of registration. Any individual who has been issued a certificate of registration, in accordance with chapter 18.96 RCW, as a landscape architect having reached at least the age of sixty-five and having discontinued active practice may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is as defined in RCW 18.96.030.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. If deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board-issued wall certificate of registration;

(b) Use the title landscape architect, provided that it is supplemented by the term "retired," or the abbreviation "ret";

(c) Work as a landscape architect in a volunteer capacity, provided that the retired registrant does not create landscape architectural plans, and does not use his/her seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.96 RCW. If

using his/her professional seal, the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve as a volunteer in an instructional capacity on landscape architectural topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to landscape architectural work performed by the registrant before he/she was granted a retired registration;

(g) Serve in a function that supports the principles of registration and promotes the profession of landscape architecture, such as members of commissions, boards or committees;

(h) Serve in a landscape architectural capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.96 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has a valid/active registration in the records of the board;

(b) Apply his/her professional stamp, as provided for in RCW 18.96.150, to any plan, specification, or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active landscape architectural practice. At that time, the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if his/her certificate of registration has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.96 RCW. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered unprofessional conduct as defined in RCW 18.235.130 and are subject to penalties as provided for in RCW 18.235.110.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-170, filed 2/15/07, effective 3/18/07.]

WAC 308-13-180 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions. (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

(a) **EXAMPLE 1:**

The board of registration for landscape architects disciplines licensed landscape architects in Washington. The board is conducting an investigation involving the services provided by a licensed landscape architect. One of the members of the board is currently serving a subcontractor to that landscape architect on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed landscape architect services.

(b) **EXAMPLE 2:**

The board of registration for landscape architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed landscape architects, including one of the board members. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) **EXAMPLE 3:**

The board of registration for landscape architects makes licensing decisions on applications from registered landscape architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as a landscape architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the landscape architect for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state landscape architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-180, filed 2/15/07, effective 3/18/07.]

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

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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.]

WAC 308-13-250 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.96 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of landscape architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-250, filed 2/15/07, effective 3/18/07.]

WAC 308-13-260 Records required for the brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

- (1) Renewal or reinstatement of a license:
 - (a) All correspondence between the applicant and the board about the renewal or reinstatement;
 - (b) Copies of renewal notice(s) sent by the department of licensing to the licensee;
 - (c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.
- (2) Applicants for certification/licensing:
 - (a) Original complete application with all attachments as submitted by applicant;
 - (b) Copies of all supplementary information related to application review by staff or board member;
 - (c) All documents relied upon in reaching the determination of ineligibility;
 - (d) All correspondence between the applicant and the board about the application or the appeal.
- (3) Default of student loan payments:
 - (a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;
 - (b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;
 - (c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;
 - (d) 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
 - (e) 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.
- (4) Determination of compliance with previously issued board order:
 - (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.

[Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-260, filed 2/15/07, effective 3/18/07.]

**Chapter 308-14 WAC
COURT REPORTERS**

WAC

308-14-010	Definitions.
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308-14-135	Transcript preparation format.
308-14-190	Exemptions—Court appointed.
308-14-200	Court reporter fees.

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.
308-14-210	Application of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.050. Later promulgation, see chapter 308-08 WAC.
308-14-220	Preliminary record in brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.-050. Later promulgation, see chapter 308-08 WAC.
308-14-230	Conduct of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.050. Later promulgation, see chapter 308-08 WAC.

WAC 308-14-010 Definitions. "Character" is a letter, numeral, punctuation mark, control character, blank, or other such symbol.

"Standard line" is a line that can be determined by looking at a full line of text and counting from the first letter, including punctuation and spaces, to the last letter of that line. The standard line does not include a "Q" or "A," or the numbers on the left side of the page.

[Statutory Authority: RCW 18.145.050, 43.24.023. 04-17-072, § 308-14-010, filed 8/13/04, effective 9/13/04.]

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

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

- (a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;
- (b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;
- (c) At least ninety-five percent accuracy is needed to pass the examination;
- (d) Be offered at least twice a year;

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

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

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

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

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

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

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

[Statutory Authority: RCW 18.145.050, 43.24.023, 04-22-123, § 308-14-085, filed 11/3/04, effective 12/4/04; 04-17-072, § 308-14-085, filed 8/13/04, effective 9/13/04. 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. Applications for 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:

- (1) Name and address
- (2) Birth date
- (3) Social Security number
- (4) Professional licensure/certification, including any action taken against the license or certificate
- (5) Personal affidavit[.]

[Statutory Authority: RCW 18.145.050, 43.24.023, 04-17-072, § 308-14-090, filed 8/13/04, effective 9/13/04. 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

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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.]

WAC 308-14-115 Wall certificates. Upon meeting standards of competency as defined in RCW 18.145.080, an applicant will be issued a wall certificate with the applicant's name, issue date and certificate number. Licensees will be issued one wall certificate, which will provide proof of certification.

[Statutory Authority: RCW 18.145.050, 43.24.023, 04-17-072, § 308-14-115, filed 8/13/04, effective 9/13/04.]

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.]

WAC 308-14-130 Standards of professional practice.

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

(1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms.

(2) Include on all transcripts, business cards, and advertisements their CCR reference number.

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

(4) Preserve and file shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years and untranscribed notes shall be retained for not less than ten years, or as required by statute, whichever is longer.

(5) Provide transcripts on agreed delivery date, and give notification of any delays.

(6) Prepare accurate transcripts.

(7) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.

(8) Be truthful and accurate in advertising qualifications and/or services provided.

(9) Preserve the confidentiality of all information obtained during a proceeding and take all steps necessary to ensure its security.

(10) Notify all involved parties when transcripts are ordered.

(11) All parties shall be notified when a transcript is ordered by a person not involved in the case. If any party objects, the transcript cannot be provided without a court order.

(12) Supply certified copies of transcripts to any involved party, upon appropriate request.

[Statutory Authority: RCW 18.145.050, 43.24.023. 04-17-072, § 308-14-130, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.050

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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 shall be followed by all certified court reporters (CCR's), except where format is recommended or established by court or agency.

(1) Twenty-five typed lines per 8 1/2 x 11 inch standard page of paper.

(2) No fewer than nine and no more than ten characters per inch of text.

(3) No fewer than fifty-four and no more than sixty characters per standard line of text.

[Statutory Authority: RCW 18.145.050, 43.24.023. 04-17-072, § 308-14-135, filed 8/13/04, effective 9/13/04. 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 308-14-190 Exemptions—Court appointed.

A court reporter that is appointed to superior court under RCW 2.32.180 is exempt from the licensure requirements of chapter 18.145 RCW. The department has jurisdiction over court reporting activities when the court reporter is appointed to superior court under RCW 2.32.180 and is also certified under chapter 18.145 RCW.

[Statutory Authority: RCW 18.145.050, 43.24.023. 04-17-072, § 308-14-190, filed 8/13/04, effective 9/13/04.]

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	\$116.00
Renewal	61.00
Late renewal penalty	80.00
Verification	25.00
Duplicate	15.00

[Statutory Authority: RCW 18.145.050 and 43.24.086. 07-16-036, § 308-14-200, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 18.145.-050, 43.24.086, 43.24.023. 04-17-073, § 308-14-200, filed 8/13/04, effective 10/1/04. 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.]

Chapter 308-15 WAC

GEOLOGIST LICENSING SERVICES

WAC

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308-15-053	What are the specialty licenses?
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308-15-057	What are the minimum requirements to be eligible for a hydrogeologist specialty license?
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308-15-160	Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-15-090	What are the specialty licenses, qualifications and processes for licensure? [Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-090, filed 5/25/01, effective 6/25/01.] Repealed by 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.
308-15-100	What is a brief adjudicative proceeding (BAP)? [Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-100, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-100, filed 5/25/01, effective 6/25/01.] Repealed by 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-101	When can a brief adjudicative proceeding (BAP) be requested? [Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-101, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-101, filed 5/25/01, effective 6/25/01.] Repealed by 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-102	What records are required for a brief adjudicative proceeding (BAP)? [Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-102, filed 5/25/01, effective 6/25/01.] Repealed by 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.

WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold quarterly regular public meetings each year. Special public meetings may be held at such times and places as the board finds 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 at its regular quarterly meeting in March.

(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: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-010, filed 12/21/04, effective 1/21/05. 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) **"Board"** means the Washington state geologist licensing board.

(2) **"Department"** means the Washington state department of licensing.

(3) **"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,

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contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(4) **"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 are 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.

(5) **"Geologist web site"** means the internet web site maintained by the department of licensing.

(6) **"National Association of State Boards of Geology" or "ASBOG"** means the organization responsible for developing, publishing and grading National Geologist Licensing Examinations.

(7) **"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, for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-053.

(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 for a geologist license, in WAC 308-15-055 for an engineering geologist license, and in WAC 308-15-057 for a hydrogeologist license.

(9) **"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.

(10) **"Year of professional specialty practice"** means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (9) of this section.

(11) **"Geologist in training"** means an individual who has met all the educational requirements outlined in WAC 308-15-040(2), and has passed the ASBOG Fundamentals of Geology examination, but does not meet the experience requirements outline in WAC 308-15-040(3).

[Statutory Authority: RCW 18.220.040. 07-13-038, § 308-15-020, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-020, filed 12/21/04, effective 1/21/05. 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) Review the available options for licensure:

- (a) Examination in WAC 308-15-050; and
 - (b) Reciprocity in WAC 308-15-060.
- (2) Complete and submit your application according to the directions in the geologist application packet, which is available on the geologist web site and upon request from the board office.
- (3) Verify you meet minimum educational requirements by having your official sealed transcripts sent directly to the board office from your college or university. Transcripts from schools outside the United States or Canada must be evaluated by a board-approved evaluation service. The evaluation service must send the original evaluation and a copy of the transcripts directly to the board office.
- (4) Solicit personal references and verifications of experience in the format and on the forms specified in the application instructions. Verifications must be sent to the board directly from the originating source.
- (5) If applying for a license by reciprocity, solicit verification of your current license or certification and your examination scores on the form provided in the application packet. Verification must be sent directly to the board from the issuing jurisdiction.
- (6) If applying for a specialty license, submit a project list on the forms provided in the application packet to show you meet the minimum requirements of professional specialty practice of a character satisfactory to the board.
- (7) If requested by the board, submit one or more reports you contributed to or solely prepared.
- (8) If applying for a license by examination, your complete application, as described in subsection (9) of this section, must be received by the board at least ninety calendar days before the date of the examination.
- (9) An application is not complete and will not be considered until all of the following are received by the board:
- (a) Application, signed and dated, and without omissions;
 - (b) Application fee and, if applying for a specialty by examination, the examination fee specified in WAC 308-15-150;
 - (c) Transcripts sent directly from the colleges or universities;
 - (d) Personal references sent directly from the originators;
 - (e) Verification of experience sent directly from the verifiers;
 - (f) If applying by reciprocity, verification of exam scores and license or certification in another jurisdiction;
 - (g) If applying for a specialty license, project list; and
 - (h) Other documentation requested by the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. 06-04-022, § 308-15-030, filed 1/23/06, effective 2/23/06; 05-01-174, § 308-15-030, filed 12/21/04, effective 1/21/05. 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 license? You are eligible for a geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

- (1) **Personal references.** You are of good moral character, as attested to by two references.
- (2) **Education.** You have graduated from an accredited college or university with:
 - (a) A degree in geology, engineering geology, hydrogeology with at least twenty-four semester/thirty-six quarter hours of upper division geology courses; or
 - (b) A degree in a related geological science approved by the board, and have either:
 - (i) Successfully completed classes in structural geology, mineralogy, petrology and sedimentary geology/stratigraphy. Twenty-four semester/thirty-six quarter hours must be upper division geology courses; or
 - (ii) Successfully completed coursework that is determined by the board to be educationally equivalent in content and rigor to the classes listed above. You must submit documentation that demonstrates your coursework is equivalent to the requirements in (b)(i) of this subsection acceptable to the board. Examples of documentation include course syllabi, copies of study materials, and the tables of contents of books used in the course.

(3) **Experience.** You have at least five years of professional geological experience satisfactory to the board after completing the educational requirements in subsection (2) of this section. Experience earned prior to meeting the minimum educational requirements will not be considered. At least three years of geological experience must be obtained under the supervision of state-licensed geologists or others who, in the opinion of the board, are qualified to have responsible charge. The following may be considered qualifying experience:

- (a) 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; and
- (b) Up to two years' credit for full-time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences approved by the board.

(4) **Examination.** You have passed the ASBOG examination according to WAC 308-15-050, or another examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-040, filed 12/21/04, effective 1/21/05. 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? You must take and pass the ASBOG examination. The examination currently consists of two parts: Fundamentals of Geology and Practice of Geology. Each part of the examination is four hours long. Information on the examination is available on the ASBOG web site.

- (1) **Applying for the examination:** You may either:
 - (a) Apply to take the Fundamentals of Geology exam after you meet the minimum educational requirements for licensure, and the Practice of Geology exam after you meet the experience requirements outlined in WAC 308-15-040.

(i) To apply to take the Fundamentals of Geology exam, you must provide the board with an application; a certified copy of your transcripts, sent directly from your college or university; and the application fee listed in WAC 308-15-150. You do not need to submit employment and experience verification forms or personal references.

(ii) After you meet the minimum experience requirements, you may apply for the Practice of Geology examination by submitting the remaining application documents and application fee; or

(b) Apply to take both parts of the ASBOG examination after you meet all other licensure requirements outlined in WAC 308-15-040 by submitting a completed license application packet and application fee.

(2) **Fees:** You must submit the application fee with your application prior to the application deadline. Fees are listed in WAC 308-15-150. Following approval of your application you must submit your examination fees directly to ASBOG prior to the deadline specified by ASBOG.

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

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

(5) **Failing the examination:** You may apply to retake the examination by submitting a written request and the administrative fee for reexamination specified in WAC 308-15-150. You must submit the examination fee directly to ASBOG by the deadline specified by ASBOG.

[Statutory Authority: RCW 18.220.040, 18.220.050, 06-04-022, § 308-15-050, filed 1/23/06, effective 2/23/06; 05-01-174, § 308-15-050, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-050, filed 5/25/01, effective 6/25/01.]

WAC 308-15-053 What are the specialty licenses?

The types of specialty licenses are engineering geologist and hydrogeologist.

(1) Engineering geologist.

(a) Elements of the engineering geologist specialty.

The practice of engineering geology involves the interpretation, evaluation, analysis, and application of geological information and data to civil works. Geotechnical soil and rock units are designated, characterized, and classified, using standard engineering soil and rock classification systems. Relationships are interpreted between landform development, current and past geologic processes, ground and surface water, and the strength characteristics of soil and rock. Processes evaluated include both surficial processes (for example, slope, fluvial, and coastal processes), and deep-seated processes (for example, volcanic activity and seismicity). Geotechnical zones or domains are designated based on soil and rock strength characteristics, common landforms, related geologic processes, or other pertinent factors. Proposed developmental modifications are evaluated and, where appropriate, analyzed to predict potential or likely changes in types and rates of surficial geologic processes. Proposed modifications may include such things as vegetation removal, using various types of earth materials in construc-

tion, applying loads to shallow or deep foundations, constructing cut or fill slopes and other grading, and modifying ground and surface water flow. The effects of surficial and deep-seated geologic processes are evaluated and analyzed to predict their potential effect on public health, public safety, land use, or proposed development.

(b) **Typical engineering geologic applications and types of projects.** Engineering geology is applied during all project phases, from conception through planning, design, construction, maintenance, and, in some cases, reclamation and closure. Planning-level engineering geologic work is commonly conducted in response to forest practice regulations, critical areas ordinances, and the State Environmental Policy Act. Typical planning-level engineering geologic applications include timber harvest planning, proposed location of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails, and utilities. Site-specific engineering geologic applications include cuts, fills, and tunnels for roads, trails, railroads, and utility lines; foundations for bridges and other drainage structures, retaining walls and shoring, dams, buildings, water towers, slope, channel and shoreline stabilization facilities, fish ladders and hatcheries, ski lifts and other structures; landings for logging and other work platforms; airport landing strips; rock bolt systems; blasting; and other major earthwork projects such as for aggregate sources and landfills.

(2) Hydrogeologist.

(a) **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.

(b) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin ground water resource, quantity and quality, characterization, development and protection of ground water resources, 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 past, current, or future activities on the quantity and quality of ground water and soil gas, and the range of potential mitigations.

[Statutory Authority: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-053, filed 12/21/04, effective 1/21/05.]

WAC 308-15-055 What are the minimum requirements to be eligible for an engineering geologist specialty license? You are eligible for an engineering geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the engineering geology of Washington state; and

(3) You have completed advanced study pertinent to engineering geology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional engineering geology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of engineering geological experience must be obtained under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects. The following may be considered qualifying engineering geologic experience:

(a) Engineering 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 engineering geology; and

(b) Up to two years' credit for full-time graduate study in engineering geology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state engineering geologist specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-055, filed 12/21/04, effective 1/21/05.]

WAC 308-15-057 What are the minimum requirements to be eligible for a hydrogeologist specialty license? You are eligible for a hydrogeologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the hydrogeology of Washington state; and

(3) You have completed advanced study pertinent to hydrogeology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional hydrogeology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of hydrogeologic experience must be obtained under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects. The following may be considered qualifying hydrogeologic experience:

(a) Hydrogeologic 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 hydrogeology; and

(b) Up to two years' credit for full-time graduate study in hydrogeology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state hydrogeology specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-057, filed 12/21/04, effective 1/21/05.]

WAC 308-15-060 What are the minimum requirements for obtaining a geologist or specialty license by reciprocity? You are eligible for a geologist or specialty license by reciprocity if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You meet the education and experience requirements in WAC 308-15-040 and, if applying for specialty geologist license, the experience requirements in WAC 308-15-055 or 308-15-057;

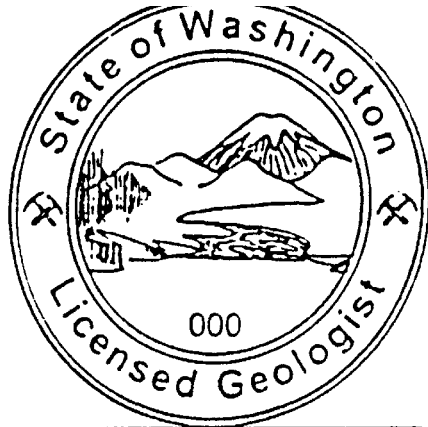
(2) You hold a current geologist, and if applicable, a specialty geologist license, registration, or certification in good standing, issued by a state or jurisdiction approved by the board; and

(3) You have passed the ASBOG examination or an examination acceptable to the board. If you are applying for a specialty geologist license, you must also verify that you have passed a specialty geologist examination adopted by or acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. 05-01-174, § 308-15-060, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-060, filed 5/25/01, effective 6/25/01.]

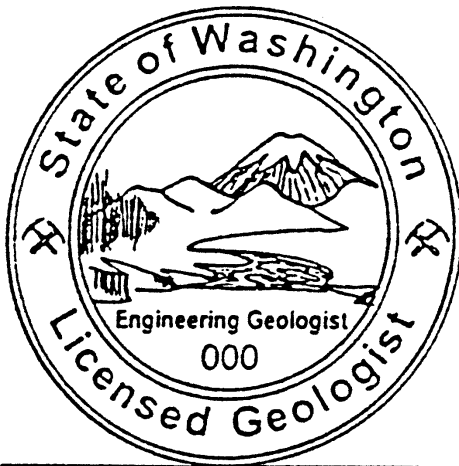
WAC 308-15-070 Do I need a seal? Upon licensure, you must obtain a seal bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the seal. Seals may be rubber, embossed, or digitally produced. Facsimiles of the seal designs authorized by the director are shown below. Deviations to the authorized designs are not allowed.

Geologist stamp here



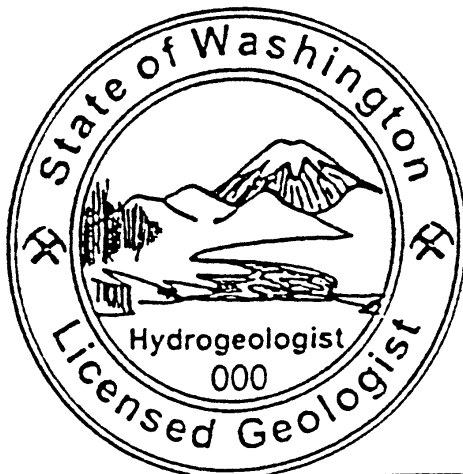
Your Name Here

Engineering geologist stamp here



Your Name Here

Hydrogeologist stamp here



Your Name Here

[Statutory Authority: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-070, filed 12/21/04, effective 1/21/05. 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/seal? (1) You must stamp/seal, 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/sealed, signed and dated. Unbound final figures, maps, and plates must be individually stamped/sealed, signed and dated.

(b) Draft geology or specialty geology work does not have to be stamped/sealed, but the documents and all associated figures, maps, and plates must be clearly marked as draft.

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

(3) If you stamp/seal, sign and date work performed by someone other than yourself, you are responsible to the same extent as if you prepared the report, design or specification.

[Statutory Authority: RCW 18.220.040, 07-13-038, § 308-15-075, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-075, filed 12/21/04, effective 1/21/05. 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) **Initial license:** Your first license will expire on your next birthday unless your next birthday falls ninety days or less after the issuance date, in which case your first license will expire on the second birthday following the issuance date.

(3) **Renewal date:** Your license renewal date is your birthday.

(4) **Timely renewal:** It is your responsibility to make a timely renewal whether or not you receive a renewal notice from the department. Your renewal is considered timely if you:

(a) Send the renewal fee to the department on or before your renewal date, as evidenced by the postmark;

(b) Deliver the renewal fee to the department before the close of business on your renewal date; or

(c) Renew your license over the internet on or before your renewal date.

(5) **Invalid license:** If you fail to renew your license according to subsection (4) of this section, your license is invalid. If your license is invalid, you are prohibited from offering and/or providing professional geologist services until the license is renewed or reinstated.

(6) **Late fee:** If you fail to pay your renewal fee within ninety days following your renewal date, you must pay the renewal fee plus a late fee equal to one year's renewal fee.

(7) **Reinstatement:** If you fail to renew your license for a period of five years or more, you may be reinstated upon

payment of the current year's renewal fee and a late fee equal to one year's renewal fee. In addition to the payment of fees, you must submit the following:

(a) A signed statement that you are knowledgeable with the current laws and rules governing geologists in Washington state;

(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 you have maintained your skills; and

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

[Statutory Authority: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-080, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, 01-12-023, § 308-15-080, 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 board, conducts brief adjudicative proceedings. The presiding officer 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 the presiding officer's 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 board 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: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-103, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, 01-12-023, § 308-15-103, filed 5/25/01, effective 6/25/01.]

WAC 308-15-105 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.220 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of geologists. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.220.040, 07-13-038, § 308-15-105, filed 6/13/07, effective 7/14/07.]

WAC 308-15-107 Records required for the brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) Default of student loan payments:

(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;

(d) 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

(e) 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.

(4) Determination of compliance with previously issued board order:

(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.

[Statutory Authority: RCW 18.220.040, 07-13-038, § 308-15-107, filed 6/13/07, effective 7/14/07.]

WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?

(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/seal 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 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's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is an imminent threat to the public health, welfare, or property, the geologist must immediately notify the client/employer of the possible consequences. If the client/employer does not take action in a period of time consistent with the level of danger, the geologist must use best efforts to notify the apparent appropriate regulatory agency.

(h) A geologist must issue no statements, criticisms, or arguments on geological matters that are inspired or paid for

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by interested parties, unless the geologist indicates on whose behalf the statements are made.

(i) 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 formal requests of the board 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.

(c) 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 board.

(4) **What are prohibited acts?** The prohibited acts are found in RCW 18.220.130, 18.220.170 and 18.235.130.

[Statutory Authority: RCW 18.220.040, 18.220.050, 05-01-174, § 308-15-140, filed 12/21/04, effective 1/21/05. 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. (1) Suspension of fees. Effective July 1, 2008, the listed fees shown in subsection (2) of this section are suspended and replaced with the following:

Renewal Fees

Table with 2 columns: Fee description and Amount. Includes annual renewal fees for geologist and specialties with late fees.

The fees set forth in this section shall revert back to the fee amounts shown in WAC 308-15-150 on July 1, 2011.

(2) Fees.

Table with 2 columns: Type of Fee and Amount. Lists application fees, examination fees, and renewal fees.

[Statutory Authority: RCW 18.220.040. 08-12-039, § 308-15-150, filed 5/30/08, effective 7/1/08. Statutory Authority: RCW 18.220.040, 18.220.-050. 06-04-022, § 308-15-150, filed 1/23/06, effective 2/23/06; 05-01-174, § 308-15-150, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. 01-12-022, § 308-15-150, filed 5/25/01, effective 6/25/01.]

WAC 308-15-160 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions. (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual that is

engaged in a transaction involving the board, the member shall:

- (a) Recuse him or herself from the board discussion regarding the specific transaction;
(b) Recuse him or herself from the board vote on the specific transaction; and
(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
(ii) Is one to which the board is or will be a party; or
(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

- (a) A decision, determination, finding, ruling, or order; and
(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

(a) Example 1:

The geologist licensing board disciplines licensed geologists in Washington. The board is conducting an investigation involving the services provided by a licensed geologist. One of the members of the board is currently serving as a subcontractor to that geologist on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed geologist services.

(b) Example 2:

The geologist licensing board makes licensing decisions on applications for licensure. An applicant for licensure owns a geotechnical consulting business which employs licensed geologists, including one of the board members. The board member employed

by the business must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) **Example 3:**

The geologist licensing board makes licensing decisions on applications from geologists registered in other states or territories of the United States, the District of Columbia, or other countries. The board can grant licensure if an individual's qualifications and experience are equivalent to the qualifications and experience required of a person licensed under Washington law. An out-of-state applicant is employed as a geologist by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the geologist for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state geologist's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.220.040. 07-13-038, § 308-15-160, filed 6/13/07, effective 7/14/07.]

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.

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[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. (1) 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.

(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 private investigator license. Proof of alien firearm license may be provided by submitting a copy of their current alien firearm license.

[Statutory Authority: Chapter 18.165 RCW. 03-03-024, § 308-17-120, filed 1/8/03, effective 2/10/03. 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. Licenses issued to private investigator agencies and private investigators expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private investigative agency/principal fee:	
Application/examination/ includes first examination	\$600.00

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Title of Fee	Fee
Principal armed endorsement	100.00
Reexamination	25.00
License renewal	350.00
Late renewal penalty	See below*
Change of principal/includes first examination	150.00
Private investigator:	
Original license	200.00
Armed endorsement	100.00
Transfer fee	25.00
License renewal	175.00
Late renewal with penalty	200.00
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00

*Private investigative agency license renewals filed after the license expiration date will be charged the master license service late renewal fee in compliance with RCW 19.02.085.

[Statutory Authority: Chapter 18.165 RCW. 06-13-036, § 308-17-150, filed 6/15/06, effective 7/16/06; 04-12-024, § 308-17-150, filed 5/26/04, effective 7/1/04. 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

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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;

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(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.]

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[:]

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

(2) The company principal shall maintain proof of annual shooting requirements for each armed private investigator employed by the private investigator company in the armed private investigator'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 18.165 RCW. 03-03-024, § 308-17-240, filed 1/8/03, effective 2/10/03. 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.]

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.

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.
 - (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

- 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 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

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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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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-18-145 Comments by chief law enforcement officers and employers. [Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-145, filed 11/6/91, effective 12/7/91.] Repealed by 07-20-075, filed 10/1/07, effective 11/1/07. Statutory Authority: Chapter 18.170 RCW.

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.

(2009 Ed.)

[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 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-020, filed 4/14/05, effective 7/1/05. 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.

(2009 Ed.)

(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), 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 308-18-150 Private security guard company, private security guard, and armed private security guard fees. Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private security guard company/principal:	
Application/includes first examination	\$ 350.00
Reexamination	25.00
License renewal	300.00
Late renewal with penalty	400.00
Change of principal/includes first examination	100.00
Principal armed endorsement	10.00
Private security guard:	
Original license	111.00
Armed endorsement	10.00
Transfer fee	25.00
Licensees with inactive licenses are not required to pay late renewal penalty fees.	
License renewal	85.00

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Title of Fee	Fee
License late renewal with penalty.	90.00
Late fee is not due if submitting a renewal with a transfer or rehire application.	
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00
Duplicate license	10.00

[Statutory Authority: Chapter 18.170 RCW, 08-19-056, § 308-18-150, filed 9/12/08, effective 11/1/08. Statutory Authority: Chapter 18.170 RCW and Federal Anti Terrorism and Prevention Act 2004, 07-01-032, § 308-18-150, filed 12/12/06, effective 2/15/07; 05-24-121, § 308-18-150, filed 12/7/05, effective 1/9/06. Statutory Authority: Chapter 18.170 RCW, 04-12-023, § 308-18-150, filed 5/26/04, effective 7/1/04. 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 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

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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 security guard in this state and the department proposes to deny the application;

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

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

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

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or

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

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

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

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

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

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

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

(a) The previously issued final order or agreement;

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

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

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

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

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

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

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

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

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

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

(4) No witnesses may appear to testify.

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

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

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

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 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, postassignment, and annual refresher 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. 07-20-075, § 308-18-240, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-240, filed 4/14/05, effective 7/1/05; 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 AND POSTASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

WAC 308-18-300 Minimum preassignment training and testing requirements. Preassignment training must consist of eight hours of training.

(1) At least four hours of the training must take place in an organized and formal setting. The remaining four hours of training can be continued in the organized and formal setting or it can be individual instruction.

(2) The preassignment organized and formal training must be from the following listed subjects. These training topics are the source of the questions in the preassignment examination issued by the department.

(a) **Basic principles.**

(i) Basic role of the security guard;

(ii) Washington state licensing laws;

(iii) Observation;

(iv) Proper actions, reactions;

(v) Homeland security - terrorism and surveillance.

(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) Avoiding liability.

(c) **Emergency response.**

(i) How to define what is or is not an emergency situation;

(ii) Response to fires;

(iii) Response to medical emergencies;

(iv) Response to criminal acts;

(v) Bomb threats.

(d) **Safety and accident prevention.**

(i) Hazardous materials including MSDS;

(ii) Accident reporting.

(e) **Report writing.**

Elements and characteristics of a report.

(3) All private security guard applicants, after receiving preassignment training and prior to receiving their license or temporary registration card, must successfully complete an exam designed and provided by the department to demonstrate understanding and retention of the information learned in the training course on the subjects listed in WAC 308-18-

300. The exam shall consist of multiple choice questions. All applicants must answer all questions correctly on the preassignment training exam or questions incorrectly answered must be reviewed to ensure the applicant's understanding and then initialed by both the applicant and the trainer verifying knowledge of the correct answer(s).

[Statutory Authority: Chapter 18.170 RCW. 07-20-075, § 308-18-300, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-300, filed 4/14/05, effective 7/1/05. 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 308-18-305 Minimum postassignment training requirements and training topics. Postassignment training must consist of eight hours of training in any topics contained in this section. These topics may also be used in the annual refresher training. Training requirements are described in chapter 18.170 RCW.

(1) The topic areas that must be used for postassignment training are as follows and may also include the subject topics listed under WAC 308-18-300:

- (a) **Basic role of private security guards.**
 - (i) Security awareness;
 - (ii) Private security guards and the criminal justice system;
 - (iii) Information sharing;
 - (iv) Crime and loss prevention.
- (b) **Legal aspects of private security.**
 - (i) Evidence and evidence handling;
 - (ii) Use of force;
 - (iii) Court testimony;
 - (iv) Incident scene preservation;
 - (v) Equal employment opportunity (EEO) and diversity;
 - (vi) State and local laws.
- (c) **Security officer conduct.**
 - (i) Ethics;
 - (ii) Honesty;
 - (iii) Professional image.
- (d) **Observation and incident reporting.**
 - (i) Observation techniques;
 - (ii) Note taking;
 - (iii) Report writing.
- (e) **Principles of communications.**
 - (i) Interpersonal skills;
 - (ii) Verbal communication skills;
 - (iii) Building relationships with law enforcement;
 - (iv) Customer services and public relations;
 - (v) Workplace violence.
- (f) **Principles of access control.**
 - (i) Enter and exit control procedures;
 - (ii) Electronic security systems.
- (g) **Principles of safeguarding information.**
 - Proprietary and confidential.
- (h) **Emergency response procedures.**
 - Critical incident response (e.g., natural disasters, accidents, human caused events).
 - (i) **Evacuation processes.**
 - (j) **Life safety awareness.**
 - (i) Safety hazards in the workplace/surroundings;
 - (ii) Emergency equipment placement;

- (iii) Fire prevention skills;
- (iv) Hazardous materials;
- (v) Occupational safety and health requirements (e.g., OSHA related training, bloodborne pathogens, etc.).

(k) **Job assignment and postorders.**

- (i) Assignments and tasks;
- (ii) Patrol.
- (2) The required postassignment training records must be attested to by a licensed certified trainer and retained by the company. The postassignment training records must include the following information:

- (a) Security guard name and signature;
- (b) Training topics covered;
- (c) Number of training hours received;
- (d) Date training was completed;
- (e) Certified trainer attesting to the training.

(3) Electronic records and signatures are permitted. The postassignment training records are not required to be submitted to the department, but must be available upon request from the company for three years.

(4) Security guard companies are required to maintain complete detailed training records. The training records must include the name and signature of the department certified trainer attesting to the training provided.

Transferring security guards may provide a copy of their training records to another security guard company. Security guard companies may accept the records as proof that the security guards have completed the required postassignment training and not repeat postassignment training.

[Statutory Authority: Chapter 18.170 RCW. 07-20-075, § 308-18-305, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-305, filed 4/14/05, effective 7/1/05.]

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 and bail bond recovery agents.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-010, filed 3/30/05, effective 4/30/05; 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 and bail bond recovery 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. 05-08-027, § 308-19-020, filed 3/30/05, effective 4/30/05; 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.

(18) "Endorsement" means that a bail bond agent or bail bond qualified agent licensee has met all licensing requirements for a bail bond recovery agent license and is authorized to perform the duties of both a bail bond agent and a bail bond recovery agent. Such licenses shall be issued by the department and will clearly state the dual purpose of the license.

(19) "Forced entry" means physical entry into a dwelling without the occupant's knowledge or consent for the purpose of apprehending a defendant subject to a bond.

(20) "Credentialed trainer" means an individual who has been certified by a state or national association to provide training to industry members based upon formal training and industry knowledge.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-030, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-030, filed 3/30/05, effective 4/30/05; 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 Applying for a bail bond agent license. After the applicant meets the requirements of RCW 18.185.020 he/she shall:

(2009 Ed.)

(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/she is affiliated.

(3) Pay a fee or fees as listed in WAC 308-19-130.

(4) Pass a written exam administered by the department or submit proof of twelve hours of prelicense training as provided in Part D, WAC 308-19-300. The training must have occurred within the previous six months or less.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-100, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-100, filed 3/30/05, effective 4/30/05; 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.]

WAC 308-19-101 Applying for a bail bond recovery agent license or endorsement to a bail bond agent license.

After the applicant meets the requirements of RCW 18.185.020 (1), (2) and (3), and is in good standing with the department he or she shall:

(1) Complete an application for a license or an endorsement on a form provided by the department;

(2) Submit a completed fingerprint card;

(3) Attest on the application form to having earned a high school diploma or GED or submit proof of three years experience in the bail industry;

(4) Submit a copy of a current and valid concealed pistol license.

(5) If applicant is retired or separated from a local or state police department, or a branch of the armed forces trained to carry out the duties of a peace officer within the last six years, submit proof to the department describing length of service, duties and date of retirement or separation or; submit a certificate or transcript showing the applicant has completed thirty-two hours of field operations classes as stated in WAC 308-19-305;

(6) Pay a fee or fees as listed in WAC 308-19-130;

(7) Pass a written exam administered by the department.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-101, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-101, filed 3/30/05, effective 4/30/05.]

WAC 308-19-102 Submitting fingerprint cards for a criminal history background check. Every applicant for a bail bond recovery agent license or endorsement shall have a fingerprint criminal history background check conducted.

Applicants shall be fingerprinted by a law enforcement agency on a fingerprint card provided by the department and pay any fees required by the law enforcement agency providing the fingerprinting service.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-102, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-102, filed 3/30/05, effective 4/30/05.]

WAC 308-19-105 Applying for a bail bond agency license. To qualify for a bail bond agency license the applicant shall:

Complete the requirements of the bail bond agent license and;

(1) Submit to the department proof of work experience as required under RCW 18.185.030 (1)(b).

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(a) Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting.

(b) Applicants who do not have the required work experience shall train and pass an examination 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.

(5) The applicant shall disclose the surety(s) name, address, the attorney in fact, and whose name the build-up fund is in.

If the applicant changes their corporate surety, the applicant shall immediately advise the department.

(6) If the applicant provides security in the form of real property, the applicant shall advise the department of the names of the court(s) that have given approval for the placing of property bonds.

(7) Sole proprietorships shall act as the qualified agent of the agency without the payment of additional license fees.

(8) Partnerships or limited partnership applicants shall each apply, qualify and furnish their addresses to the director.

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.

(9) Applicants representing a corporation shall furnish a copy of the articles of incorporation, and a list of officers and departments and their addresses to the director.

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.

(10) If the applicant represents a foreign corporation, he/she shall furnish a copy of its articles of incorporation, and a list of its officers and departments and their addresses to the department.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-105, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-105, filed 12/13/99, effective 1/13/00.]

WAC 308-19-107 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.

Under 18.185.010(5), a qualified agent is "an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license." The qualified agent essentially serves as "manager" of the bail bond agency, and is responsible for all bail bond transactions conducted by the bail bond agents employed by the agency. See RCW 18.185.100 (qualified agent shall keep required records and ensure safekeeping of collateral or security); RCW 18.185.220 (every branch office must have a qualified agent serving as manager);

Each branch office must be managed by a qualified agent. A qualified agent may serve as a qualified agent of multiple offices. Although the qualified agent remains ultimately responsible for bail bond transactions, a qualified

agent is permitted to delegate managerial functions to licensed bail bond agents. However, a qualified agent may not delegate managerial or supervisory functions to unlicensed staff because such functions necessarily involve participation in the sale or issuance of bail bonds.

Allowing unlicensed staff to participate in the sale or issuance of bail bonds could lead to charges of aiding or abetting unlicensed activity in violation of RCW 18.185.110(10) and 18.235.130(9).

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 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. 05-08-027, § 308-19-107, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-107, filed 12/13/99, effective 1/13/00.]

WAC 308-19-110 Applying 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. 05-08-027, § 308-19-110, filed 3/30/05, effective 4/30/05; 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 recovery agent, bail bond agency, branch office and agent license applications—Conditions. Any person desiring to obtain a bail bond recovery agent, 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: Chapter 18.185 RCW. 05-08-027, § 308-19-120, filed 3/30/05, effective 4/30/05. 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 recovery agent, 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	\$1,200.00
License renewal	1,150.00
Late renewal with penalty	1,200.00
Bail bond agent:	
Original license	500.00
License renewal	575.00
Late renewal with penalty	600.00

(2009 Ed.)

Title of Fee	Fee
Change of qualified agent	250.00
Original endorsement to the bail bond agent license	100.00
Endorsement renewal	100.00
Endorsement renewal with penalty	150.00
Bail bond recovery agent license:	
Original license	450.00 (includes background check fees)
License renewal	475.00
Late renewal with penalty	500.00
Examinations:	
Reexamination fee	25.00

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-130, filed 9/23/08, effective 11/1/08; 06-21-082, § 308-19-130, filed 10/17/06, effective 11/17/06; 05-08-027, § 308-19-130, filed 3/30/05, effective 4/30/05. 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 Renewal and expiration of licenses and endorsements. (1) Licenses and endorsements issued to bail bond agents, bail bond agencies, branch offices, or bail bond recovery agents expire one year from the date of issue.

(2) Licenses and endorsements must be renewed each year on or before the date of expiration and a renewal fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license or endorsement 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 or endorsement shall be canceled if an application for a renewal of that license or endorsement is not received by the director within one year from the date of expiration. A person may obtain a new license or endorsement by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No bail bond agent, or bail bond agency shall engage in the sale or issuance of bail bonds if their license has expired. No bail bond recovery agent shall perform the duties of a bail bond recovery agent if his/her license has expired.

(6) When the director receives verification that a bail bond agent or recovery agent license has expired or has been revoked or suspended, the director shall advise correction centers.

(7) By renewing the bail bond agent, bail bond recovery agent, or bail bond qualified agent license with the department, the licensee is making declaration that they have met the requirements for annual continued education.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-140, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-140, filed 3/30/05, effective 4/30/05; 04-01-021, § 308-19-140, filed 12/8/03, effective 1/12/04; 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.]

(2009 Ed.)

WAC 308-19-150 Cancellation of employment. (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. 05-08-027, § 308-19-150, filed 3/30/05, effective 4/30/05; 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 Inactive licenses. (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 canceled 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. 05-08-027, § 308-19-160, filed 3/30/05, effective 4/30/05; 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 Location of license documents. Licenses and endorsements 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. 05-08-027, § 308-19-200, filed 3/30/05, effective 4/30/05; 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 Change of address. 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. 05-08-027, § 308-19-210, filed 3/30/05, effective 4/30/05; 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 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. 05-08-027, § 308-19-220, filed 3/30/05, effective 4/30/05; 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 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. 05-08-027, § 308-19-230, filed 3/30/05, effective 4/30/05; 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.]

WAC 308-19-240 Bail bond agency and branch office required records. 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 canceled 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 (vi) 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, 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.

(13) Contracts as described in RCW 18.185.270(2) between the bail bond agent and the bail bond recovery agent.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-240, filed 3/30/05, effective 4/30/05. 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 Bail bond agency audits and inspections. 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. 05-08-027, § 308-19-250, filed 3/30/05, effective 4/30/05; 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 PRELICENSURE TRAINING AND EXAMINATION REQUIREMENTS

WAC 308-19-300 Prelicensure training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants. (1) Beginning November 1, 2008, all bail bond agents and qualified agent applicants must provide proof of twelve hours of training or take a written state exam and achieve a passing score of at least eighty-five percent.

(2009 Ed.)

(a) The prelicense training must consist of eight hours of instruction provided by a credentialed trainer or other department approved source in the topic requirements listed below in subsection (3) of this section;

(b) The prelicense training must also consist of four hours of self study or formal training in the laws and rules relating to bail bonds.

(2) Proof of the eight hours of prelicense instruction provided by a credentialed trainer or other department approved source must be submitted with the bail bond agent or qualified agent application form provided by the department.

(3) The prelicense bail bond agent training topic requirements include:

- (a) The basics of bail bonds;
- (b) Responsibilities of a bail bond agent;
- (c) Understanding power of attorney;
- (d) Court jurisdiction;
- (e) Articulated offense;
- (f) Understanding the liability in surety bonds;
- (g) Role in criminal justice;
- (h) The rights of the clients;
- (i) Ethics pertaining to how to treat your clients;
- (j) Sexual harassment between agents and clients;
- (k) Transporting clients;
- (l) Phone service in jails;
- (m) How to be in compliance with jail requirements;
- (n) Collect call companies;
- (o) Harassment and no contact orders of the client;
- (p) Collateral;
- (q) General recordkeeping;
- (r) Contracts;
- (s) Basic requirements of bail bond recovery agents;
- (t) Understanding of the privacy laws;
- (u) The basics of notaries;
- (v) Basic understanding of the trust account; and
- (w) Application of the Consumer Protection Act.

(4) Approved sources for bail bond agent prelicense training include:

- (a) National or local industry associations;
- (b) Certified bail agent on-line education courses;
- (c) Credentialed licensed bail bond agents; and
- (d) Other sources determined by the department.

(5) The examination requirement for qualified bail bond agent license applicants under RCW 18.185.030 (1)(a), shall also include, as a minimum:

- (a) All of the subjects as listed in subsection (3) 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;
- (6) 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: Chapter 18.185 RCW. 08-20-036, § 308-19-300, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-300, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-300, filed 12/13/99, effective 1/13/00. Statu-

tory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-300, filed 10/18/93, effective 11/18/93.]

WAC 308-19-302 Continuing education for bail bond agents. (1) Beginning July 1, 2009, all bail bond agents and qualified agents must provide proof of four hours of continued education before their license can be renewed. Proof must be submitted on a form provided by the department.

(2) Continued education must be in the following topic areas:

- (a) How to work with the courts systems;
- (b) Refresher course relating to relative laws;
- (c) Ethics;
- (d) Transporting defendants between other states; and
- (e) Other topics applicable to the profession.

(3) Approved continued education providers include:

- (a) National or local industry associations;
- (b) Certified bail agent on-line education courses; and
- (c) Other sources determined by the department.

(4) Continued education hours cannot be carried forward to the following year.

(a) A licensee may not repeat a course for credit during the same renewal period.

(b) Continued education courses must be taken within the same year of the renewal period.

(c) Licensees acting as a credentialed trainer of an approved continued education course will receive the same credit for the course they teach as the licensees attending receive.

(5) By renewing the bail bond agent or bail bond qualified agent license with the department, the licensee is making declaration that they have met the requirements for annual continued education.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-302, filed 9/23/08, effective 11/1/08.]

WAC 308-19-305 Minimum prelicense training requirements and exceptions for bail bond recovery agents. (1) Applicants for a license or an endorsement as a bail bond recovery agent must complete not less than thirty-two hours of prelicense training in field operations and self-study in the following subjects, except as otherwise provided in this section.

(a) Prelicense training in civil or criminal law can be achieved through public or private instruction or self-study and must include the following training topics:

- (i) State statutes relating to bail regulations;
- (ii) Constitutional law;
- (iii) Procedures for surrendering defendants into custody;
- (iv) Procedures for exoneration;
- (v) Civil liability;
- (vi) Civil rights of persons who are detained in custody;
- (vii) Basic principles of identifying and locating defendants to include public records and confidentially, and surveillance;
- (viii) Contracts;
- (ix) Powers of a bail bond recovery agent;

(b) Prelicense training in procedures for field operations can be achieved through public or private instruction and must include the following training and certifications:

(i) Training in use of force and degrees of force, including verbal, Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units;

(ii) Safety techniques;

(iii) Entering and searching buildings;

(iv) The custody and transportation of prisoners including persons who are violent, emotionally disturbed or under the influence of alcohol, or drugs;

(v) Defensive tactics;

(vi) Application of restraints/handcuffing procedures;

(vii) All applicants shall obtain gun safety training from an approved trainer, or applicants intending to carry a firearm as a bail bond recovery agent shall obtain and keep current firearm certification from the criminal justice training commission;

(viii) Certification in the following defensive tools: Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units within twelve months of applying for a license or endorsement.

(2) In place of completing the prelicense training in procedures for field operations established in subsection (1) of this section required under RCW 18.185.260, an applicant may submit proof to the department that he/she has completed a course of training required by a municipal, state or federal law enforcement agency or a branch of the armed forces to carry out the duties of a peace officer within the past six years.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-305, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-305, filed 3/30/05, effective 4/30/05.]

WAC 308-19-310 Prelicense examination requirements for bail bond recovery agents. Each applicant for a bail bond recovery agent license or endorsement shall pass an examination demonstrating their knowledge and proficiency in all of the training requirements set forth in WAC 308-19-305. Applicants who fail to achieve a passing score of eighty-five percent will be required to wait a minimum of seven days before reexamination and pay the required reexamination fee.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-310, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-310, filed 3/30/05, effective 4/30/05.]

WAC 308-19-315 Study guide for the prelicense bail bond recovery agent examination. All of the information listed below can be found on the internet. Public libraries offer free access to the use of the internet. Applicants may also access this study guide on the department's internet web site and will link directly to the study resource material.

(1) Chapter 18.185 RCW.

(2) Chapter 9.73 RCW Privacy.

(3) Chapter 42.17 RCW (sections 250 through 348) Public disclosure.

(4) Title 9A RCW (chapters 04, 08, 16, 36, 40, 42, 46, 50, 52, 56, 60, 68, 72, 76, 82) Washington state criminal code.

(5) Chapter 10.19 RCW Appearance bonds.

- (6) Chapter 10.88 RCW Uniform Criminal Extradition Act.
- (7) Chapter 9.41 RCW Firearms and dangerous weapons.
- (8) Federal Privacy Act (5 U.S.C. 552A).
- (9) Freedom of Information Act (5 U.S.C. 552).
- (10) Fair Credit Reporting Act (15 U.S.C. 1681).
- (11) Federal Wiretapping Act (18 U.S.C.).
- (12) Gramm-Leach-Bliley Act.
- (13) Title 28 of the U.S. Code.
- (14) Chapter 35.20 RCW Municipal courts.
- (15) Title 2 RCW Courts of records.
- (16) Title 3 RCW District courts/courts of limited jurisdictions.
- (17) Title 4 RCW Civil procedures.
- (18) Taylor vs. Taintor.
- (19) Washington criminal justice training commission use of force continuum.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-315, filed 3/30/05, effective 4/30/05.]

WAC 308-19-320 Minimum education requirements for bail bond recovery agents. All applicants for a bail bond recovery agent license or endorsement shall have a minimum of a high school education or GED or a minimum of three years of full-time, verifiable experience in the bail bond industry.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-320, filed 3/30/05, effective 4/30/05.]

WAC 308-19-330 Continued education and recertification for bail recovery agents. (1) Beginning July 1, 2009, bail recovery agents must attest to having participated in at least eight hours of annual training in applicable fields of study relating to the operations of bail recovery to be eligible for renewing their license. Bail recovery agents must keep a record of the annual training and make the record available to the department for three years.

(2) If a bail recovery agent carries a firearm, or other weapons, it is their obligation to be recertified annually. The hours for firearm, or other weapons, recertification cannot be counted towards annual training hours.

(3) By renewing the bail bond recovery agent license with the department, the licensee is making declaration that they have met the requirements for annual continued education.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-330, filed 9/23/08, effective 11/1/08.]

PART F BRIEF ADJUDICATIVE PROCEEDINGS

WAC 308-19-400 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 recovery (2009 Ed.)

agent, 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. 05-08-027, § 308-19-400, filed 3/30/05, effective 4/30/05; 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 Records 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

(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. 05-08-027, § 308-19-410, filed 3/30/05, effective 4/30/05; 00-01-061, § 308-19-410, filed 12/13/99, effective 1/13/00.]

tive 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 Conducting a brief adjudicative proceeding. (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. 05-08-027, § 308-19-420, filed 3/30/05, effective 4/30/05; 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) 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, and the physical address of the business as stated on the bail bond agency license, and the bail bond agency license number. A licensed bail bond agency may advertise under a registered trade name of the licensee provided that the registered trade name is stated exactly as documented with the state of Washington master license service. Licensees under this chapter must notify the department in writing, of any registered trade names intended for use in future advertising.

(2) Telephone book directory listings that are for the purpose of providing the business name, address, and telephone number only, are not required to include the license number.

(3) The department has authority to discipline bail bond agents for advertising that is false, fraudulent or misleading, RCW 18.185.110(5) and 18.235.130(3).

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-430, filed 3/30/05, effective 4/30/05; 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.]

WAC 308-19-445 Contract requirements between the bail bond agent and the bail bond recovery agent. The purpose of the contract as required in RCW 18.185.270 is to provide information to the public and law enforcement officers to clarify authority and to identify the parties involved during the act of locating and apprehending a fugitive. The contract is to administrate the transfer of information regarding the identity of the fugitive.

(1) There shall be an individual contract on a form provided by the department between the bail bond agent and the bail bond recovery agent for each fugitive.

(2) A bail bond agent shall provide a bail bond recovery agent a copy of each individual contract on a form provided by the department.

(3) The contract form provided by the department shall not prevent a bail bond agent or a bail bond recovery agent from having additional contracts or agreements for conducting the course of their business transaction.

(4) The bail bond agent shall provide to the bail bond recovery agent a photograph of the fugitive if one is available.

(5) The original signed contract shall be kept by the bail bond agency for at least three years and be made available upon request by the department.

(6) Facsimile signatures shall be as effective as if originals.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-445, filed 3/30/05, effective 4/30/05.]

WAC 308-19-450 Planned forced entry and forced entry reporting—Procedure requirements. When the apprehension of a fugitive defendant meets the definition of RCW 18.185.010(12) Planned forced entry, the bail bond recovery agent shall follow the procedure requirements in RCW 18.185.300.

(1) In addition to the minimum notification requirements of RCW 18.185.300, the notification to law enforcement must provide any prior known risk factors of which the bail bond recovery agent is aware including knowledge regarding any warrants.

(2)(a) Beginning November 1, 2008, bail recovery agents shall report to the department within ten business days after a forced entry on a form provided by the department the following information:

- (i) Date and time of the forced entry;
- (ii) Location;
- (iii) Defendant name;
- (iv) Bail bond agent named on the recovery contract;
- (v) Bail recovery agent names who participated in the forced entry;
- (vi) Was any person present during the forced entry injured?
- (vii) Was property damaged?
- (viii) Was the defendant present?
- (ix) Was the defendant surrendered to jail?

(b) The Forced Entry Reporting Form can be submitted to the department by e-mail, fax or regular postage mail to the address information on the form.

[Statutory Authority: Chapter 18.185 RCW. 08-20-036, § 308-19-450, filed 9/23/08, effective 11/1/08; 05-08-027, § 308-19-450, filed 3/30/05, effective 4/30/05.]

WAC 308-19-455 Bail bond recovery agent badge. The approved badge for bail bond recovery agents is a round gold star burst with a round blue ribbon with gold letters stating bail bond recovery agent. The center of the badge displays a picture of the liberty bell and lady justice. If the license number is attached beneath the badge, the department issued license number shall be used.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-455, filed 3/30/05, effective 4/30/05.]

WAC 308-19-460 Firearms certification procedure through criminal justice training commission. Individuals licensed as a bail bond recovery agent who carry a firearm while performing the duties of a bail bond recovery agent shall be required to successfully complete a prescribed course of instruction from a certified instructor of the Washington State Criminal Justice Training Commission located at 19010 1st Avenue South, Burien, Washington 98140 - Telephone: 206-835-7300.

[Statutory Authority: Chapter 18.185 RCW. 05-08-027, § 308-19-460, filed 3/30/05, effective 4/30/05.]

(2009 Ed.)

Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN RULES

WAC

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308-20-101	Apprentice credit for training in an approved apprentice salon/shop.
308-20-105	Minimum instruction requirements for instructor-trainees.
308-20-107	Use and training of instructor-trainees.
308-20-110	Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services.
308-20-115	Reciprocity—Persons licensed in other jurisdictions.
308-20-120	Written and performance examinations.
308-20-121	Examination code of conduct.
308-20-122	Examination retakes.
308-20-123	Examination appeal.
308-20-190	Restricted license.
308-20-210	Fees.
308-20-520	Minimum salon/shop, mobile unit, and personal services licensing standards.
308-20-550	Posting of required licenses, registrations, permits, notice to consumers, and current inspection form.
308-20-555	Identification of apprentices and apprentice salon/shops.
308-20-560	Salon/shop, mobile unit, and personal services location license renewal process.
308-20-570	Operator and instructor renewal process.
308-20-572	Preinspection of schools.
308-20-575	School license renewal process.

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, 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 308. 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.	308-20-155	filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.] 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).
308-20-070	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.	308-20-160	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.
308-20-095	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.	308-20-171	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(1) 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).
308-20-100	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.	308-20-172	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).
308-20-109	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.	308-20-175	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.
308-20-130	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).	308-20-180	Posting of license. [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.] Repealed by 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.
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.	308-20-200	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.
308-20-150	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,	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.
- 308-20-530 Minimum licensing requirements. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-530, filed 7/17/92, effective 8/17/92.] Repealed by 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.
- 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).
- 308-20-600 Disinfecting and sterilizing of tools and other implements. [Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-600, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-600, filed 7/17/92, effective 8/17/92.] Repealed by 07-14-066, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030 and 43.24.023.
- 308-20-610 Chemical use and storage. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-610, filed 7/17/92, effective 8/17/92.] Repealed by 07-14-066, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030 and 43.24.023.
- 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).
- 308-20-710 Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-710, filed 6/24/03, effective 7/25/03. 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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.-030. Later promulgation, see chapter 308-08 WAC.
- 308-20-720 Preliminary record in brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.-030. Later promulgation, see chapter 308-08 WAC.
- 308-20-730 Conduct of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.030. Later promulgation, see chapter 308-08 WAC.

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 report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the Washington state apprenticeship and training committee, that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received journey level training and have held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Journey level training" is the completion of three years working as a licensed cosmetologist, barber, manicurist or esthetician.

(7) "Completion of the apprenticeship training" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080.

(8) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

[Statutory Authority: RCW 18.16.030, 43.24.023. 08-22-029, § 308-20-010, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. 05-17-020, § 308-20-010, filed 8/4/05, effective 9/4/05; 04-05-005, § 308-20-010, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-010, filed 6/24/03, effective 7/25/03. 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 Student records. (1) Schools shall collect and record monthly and final student reports. These

reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(2) Monthly and final student reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student reports.

(3) 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 license examination application. Certification shall be by a person authorized to sign student reports according to subsection (2) of this section.

(4) Schools shall maintain student records for at least three years. The student records shall include documentation of student training.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

[Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 04-05-005, § 308-20-040, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-040, filed 6/24/03, effective 7/25/03. 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 308-20-055 Apprentice records. (1) Apprentice salon/shops shall collect and record monthly and final apprentice training records. These reports described in WAC 308-20-010(8) shall contain the cumulative number of hours the apprentice has earned in each area of the minimum instruction guidelines and the number of times an apprentice performs an activity.

(2) Copies of each apprentice's records shall be kept on file at the apprentice salon shop for the duration of training for each apprentice and provided to the apprentice and the apprenticeship program at the end of each month of training.

(3) Monthly and final apprentice records shall be signed by the trainer and shop owner. The apprentice salon/shop shall notify the department of persons authorized to sign the apprentice's records on forms provided by the department.

(4) At the completion of training the apprenticeship program shall certify to the department on forms provided by the department that the apprentice has satisfied the minimum number of training hours required in the standards of the apprenticeship program which must include the minimum instruction requirements for cosmetology, barbering, manicuring and esthetics training as described in WAC 308-20-080.

(5) The apprentice records shall be maintained by the shop during the training and by the Washington state apprenticeship and training committee for three years once training

is completed. The apprentice records shall include documentation of apprentice training.

[Statutory Authority: RCW 18.16.030, 43.24.023, 08-22-029, § 308-20-055, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 04-05-005, § 308-20-055, filed 2/6/04, effective 3/8/04.]

WAC 308-20-065 Student and apprentice registration. (1) All schools and apprentice shops shall register any new student to the department in a manner and format prescribed by the department.

(2) At least one time per month, schools and apprentice shops shall submit to the department, a record of each student or apprentice's accrued clock hours in a manner and format prescribed by the department. A school or apprentice shop's initial submission of clock hours shall include all hours accrued at the school or apprentice shop and all transferred hours received by the school or apprentice shop.

(3) Upon graduation, a school shall certify in a manner and format prescribed by the department that a student has completed the curriculum hours approved by the department. Upon completion of the apprenticeship training program, the apprentice shop shall certify in a manner and format prescribed by the department that an apprentice has completed the minimum number of training hours approved by the department.

(4) Schools and apprentice shops shall submit a student or apprentice's withdrawal or termination to the department within ten calendar days after the withdrawal or termination.

(5) Schools and apprentice shops shall submit a student or apprentice's leave of absence request approved by the school or apprentice shop to the department within ten calendar days of the start date of the leave.

[Statutory Authority: RCW 18.16.030, 43.24.023, 08-22-029, § 308-20-065, filed 10/28/08, effective 2/1/09.]

WAC 308-20-080 Minimum instruction guidelines for cosmetology, barbering, manicuring and esthetics training. The minimum instruction guidelines for training required for a student or apprentice 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, 43.24.023, 08-22-029, § 308-20-080, filed 10/28/08, effective 2/1/09. 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 in a licensed school. (1) A maximum of twenty students per instructor is required within a licensed school.

(2) 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 and 308-20-105 or hours earned under WAC 308-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) 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 report.

(4) Students may transfer between the schools and apprenticeship salon/shops and may receive credit toward completion of the curriculum in the new school or apprenticeship salon/shop. In order to receive a transfer student or apprentice, the new school or apprentice salon/shop shall do the following:

(a) Evaluate the certified final student report provided by the student or apprentice and compare the report with the new or apprentice salon/shop requirements;

(b) The school or apprentice salon/shop may accept or reject the final student or apprentice report in part or in total from the previous school or salon/shop and prepare a monthly report that documents the amount of instructions being accepted.

(5) Both the transferring and receiving school or salon/shop shall maintain student or apprentice records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training.

[Statutory Authority: RCW 18.16.030, 43.24.023, 08-22-029, § 308-20-090, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 04-05-005, § 308-20-090, filed 2/6/04, effective

3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-090, filed 6/24/03, effective 7/25/03. 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 308-20-091 Student credit for training in a licensed salon/shop. (1) A maximum ten percent of the total curriculum hours required may be earned in a salon/shop under a contract approved by the department signed by the student, the school owner, and the salon/shop manager.

(2) Only those hours of instruction a student is given under the direction of a licensed operator in the contracted salon/shop and in the subjects agreed to in the contract shall be credited towards completion of the course of study required in RCW 18.16.100.

(3) Students will not receive any wages or commission for hours of credit earned in a salon/shop.

(4) Salon/shops shall provide weekly reports to the schools with hours the student earned in each area of agreed training.

(5) Licensed operators must be physically present where students are training.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-091, filed 6/24/03, effective 7/25/03.]

WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop. (1) A minimum of one trainer per apprentice is required.

(2) Only those hours of theory instruction given under the direction of an instructor licensed under chapter 18.16 RCW shall be credited towards completion of the apprentice curriculum requirements for theory hours. Cosmetologist, barber, manicurist and esthetician theory hours must be taught in a classroom setting under the direct supervision of an instructor licensed in the curriculum for which he or she is providing theory instruction.

(3) With the exception of theory hours, only those hours of instruction an apprentice is given under the direction of an apprentice trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the committee approves the transfer.

(6) Apprentice trainers and instructors must be physically present where apprentices are receiving practical training.

[Statutory Authority: RCW 18.16.030, 43.24.023. 08-22-029, § 308-20-101, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. 05-17-020, § 308-20-101, filed 8/4/05, effective 9/4/05; 04-05-005, § 308-20-101, filed 2/6/04, effective 3/8/04.]

WAC 308-20-105 Minimum instruction requirements for instructor-trainees. The minimum instruction requirements for a student to be eligible to take the examina-

tion 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 and 43.24.023. 03-14-046, § 308-20-105, filed 6/24/03, effective 7/25/03. 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. 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 and 43.24.023. 03-14-046, § 308-20-107, filed 6/24/03, effective 7/25/03. 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, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services. Every licensee shall maintain the following safety and sanitation standards. In addition, school instructors and apprentice trainers must assure persons training in a school or apprentice salon/shop will adhere to the following safety and sanitation standards:

(1) **Requirements and standards.**

(a) All locations must have a dispensing sink with hot and cold running water. Dispensing sinks are used for mixing chemicals, and disinfecting supplies, tools, equipment, and

other materials. Dispensing sinks must be labeled "not for public use."

(b) On-site laundry facilities must be maintained in a sanitary condition.

(c) Single-use hand soap and disposable or single use hand-drying towels for customers must be provided.

(d) Use of bar soap or a common towel is prohibited.

(e) Licensees must not work on clients with visible parasites, open wounds, or signs of infection.

(f) Licensees must sanitize and disinfect affected work area if visible parasites, open wounds, or signs of infection are found on a client.

(g) Creams and lotions must be dispensed using a disposable, or sanitized and disinfected applicator, and liquids must be dispensed with a squeeze bottle or pump.

(h) Wash hands with single-use soap and/or hand sanitizer and disposable or single use hand-drying towels after restroom use and before providing service to each client.

(i) Waste containers must be emptied, sanitized and disinfected daily.

(j) After service on each client, hair and nail clippings must immediately be placed in a closed covered container.

(2) **Personal cleanliness.**

(a) A licensee must thoroughly wash his or her hands with soap and warm water or any equally effective cleansing agent immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating or using the restroom.

(b) A client's skin upon which services will be performed must be washed with soap and warm water or wiped with disinfectant or waterless hand cleanser approved for use on skin before a service on the hands and feet.

(c) A licensee who has a contagious disease, visible parasite, or open wound of a nature that may be transmitted, must not perform services on a client until the licensee takes medically approved measures to prevent transmission of the disease.

(3) **Articles in contact with a client.**

(a) A neck strip or towel must be placed around the client's neck to prevent direct contact between a multiple use haircloth or cape and the client's skin, and must be in place during entire service.

(b) All items, which come in direct contact with the client's skin that do not require disinfecting, must be sanitized; to include reusable gloves.

(c) All articles, which come in direct contact with the client's skin that cannot be sanitized and disinfected, must be disposed of in a waste receptacle immediately after service on each client.

(d) Disposable protective gloves must be disposed of after service on each client.

(4) **Materials in contact with a client.**

(a) All chemical substances, including paraffin wax must be dispensed from containers in a manner to prevent contamination of the unused portion.

(b) Any part of the body being immersed in paraffin wax must be sanitized with soap and water or sanitizing solution.

(c) Paraffin wax must be covered when not in use, and maintained at a temperature specified by the manufacturer's instructions.

(5) **Chemical use and storage.**

(a) When administering services to a client that involve the use of chemicals or chemical compounds, all licensees must follow safety procedures, which prevent injury to the client's person or clothing.

(b) Licensees using chemicals or chemical compounds in providing services to clients must store the chemicals so as to prevent fire, explosion, or bodily harm.

(i) Flammable chemicals must be stored away from potential sources of ignition.

(ii) Chemicals which could interact in a hazardous manner such as oxidizers, catalysts, and solvents, must be stored per manufacturer's instruction.

(iii) All chemicals must be stored in accordance with the manufacturer's directions.

(6) **Refuse and waste material.**

(a) All chemical, flammable, toxic or otherwise harmful waste material must be deposited in a closed container at the conclusion of each service on a client and removed from the premises to a fire-retardant container at the close of each business day.

(b) All nonchemical waste related to the performance of services must be deposited in a covered container to avoid the potential for cross contamination through release of or exposure to infectious waste materials.

(c) All waste unrelated to the performance of services must be deposited in a covered waste disposal container. Containers located in the reception or office area, which do not contain waste relating to the performance of services, are exempt from having covers.

(d) Outer surfaces of waste disposal containers must be kept clean.

(e) Any disposable sharp objects that come in contact with blood or other body fluids must be disposed of in a sealable rigid (puncture proof) labeled container that is strong enough to protect the licensee, client and others from accidental cuts or puncture wounds that could happen during the disposal process.

(f) Licensees must have both sealable plastic bags and sealable rigid containers available for use at all times services are being performed.

(7) **Sanitation/disinfecting.**

(a) All tools and implements, including; reusable skin cleaning sponges and skin care bowls, must be sanitized and disinfected or disposed of after service on each client.

(b) When used according to the manufacturer's instructions, each of the following is an approved method of disinfecting tools and implements after they are cleaned of debris:

(i) Complete immersion or spray with an EPA-registered hospital grade disinfectant solution of the object(s) or portion(s) thereof to be disinfected; or

(ii) Steam sterilizer, registered and listed with the U.S. Food and Drug Administration; or

(iii) Dry heat sterilizer, registered and listed with the U.S. Food and Drug Administration, or Canadian certification.

(c) All sanitized and disinfected tools and implements must be kept in a sanitizer or closed nonairtight container.

(d) All disinfecting solutions and/or agents must be kept at manufacturer recommended strengths to maintain effective-

tiveness, be free from foreign material and be available for immediate use at all times the location is open for business.

(e) Nail files, cosmetic make-up sponges, buffer blocks, sanding bands, toe separators or sleeves, orangewood sticks, and disposable nail bits which have not been approved for disinfection and reuse, must be given to the client or discarded after service on each client. Presence of these articles in the work area will be prima facie evidence of reuse.

(8) Disinfecting nonelectrical tools and implements.

(a) All tools and implements used within a field of practice must be disinfected after service on each client in the following order:

- (i) Remove all hair and/or foreign material;
- (ii) Clean thoroughly with soap or detergent and water;
- (iii) Rinse thoroughly with clear, clean water; and
- (iv) Disinfect with an EPA-registered hospital grade disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, and use according to manufacturer's instructions.

(b) Tools and implements without sharp edges or points, including but not limited to combs, brushes, rollers, rods, etc., must be totally immersed according to manufacturer's instructions.

(c) Clips or other tools and instruments must not be placed in mouths, pockets or unsanitized holders.

(d) A client's personal tools and instruments must not be used in the establishment except when prescribed by a physician.

(9) Disinfecting electrical tools and implements. Electrical tools and implements must be disinfected after service on each client in the following order:

- (a) Remove hair and/or foreign matter;
- (b) Disinfect with an EPA hospital grade disinfectant specifically made for electrical tools and implements.

(10) Storage of tools and implements.

(a) New and/or sanitized and disinfected tools and implements must be stored separately from all others.

(b) Roller storage receptacles and contents must be sanitized and disinfected and free of foreign material.

(c) Storage cabinets, work stations and storage drawers for sanitized and disinfected tools and implements must be clean, free of debris and used only for sanitized and disinfected tools and implements.

(d) Storage of used tools and implements that are not in a labeled drawer or container is prohibited at the workstation.

(11) Cleaning and disinfecting footspas.

(a) As used in this section, "footspa" or "spa" is defined as any basin using circulating water.

(b) After service upon each client, each footspa must be cleaned and disinfected in the following order:

- (i) All water must be drained and all debris must be removed from the spa basin.
- (ii) The spa basin must be cleaned with soap or detergent and water.
- (iii) The spa basin must be disinfected with an EPA-registered hospital grade disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, which must be used according to manufacturer's instructions.
- (iv) The spa basin must be wiped dry with a clean towel.

(c) At the end of each day, each footspa must be cleaned and disinfected in the following order:

(i) The screen must be removed, all debris trapped behind the screen must be removed, and the screen and the inlet must be washed with soap or detergent and water.

(ii) Before replacing the screen, the screen must be totally immersed in an EPA-registered hospital grade disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, which must be used according to the manufacturer's instructions.

(iii) The spa system must be flushed with low sudsing soap and warm water for at least ten minutes, after which the spa must be rinsed and drained.

(d) Every other week (biweekly), after cleaning and disinfecting as provided in (c) of this subsection, each footspa must be cleaned and disinfected in the following order:

(i) The spa basin must be filled completely with water and one teaspoon of 5.25% bleach for each one gallon of water, or a solution of sodium hypochlorite of approximately 50 ppm used according to manufacturer's instructions.

(ii) The spa system must be flushed with the bleach and water solution, or sodium hypochlorite solution, for five to ten minutes and allowed to sit for six to ten hours.

(iii) The spa system must be drained and flushed with water before service upon a client.

(e) A record must be made of the date and time of each cleaning and disinfecting as required by (c) and (d) of this subsection, and indicate whether the cleaning was a daily or biweekly cleaning. This record must be made at the time of cleaning and disinfecting. Cleaning and disinfecting records must be made available upon request by either a client or a department representative.

(12) Headrests and treatment tables.

(a) The headrest of chairs must be sanitized, disinfected and covered with a clean towel or paper sheet after service on each client.

(b) Shampoo trays and bowls must be sanitized and disinfected after each shampoo, kept in good repair and in a sanitary condition at all times.

(c) All treatment tables must be sanitized, disinfected and covered with sanitary linens or examination paper, which must be changed after each service on a client.

(13) Walls and ceilings. Walls and ceilings must be clean and free of excessive spots, mildew, condensation, or peeling paint.

(14) Liquids, creams, powders and cosmetics.

(a) All liquids, creams, and other cosmetic preparations must be kept in clean and closed containers.

(b) All bottles and containers must be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances must be additionally and distinctly marked as such.

(c) When only a portion of a cosmetic preparation is to be used on a client, it must be removed from the container in such a way as not to contaminate the remaining portion.

(d) Pencil cosmetics must be sharpened before each use. Sanitize and disinfect or dispose of the sharpener after service on each client.

(15) Towels or linens. Clean towels or linens must be used for each client in cosmetology, esthetics, manicuring and barbering services. Towels and linens must be sanitized and disinfected with a product that is labeled 10% bleach solution or the equivalent.

(16) **Prohibited hazardous substances—Use of products.** No establishment or school may have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products. Use of 100% liquid methyl methacrylate monomer and methylene chloride products are prohibited. No product must be used in a manner that is disapproved by the U.S. Food and Drug Administration.

(17) **Prohibited instruments or practices.**

(a) Any razor-edged tool, which is designed to remove calluses.

(b) Neck and nail dusters to remove debris from client.

(18) **Blood spills.** If there is a blood spill or exposure to other body fluids during a service, licensees and students must stop and proceed in the following order:

(a) Put on gloves;

(b) Clean the wound with an antiseptic solution;

(c) Cover the wound with a sterile bandage;

(d) If the wound is on a licensee hand in an area that can be covered by a glove or finger cover, the licensee must wear a clean, fluid proof protective glove or finger cover. If the wound is on the client, the licensee providing service to the client must wear gloves on both hands.

All equipment, tools and instruments that have come into contact with blood or other body fluids must be sanitized and disinfected or discarded. Blood-contaminated tissue or cotton or other blood-contaminated material must be placed in a sealed, labeled plastic bag and that plastic bag must be placed into another plastic bag (double bagged), and discarded. Licensees must wear gloves if there is contact with blood or other body fluids, and must sanitize and disinfect or discard gloves and wash hands.

(19) **First aid kit.** The establishment must have a first aid kit that contains at a minimum: Small bandages, gauze, antiseptic, and a blood spill kit that contains disposable bags, gloves and hazardous waste stickers.

(20) **Medical devices.** Any medical device listed with the U.S. Food and Drug Administration as a "prescriptive device" must be used within the scope of RCW 18.16.020 (12) under the delegation and supervision of a licensed physician or physician's assistant or an advanced registered nurse practitioner (ARNP) as defined under chapters 18.71, 18.57, 18.71A, and 18.57A RCW, and RCW 18.79.050.

(21) **Restroom.**

(a) All locations must have a restroom available. The restroom must be located on the premises or in adjoining premises, which is reasonably accessible.

(b) All restrooms located on the premises must be kept clean, sanitary and in proper working order at all times.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 07-14-066, § 308-20-110, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. 04-05-005, § 308-20-110, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-110, filed 6/24/03, effective 7/25/03. 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.]

(2009 Ed.)

WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions. The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

(1) Application;

(2) Fee;

(3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction;

(4) Provides proof that he or she has passed the director approved examinations with the minimum passing score approved by the director.

[Statutory Authority: RCW 18.16.030 and 43.24.086. 06-02-048, § 308-20-115, filed 12/29/05, effective 2/1/06.]

WAC 308-20-120 Written and performance examinations. (1) 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 director adopts the National-Interstate Council of State Boards of Cosmetology (NIC) examinations as the approved written and performance examinations required for applicants.

(3) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice.

(4) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques.

(5) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(6) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

[Statutory Authority: RCW 18.16.030 and 43.24.086. 06-02-048, § 308-20-120, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-120, filed 6/24/03, effective 7/25/03; 03-08-043, § 308-20-120, filed 3/27/03, effective 4/27/03. 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 308-20-121 Examination code of conduct. (1) Applicants will be required to refrain from:

(a) Talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor.

(b) Attempting to communicate or record any information by any means.

(c) Holding in their possession any unauthorized materials during any portion of the examination.

(d) Removing test materials and/or notes from the testing room.

(e) Disruptive behavior as determined by the department.

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(2) Applicants who participate in any activity listed in subsection (1) of this section will be required to 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.

(3) Any applicant who was removed from the testing site for any of the reasons listed in subsection (1) of this section will be denied for testing for one year.

[Statutory Authority: RCW 18.16.030, 43.24.023, 08-22-029, § 308-20-121, filed 10/28/08, effective 2/1/09.]

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 308-20-123 Examination appeal. (1) An applicant who has received a failing score on the written or practical examination shall be eligible to appeal to the department for a review of the examination results. The department shall only consider appeals regarding significant procedural errors or adverse environmental conditions during the test administration.

(2) The appeal shall be filed with the department within fifteen days after the date of notification of examination results. The appeal shall be made in writing, and shall state the reason for appeal.

(3) The review of the appeal shall be conducted by one or more department staff, or the department's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. The director or director's designee shall make the final determination on the appeal.

(4) Within thirty days after the department has made a determination on the appeal, the applicant shall be notified in writing of the results.

(5) In acting on appeals, the department may take such action as it deems appropriate.

[Statutory Authority: RCW 18.16.030, 43.24.023, 05-04-012, § 308-20-123, filed 1/24/05, effective 2/24/05.]

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 Fees. In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Reciprocity license	\$40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Instructor:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Manicurist:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Esthetician:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Barber:	
Reciprocity license	40.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
School:	
License application	175.00
Renewal (one-year license)	175.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile unit:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00

[Statutory Authority: RCW 18.16.030 and 43.24.086, 06-02-048, § 308-20-210, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-210, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.086, 03-06-054, § 308-20-210, filed 2/28/03, effective 4/1/03. 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, mobile unit, and personal services licensing standards. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, mobile unit, or personal services business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) An operator that leases space must obtain both a valid operator and salon/shop 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 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.

(4) 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: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-520, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-520, filed 7/17/92, effective 8/17/92.]

WAC 308-20-550 Posting of required licenses, registrations, permits, notice to consumers, and current inspection form. (1) Licenses, the consumer notice required by chapter 18.16 RCW, the apprentice salon/shop notice as defined in WAC 308-20-555, and the most current inspection form shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) School, instructor, salon/shop, and mobile unit licenses shall be displayed in the reception area.

(4) Personal services shall display their licenses and consumer notice in direct view of their client.

(5) A pocket identification card may not be used in lieu of an original license.

(6) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, 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.

(7) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(8) 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: RCW 18.16.030 and 43.24.023, 07-14-066, § 308-20-550, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 04-05-005, § 308-20-550, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-550, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-550, filed 7/17/92, effective 8/17/92.]

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WAC 308-20-555 Identification of apprentices and apprentice salon/shops. (1) Salon shops must post notice to customers of participation in the apprenticeship program. At a minimum the notice shall state "This shop is a participant in a state approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

(2) Apprentices must wear identification visible to the public that states they are participants in the apprenticeship program.

[Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023, 04-05-005, § 308-20-555, filed 2/6/04, effective 3/8/04.]

WAC 308-20-560 Salon/shop, mobile unit, and personal services location license renewal process. Each salon/shop, mobile unit, and personal services license shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Affidavit of certification of public liability insurance including, name of provider, policy number, effective date, expiration date, amount of coverage, and signature of licensee.

(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 does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-560, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-560, filed 7/17/92, effective 8/17/92.]

WAC 308-20-570 Operator and instructor renewal process. Each operator or instructor license shall be renewed every two years. The renewal request shall be accompanied by:

(1) Social Security number.

(2) The license renewal fee required under the provisions of WAC 308-20-210.

(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 does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-570, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW, 92-15-087, § 308-20-570, filed 7/17/92, effective 8/17/92.]

WAC 308-20-572 Preinspection of schools. (1) Prior to approval for licensure, any person wishing to operate a school shall, before opening a school, meet the requirements in RCW 18.16.140; submit to a preinspection of the site; and provide the following:

(a) Name of owner and current mailing and physical address if solely owned.

(b) Names of partners and current mailing and physical addresses if a partnership.

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(c) Names of corporate officers and current mailing and physical addresses if a corporation.

(d) Name of the school, complete mailing address, and physical address.

(e) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met.

(f) Listing of all instructors including license number and expiration date.

(g) Sample of monthly student reports.

(h) Sample of student packet to be provided to student at enrollment that must contain, but is not limited to, a copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies.

(i) Floor plan drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity.

(2) All locations shall pass a preinspection by a department representative by meeting the following requirements:

(a) An entrance sign designating the name of the school.

(b) A time clock or other equipment necessary for verification of attendance and hours earned.

(c) An adequate supply of hot and cold running water shall be available for school operation.

(d) Textbooks/teaching materials - textbooks shall be provided for each student in attendance.

(e) Lavatories with hot and cold running water.

(f) When a salon and school are under the same ownership in the same building, separate operation of the salon and the school must be maintained. Common reception areas and restrooms will be allowed; however, the salon and school must have separate entrances and meet location requirements identified in chapter 18.16 RCW.

(g) Emergency evacuation plans posted for staff and students.

(h) There must be a sufficient number of tables/desks and chairs to accommodate the registered students.

(i) Department of licensing safety and sanitation guidelines posted in all dispensaries and classrooms.

(j) Supplemental training space must be located within two miles of the original facility of the licensed school. These facilities must bear the same name as the original licensed school and it is only approved for theory and/or practice rooms. No clinic services shall be provided in additional facilities.

(k) Schools must post a sign that contains the words "work done exclusively by students" or "all work performed by students under supervision of a licensed instructor" in the reception or clinic area.

[Statutory Authority: RCW 18.16.030, 43.24.023, 08-22-029, § 308-20-572, filed 10/28/08, effective 2/1/09.]

WAC 308-20-575 School license renewal process. Each school shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars.

(2) Changes in curriculum, catalogs, brochures.

(3) Current list of instructors on forms provided by the department.

(4) Verification of current student/instructor ratio.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty.

(6) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023, 03-14-046, § 308-20-575, filed 6/24/03, effective 7/25/03.]

Chapter 308-29 WAC

COLLECTION AGENCIES AND REPOSSESSION SERVICES

WAC

308-29-010	Definitions.
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308-29-130	Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

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.
308-29-100	Preliminary record in brief adjudicative proceedings. [Statutory Authority: [RCW 19.16.410], 01-11-132, § 308-29-100, filed 5/22/01, effective 6/22/01.] Repealed by 07-17-145, filed 8/21/07, effective 9/21/07. Statutory Authority: RCW 19.16.410.

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 autho-

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ized 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.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-025, filed 5/22/01, effective 6/22/01.]

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
Renewal	410.00
Reregistration fee after 30 days	1,060.00
Branch office (with WA main office):	
Original application	350.00
Renewal	238.00
Reregistration fee after 30 days	588.00

[Statutory Authority: RCW 19.16.140, 43.24.086, 04-18-043, § 308-29-045, filed 8/26/04, effective 10/1/04. 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 nonindividual 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.

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(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 Brief adjudicative proceedings—

When they can be used. (1) The board adopts RCW 34.05-482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(f) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(g) Whether an applicant or licensee has defaulted on education loans;

(h) Whether an applicant or licensee has violated the terms of a final order issued by the board;

(i) Whether a licensee has committed recordkeeping violations;

(j) Whether a licensee has committed trust account violations;

(k) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

(l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (1) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 19.16.410. 07-17-145, § 308-29-090, filed 8/21/07, effective 9/21/07; 01-11-132, § 308-29-090, filed 5/22/01, effective 6/22/01.]

WAC 308-29-110 Conduct of brief adjudicative proceedings. Brief adjudicative proceedings shall be conducted by a presiding officer designated by the board. The presiding

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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.

[Statutory Authority: RCW 19.16.410. 07-17-145, § 308-29-110, filed 8/21/07, effective 9/21/07; 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. This section does not apply to brief adjudicative proceedings conducted by the board through WAC 308-29-090(2).

[Statutory Authority: RCW 19.16.410. 07-17-145, § 308-29-120, filed 8/21/07, effective 9/21/07; 01-11-132, § 308-29-120, filed 5/22/01, effective 6/22/01.]

WAC 308-29-130 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings. (1) At least five days before the scheduled brief adjudicative proceeding, any party to the proceeding, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further board or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the board;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 19.16.410. 07-17-145, § 308-29-130, filed 8/21/07, effective 9/21/07.]

Chapter 308-30 WAC NOTARIES PUBLIC

WAC

308-30-005

308-30-010

308-30-020

Mailing address.

Size and form of notary seal or stamp.

What fees may a notary public charge?

308-30-030	Applications for appointment as notary public.
308-30-040	Resignation or revocation of notary appointment.
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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 What fees may a notary public charge? (1) The maximum fees a notary may charge for notarial acts are:

NOTARIAL ACT	FEE
Witnessing or attesting a signature	\$10.00
Taking acknowledgement or verification upon oath or affirmation	\$10.00
Certifying or attesting a copy	\$10.00
Receiving or noting a protest of a negotiable instrument	\$10.00
Being present at demand, tender, or deposit, and noting the same	\$10.00

NOTARIAL ACT	FEE
Administering an oath or affirmation	\$10.00
Certifying that an event has occurred or an act has been performed	\$10.00

(2) A notary public need not charge for notarial acts. A notary who chooses to charge for notarial acts shall conspicuously display in their place of business, or present to each customer outside their business, an English-language schedule of fees for notarial acts. No part of the displayed notarial fee schedule may be printed in smaller than 10-point type.

(3) A notary may charge actual costs of copying any instrument or record.

(4) A notary may charge a travel fee when traveling to perform a notarial act if:

(a) The notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(b) The notary explains to the person requesting the notarial act that the travel fee is in addition to the notarial fee in subsection (1) of this section and is not required by law.

[Statutory Authority: RCW 42.44.190. 06-20-061, § 308-30-020, filed 9/29/06, effective 11/1/06; 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	\$30.00
Renewal of notary appointment	30.00

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Title of Fee	Fee
Duplicate certificate of appointment (including change of name)	15.00
Evidence of verification of notarial commission	15.00
Apostille	15.00

[Statutory Authority: RCW 42.44.190, 43.35.055, 43.24.086, WAC 308-30-100. 05-12-047, § 308-30-100, filed 5/26/05, effective 6/26/05. 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 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 participated in the decision which resulted in the request for a brief adjudicative proceeding.

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

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

(4) No witnesses may appear to testify.

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

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

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

Chapter 308-33 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.

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.
308-33-110	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482

- 308-33-120 (1)(c). 97-10-054, § 308-33-110, filed 5/1/97, effective 6/1/97.] Repealed by 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.070. Preliminary record in brief adjudicative proceedings. [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.] Repealed by 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.-070.
- 308-33-130 Conduct of brief adjudicative proceedings. [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.] Repealed by 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.070.

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.

(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.]

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	Packaging and storage of cremated human remains.
308-47-070	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 authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(3) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

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(4) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(5) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(6) "**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.

(7) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(8) "**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.

(9) "**Cadaver**" means human remains or any part thereof, which have been donated to science for medical research purposes.

(10) "**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.

(11) "**Commingling**" means the mixing of cremated human remains of more than one deceased person.

(12) "**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 and chapter 34.05 RCW, 07-03-027, § 308-47-010, filed 1/5/07, effective 2/5/07. 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.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-020, filed 1/5/07, effective 2/5/07. 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 mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or as determined by chapter 246-500 WAC.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-030, filed 1/5/07, effective 2/5/07. 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.

(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.

(2009 Ed.)

[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 of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or

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- 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 ninety days 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 and chapter 34.05 RCW. 07-03-027, § 308-47-070, filed 1/5/07, effective 2/5/07. 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.
- 308-48-145 Approval of embalming schools and accrediting associations.
- 308-48-150 Course of training—Funeral director intern.
- 308-48-160 Course of training—Embalmer interns.
- 308-48-180 Renewal of licenses, registrations, endorsements and permits.
- 308-48-190 Examination fee.
- 308-48-200 Report of internship 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 Brief adjudicative proceedings—When they can be used.
- 308-48-815 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.
- 308-48-840 Funeral director and embalmer interns.

- 308-48-850 Intern sponsors—Qualifications, limitations and responsibilities.
- 308-48-860 Registered intern examination.
- 308-48-870 Leave of absence—Interns.
- 308-48-880 Transporting of human remains.

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).
- 308-48-110 Revocation of license. [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.] Repealed by 07-03-027, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
- 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).
- 308-48-820 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4), 97-21-063, § 308-48-820, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
- 308-48-830 Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4), 97-21-063, § 308-48-830, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.

WAC 308-48-010 Definitions. For the purpose of these rules, the following term will be construed as follows:

"Embalmer intern" is a person engaged in the study and supervised practical training of embalming under the instruction of a qualified sponsor.

"Funeral director intern" is a person engaged in the study and supervised practical training of funeral directing under the instruction of a qualified sponsor.

(2009 Ed.)

"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.

"Internship" means a course of required practical training, for a specified period of time, as a prerequisite for obtaining a license to practice the profession of funeral directing or embalming.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-18-030, § 308-48-010, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-010, filed 1/5/07, effective 2/5/07. 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, interns, 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 and 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.

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

(e) 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.

(f) 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 noncremated human remains that the funeral establishment has received and has possession of must be maintained and disposed of as one entity.

(g) Provide refrigerated holding of a human remains for which embalming has not been authorized. In addition to these regulations, the handling and refrigeration of human remains shall be governed by chapter 246-500 WAC.

(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 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 and chapter 34.05 RCW. 07-03-027, § 308-48-030, filed 1/5/07, effective 2/5/07. 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 mechanically or commercially acceptable refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit or as determined by chapter 246-500 WAC;

(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 and shall comply with OSHA/WISHA standards.

(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 and comply with OSHA/WISHA standards.

(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 and chapter 34.05 RCW. 07-03-027, § 308-48-031, filed 1/5/07, effective 2/5/07. 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. No licensee will, directly or indirectly, assume control of any human remains without having first obtained authority from the person(s) having the right to control the disposition of the human remains under RCW 68.50.160, 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 and chapter 34.05 RCW. 07-03-027, § 308-48-040, filed 1/5/07, effective 2/5/07. 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 licensee shall lend, place, permit or authorize the placement of his/her license in any establishment or place of business unless the licensee is an owner, part owner or bona fide employee of such place of business, nor shall a funeral 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/her license.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-48-080, filed 1/5/07, effective 2/5/07; 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 308-48-145 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.

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.

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[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—Funeral director intern. (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 funeral director interns 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 intern has assisted with or performed during the required term of internship.

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

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-18-030, § 308-48-150, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-150, filed 1/5/07, effective 2/5/07. 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—Embalmer interns. (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 embalmer interns shall provide a quarterly report to the board on a form supplied by the board containing information relating to the embalmings the intern has assisted with or performed during the required term of internship.

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

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-18-030, § 308-48-160, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-160, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 97-21-062, § 308-48-160, filed 10/14/97, effective 11/14/97; 86-15-022 (Order PM 604), § 308-48-160, filed 7/11/86; Order PL-259, § 308-48-160, filed 12/7/76; Order PL 122, § 308-48-160, filed 5/9/72.]

WAC 308-48-180 Renewal of licenses, registrations, endorsements and permits. (1) The annual license or registration renewal date for embalmers, funeral directors and interns is the licensee's birth date. 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.

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(2) All licensees, with the exception of academic intern, must renew 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 and chapter 34.05 RCW. 07-03-027, § 308-48-180, filed 1/5/07, effective 2/5/07. 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 internship registration, termination, transfer and credit. (1) The responsibility for notifying the director, department of licensing of internship registration and termination rests with the employing funeral establishment. In order to protect the status of the intern in cases where the employing licensee fails to initiate the required report of registration or termination, the affected intern should initiate and ensure submission of same. The notification shall be certified by signature of the sponsor.

(2) No credit for internship will be allowed for any period during which the intern is not registered pursuant to RCW 18.39.120. In the event an intern's sponsor dies or is otherwise incapable of certifying internship 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 and chapter 34.05 RCW. 07-03-027, § 308-48-200, filed 1/5/07, effective 2/5/07. 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.

(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 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 and chapter 34.05 RCW. 07-03-027, § 308-48-210, filed 1/5/07, effective 2/5/07. 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 internship registrations, and all persons making initial application for funeral director and/or embalmer licensure, or initial renewal of funeral director and/or embalmer internship 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 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 internship registration, or reinstatement of any license or internship 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 and chapter 34.05 RCW. 07-03-027, § 308-48-350, filed 1/5/07, effective 2/5/07. 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.]

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 funeral director intern and

embalmer intern registration, in order to maintain and improve the quality of their services to the public.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-510, filed 1/5/07, effective 2/5/07. 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 a funeral director intern and/or embalmer intern.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-520, filed 1/5/07, effective 2/5/07. 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 or registered as a funeral director intern and/or embalmer intern, shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such licenses or registrations.

(2) Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(3) 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: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-530, filed 1/5/07, effective 2/5/07. 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.

(2) A material misstatement of information on the continuing education report shall be grounds for disciplinary action.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-550, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-550, filed

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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.

(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 interns.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-590, filed 1/5/07, effective 2/5/07. 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 disposition of human remains.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-780, filed 1/5/07, effective 2/5/07. 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	\$100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Embalmer intern:	
Intern application	75.00
Application for examination	100.00
Intern renewal	45.00
Duplicate	15.00
Funeral director:	
State examination or reexamination	100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Funeral director intern:	
Intern application	75.00
Application for examination	100.00
Intern renewal	45.00
Duplicate	15.00

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Title of Fee	Fee
Funeral establishment:	
Original application	300.00
Renewal	150.00
Branch registration	250.00
Branch renewal	150.00
Preneed application	140.00
Preneed renewal:	
0-25 sales	25.00
26-99 sales	75.00
100 or more sales	125.00
Crematory endorsement registration	140.00
Crematory endorsement renewal	
3.20 per cremation performed during previous calendar year.	
Academic intern	No fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-800, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-800, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.181 and chapter 34.05 RCW. 05-20-076, § 308-48-800, filed 10/4/05, effective 11/4/05. Statutory Authority: RCW 18.39.050. 03-11-021, § 308-48-800, filed 5/12/03, effective 6/30/03. 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 Brief adjudicative proceedings—When they can be used. (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(2009 Ed.)

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising;

(o) Whether a person has engaged in unlicensed practice; or

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

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 05-23-150, § 308-48-810, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175(4), 97-21-063, § 308-48-810, filed 10/14/97, effective 11/14/97.]

WAC 308-48-815 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

(1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(2009 Ed.)

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 05-23-150, § 308-48-815, filed 11/22/05, effective 12/23/05.]

WAC 308-48-840 Funeral director and embalmer interns.

(1) Registration as a funeral director intern or embalmer intern shall not exceed a time period of five years from the date of initial registration. Following completion of the internship program:

- The registration for internship will not be renewed.
- The intern must qualify for licensure as a funeral director, embalmer or funeral director and embalmer.

(2) Interns must be eighteen years of age and registered under the sponsorship and supervision of a licensed funeral director, embalmer or funeral director and embalmer.

(3) Interns whose job duties require that they perform work at multiple funeral establishment locations may do so and receive training from their sponsor and other licensees as approved by the sponsor.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-840, filed 8/28/07, effective 9/28/07.]

WAC 308-48-850 Intern sponsors—Qualifications, limitations and responsibilities. Licensees who supervise interns:

- Must be working and located in the same licensed establishment as the intern, provided: Sponsors may permit interns to perform work at multiple funeral establishment locations if required by their job duties.

- Each sponsor can supervise a maximum of three interns.

- Sponsors of funeral director interns must have a minimum of one year of practical experience as a licensed funeral director in the state of Washington.

- Sponsors of embalmer interns must have a minimum of one year of practical experience as a licensed embalmer in the state of Washington.

- Sponsors are responsible for work performed by interns registered under the supervision of the sponsor.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-850, filed 8/28/07, effective 9/28/07.]

WAC 308-48-860 Registered intern examination.

(1) Interns registered prior to January 1, 2004, can maintain registration as an intern and not be subject to the five-year limitation, provided:

- The registered intern passes an examination in funeral service law and public health within three years of the effective date of this rule.

- The intern maintains a current, valid and nonexpired intern registration with the board.

- Registered interns will not be eligible for examination under this section if the intern leaves the funeral service pro-

fession and reactivates the internship registration at a later date.

(2) Registered intern examinations shall be held by the director at least once each year for a period of three years from the effective date of this rule. The director will designate the time and place of the examination. An application for examination shall be filed with the director at least fifteen days prior to the examination date. The department will provide each applicant a written notice of the time and place of the next examination. The applicant will be deemed to have passed the examination if the applicant attains a grade of not less than seventy-five percent. Applicants qualified for examination shall:

- Have three opportunities to take and pass the examination;
- Pay a fee, determined by the director, for each examination.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-860, filed 8/28/07, effective 9/28/07.]

WAC 308-48-870 Leave of absence—Interns. A leave of absence from internship requirements may be granted by the board with the following provisions:

- The intern submits an appeal to the board for a leave of absence.
- The intern is enlisted in military service of the United States or called to active duty in the United States armed forces and resumes internship within one year of release from military service.
- The intern is enrolled as a full-time student in a funeral service education program accredited by the American Board of Funeral Service Education (ABFSE).
- The board reserves the right to make a determination to waive internship requirements for extenuating circumstances.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-870, filed 8/28/07, effective 9/28/07.]

WAC 308-48-880 Transporting of human remains. For the purpose of RCW 18.39.010(1), the board has determined that transportation of human remains may be performed by unregistered persons who are employed by licensed funeral establishments.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-880, filed 8/28/07, effective 9/28/07.]

Chapter 308-49 WAC

PREARRANGEMENT FUNERAL SERVICES

WAC

308-49-100	Purpose.
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.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-49-120	Effective date and scope. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-120, filed 1/26/83.] Repealed by 07-03-027, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
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 308-49-130 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.

(2009 Ed.)

(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;

(2009 Ed.)

(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 public depository or shall be invested in instruments issued or insured by an agency of the federal government, 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.

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[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-49-168, filed 1/5/07, effective 2/5/07. 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 withdrawals from the trust due to contract cancellations and/or instances where the funeral merchandise and services covered by prearrangement contracts have been furnished and delivered. Withdrawals will include principal and earnings;
- (h) 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 a year-end statement from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-49-170, filed 1/5/07, effective 2/5/07. 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

308-56A-010	Title purpose only and no title issued.
308-56A-020	Application for certificate of ownership required.
308-56A-021	Assessment criteria for penalty fee.
308-56A-024	Stolen vehicle check required for certificate of ownership.
308-56A-030	Owner name and address—Recorded on the vehicle record—Application for certificate of ownership.
308-56A-040	Name and address—Change of address.
308-56A-056	Names separated by the words "and," "or," or the slash symbol "/."
308-56A-060	Ownership in joint tenancy.
308-56A-065	Vehicles held in trust.
308-56A-070	Leased vehicles.

308-56A-075	Multiple legal owners.	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-090	Disclosure of individual vehicle owner information.		
308-56A-110	New vehicles—Manufacturer's statement/certificate of origin.		
308-56A-115	Vehicles from a state or country other than Washington.		
308-56A-140	Department temporary permit.	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-150	Certificate of vehicle inspection.		
308-56A-160	Model year—How determined.		
308-56A-200	Replacement Washington certificate of ownership.		
308-56A-210	Ownership in doubt—Bonded title or three-year registration without title.	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-215	Erasures, alterations, and incorrect information.		
308-56A-250	Signature of registered owner on application—Exceptions.	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-265	Releasing interest.		
308-56A-270	Forms of signature.		
308-56A-275	Certification of signature.		
308-56A-295	Vehicle sold—Reported stolen—Liability if abandoned.	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-300	Application for certificate of ownership for abandoned vehicles.		
308-56A-305	Law enforcement sale.		
308-56A-310	Personal property lien—Chattel.		
308-56A-311	Personal property lien—Landlord's lien for rent.	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-312	Personal property lien—Self-service storage facilities.		
308-56A-315	Name change.		
308-56A-320	Transfer by court order.		
308-56A-325	Owner incompetent.	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-330	Owner bankrupt.		
308-56A-335	Owner deceased.		
308-56A-405	Acquired from United States government.		
308-56A-410	No application required.	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-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-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-460	Destroyed or wrecked vehicle—Reporting—Rebuilt.		
308-56A-500	Definitions.		
308-56A-505	Elimination of manufactured home certificate of ownership (title)—Eligibility.		
308-56A-525	Vehicle seller's report of sale.	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-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-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-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-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-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-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-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-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-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-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-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-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-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-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.] Repealed by 00-06-004, filed 2/18/00, effective 3/20/00. Statutory Authority: RCW 65.20.110.
- 308-56A-520 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-610 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) 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) Transferring vehicle to or from a trust;
- (j) Repossession; or
- (k) Adding/removing a lease on a vehicle.

(2) Applying for registration of a vehicle which has most recently been titled and/or registered in another jurisdiction and only registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

- (4) Adding a lien holder.
- (5) The vehicle is assembled, homemade, has had a glider kit installed or is a street rod.
- (6) The motorcycle engine has been replaced.
- (7) The vehicle identification number needs to be corrected.

(8) The vehicle has been reported as salvage or wrecked by an insurer, owner, or wrecker and new certificate of ownership is requested. Title procedures are in WAC 308-56A-460.

[Statutory Authority: RCW 46.01.110. 04-08-080, § 308-56A-020, filed 4/6/04, effective 5/7/04; 03-05-081, § 308-56A-020, filed 2/19/03, effective 3/22/03. 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 Washington registered vehicle is sold, the purchaser has fifteen days from the date of delivery of the vehicle to transfer the vehicle ownership into their name. If they wait until the 16th day or later from the date of delivery, a penalty fee may be assessed as described in RCW 46.16.101(6) unless the purchaser qualifies for exemption from penalty as set forth in subsection (2) of this section.

(2) **Are there exceptions to 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; or

(b) There are conflicting dates on supporting documents; or

(c) There is no date on the certificate of ownership or other supporting documents; or

(d) The date on the certificate of ownership has been altered; or

(e) The purchaser is incarcerated or sequestered by a judiciary system; or

(f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership; or

(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, or their designee, determines other reasons are valid; or

(i) The delay in making application is due to the department requesting additional supporting documents; or

(j) Extended hospitalization or illness of the purchaser; or

(k) Failure of the legal owner to release his or her interest in the vehicle; or

(l) Failure due to an action of the department, auditor or subagent.

Note: When an exception to the penalty fee requirement is made, an affidavit attesting to the actual date of delivery and the reason or reasons for exception to the penalty is required.

(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; or

(b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed); or

(c) A Washington record cannot be found; or

(d) Department of licensing records indicate the vehicle has been destroyed; or

(e) The vehicle is being titled as home made or assembled for the first time; or

(f) The vehicle is acquired as a result of:

(i) Inheritance or community property; or

(ii) Divorce settlement; or

(iii) Other legal action affecting ownership of the vehicle; or

(iv) Lease buyout; or

(g) The vehicle is a snowmobile; or

(h) The director, or designee, determines other reasons are valid.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 03-11-069, § 308-56A-021, filed 5/20/03, effective 6/20/03. 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-024 Stolen vehicle check required for certificate of ownership. (1) **Is a stolen vehicle check required whenever application is made for certificate of ownership?** Yes. A Washington Crime Information Center/National Crime Information Center (WACIC/NCIC) stolen vehicle search will be performed on all vehicle title transactions.

(2) **What is a WACIC/NCIC stolen vehicle search?** A WACIC/NCIC stolen vehicle search is defined to include any nationally recognized source of stolen vehicle data obtained from the NCIC, including the National Insurance Crime Bureau (NICB).

(3) **Who is authorized to receive and process stolen vehicle search inquiries?** The department and vehicle licensing offices are authorized to receive and process stolen vehicle search information. In addition to WACIC/NCIC, stolen vehicle searches may also be processed through any nationally recognized source of stolen vehicle data obtained from the NCIC, including the National Insurance Crime Bureau (NICB).

(4) **What happens if the stolen vehicle search indicates the vehicle has been reported stolen?** If the information obtained indicates the vehicle has been reported and confirmed stolen, the law enforcement agency with jurisdiction in the geographic location of the attempted licensing transaction will immediately be notified. A title will not be issued until the matter is resolved. If the department checks with the reporting law enforcement agency or jurisdiction and the reporting agency indicates that the vehicle's stolen status has been resolved, a certificate of ownership will be issued if the department is satisfied that all other requirements have been met.

(5) **What happens if the stolen vehicle search indicates that the vehicle has not been reported stolen?** If the stolen vehicle check is negative, a certificate of ownership will be issued if the department is satisfied that all other requirements have been met.

[Statutory Authority: RCW 46.01.110. 04-24-022, § 308-56A-024, filed 11/23/04, effective 1/3/05.]

WAC 308-56A-030 Owner name and address—Recorded on the vehicle record—Application for certificate of ownership. (1) **What registered owner and lien holder or secured party information is required on the vehicle record and application for certificate of ownership (title)?**

The vehicle record and application for certificate of ownership (title) must include:

(a) The name of each registered owner (natural person or business) of the vehicle and, if the vehicle is subject to a lien or other security interest, the name of each secured party;

(b) The registered owner's primary residence street address (at the choice of the registered owner, a mailing address if different from the residence address can also be given); and

(c) The primary secured party's mailing address.

(2) **What does primary residence mean for a registered owner who is a natural person or a business?**

(a) In the case of a natural person, it means the person's true, fixed and permanent home in Washington. This does not include secondary or vacation homes where a vehicle is

garaged or used. The department will presume that a registered owner's primary residence is the same as the address used in driver's license records or voter registration records.

(b) In the case of a business, it means the principal place in Washington from which the licensed trade or business of the registered owner is directed, managed, or conducted. Businesses with multiple Washington licensed business locations should use the licensed business location where the service vehicles owned and operated by the business are directed, managed, garaged, stored or maintained.

(3) **Do the addresses for the application for certificate of ownership, and vehicle record need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, and certificates of ownership.

(4) **Are there exceptions to the requirement to provide a primary residence street address?**

Yes. Exceptions will be made for:

(a) Persons who are exempt by law from paying motor vehicle excise tax or fees.

(b) Vehicles exempt by law from motor vehicle excise tax or fees.

(c) Natural persons who are homeless; defined as someone with no housing.

(d) Other exceptions may apply as determined appropriate by the director or his or her designee.

(5) **What will the department do if presented with documentation or other information to indicate there may be an error in the primary residence street address provided?**

The department will flag the vehicle record and the registered owner will be required, prior to the time of next renewal, to:

(a) Show a residential utility bill, driver license or other documentation that verifies the primary residence street address; and

(b) Complete and sign a declaration under penalty of perjury on a form developed by the department.

(6) **Can more than one address be shown on the vehicle record or application if there are multiple registered owners with different addresses?**

No. The department can store the primary residence address and separate mailing address (if applicable) for only one of the registered owner(s).

(7) **Can more than one address be shown on the vehicle record or application if there is more than one secured party?**

No. Only one address for the primary secured party will be shown on the vehicle record.

(8) **Is the applicant or registered owner required to certify the truth of the address information contained in the application for certificate of ownership or vehicle renewal?**

No. The applicant or registered owner will only be required to complete and sign a declaration under penalty of perjury on a form developed by the department when the department has been presented with documentation or other information to indicate there may be an error in the address information provided and the vehicle record has been flagged.

(9) What is the penalty if the applicant or registered owner provides false address information?

A person providing false residency information is guilty of a gross misdemeanor punishable by a fine of five hundred twenty-nine dollars.

(10) Is my residence address subject to public disclosure?

Where both a mailing address and a residence address are recorded on the vehicle record and are different, only a mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

[Statutory Authority: RCW 46.01.010, 07-21-120, § 308-56A-030, filed 10/23/07, effective 11/23/07. Statutory Authority: RCW 46.16.010, 05-23-135, § 308-56A-030, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110, 04-07-168, § 308-56A-030, filed 3/23/04, effective 4/23/04; 03-05-081, § 308-56A-030, filed 2/19/03, effective 3/22/03; 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—Change of address. (1) If the registered owner's address changes, does the owner need to notify the department?

Yes.

(2) What information does the registered owner need to provide to the department if their address changes?

The owner must provide the department with:

(a) The registered owner's name (natural person or business) as it appears on the vehicle record(s);

(b) The license plate number or vehicle identification number (VIN) of each vehicle; and

(c) The new street address for the primary residence and at the choice of the registered owner, a separate mailing address if different from the primary residence address as defined in WAC 308-56A-030(2) with at least a five digit zip code and preferably a nine digit zip code.

(3) Are there exceptions to the requirement to provide a primary residence street address on the department's change of address form?

Yes. To be exempt from the requirement to provide the primary resident street address, the registered owner must meet one of the exceptions in WAC 308-56A-030(4) and complete and sign a form developed by the department indicating which exception they meet.

(4) 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.

(5) Is the registered owner required to certify the truth of the information provided when using the department's change of address form?

No. The registered owner will only be required to complete and sign a declaration under penalty of perjury on a form developed by the department if the department has been presented with documentation or other information to indicate that there may be an error in the address information provided and the vehicle record has been flagged.

(6) What is the penalty if the applicant or registered owner provides false address information when changing an address?

A person providing false residency information is guilty of a gross misdemeanor punishable by a fine of five hundred twenty-nine dollars.

(7) Is my residence address subject to public disclosure?

Where both a mailing address and a residence address are recorded on the vehicle record and are different, only a mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

[Statutory Authority: RCW 46.16.010, 05-23-135, § 308-56A-040, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110, 04-07-168, § 308-56A-040, filed 3/23/04, effective 4/23/04; 03-05-081, § 308-56A-040, filed 2/19/03, effective 3/22/03; 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?** No, the department has not used these designations since 1974 when recording ownership interest. For certificates of ownership that have been issued using one of these designations:

(a) Any registered owners so shown are considered to have equal registered owner interest in the vehicle;

(b) 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?** No, the department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 46.01.110, 03-05-081, § 308-56A-056, filed 2/19/03, effective 3/22/03. 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 must show the name of every owner and include the phrase "Joint tenants with rights of survivorship" spelled out.

(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" in the brands/comments section.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-060, filed 2/19/03, effective 3/22/03; 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? A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation **trustee, i.e., John Doe, trustee;** or

(b) The **trustee(s) name(s)** followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) If a vehicle is held in trust, who represents the trust for certificate of ownership transactions? If the vehicle record shows or is to be shown as:

(a) The trustee(s) name(s) only, followed by the designation **trustee, i.e., John Doe, trustee,** all trustees shown or to be shown on the certificate of ownership must sign.

(b) The **trustee(s) name(s)** followed by the designation trustee and name of the trust, i.e., John Doe, trustee John Doe Family Trust, all trustees shown or to be shown on the certificate of ownership must sign.

(c) The name of the trust only, i.e., John Doe Family Trust, any trustee(s) designated in the trust document must sign.

(3) 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.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(4) What is required when a trustee no longer acts on behalf of a trust? If a trustee no longer acts on behalf of a trust, and the vehicle ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust, application for new certificate of ownership is not required.

In applying for a new certificate of ownership you will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

Note: New or successor trustees must provide documentation showing they are named as such in the trust.

(5) What is required when a trust is terminated? The owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

If trustee(s) are deceased and no successor trustee(s) is appointed, the process established in WAC 308-56A-335 - Owner deceased, applies.

[Statutory Authority: RCW 46.01.110. 03-10-097, § 308-56A-065, filed 5/7/03, effective 6/7/03. 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 certificate of ownership will show the name of the lessee as registered owner, followed by LSE. The name of the lessor will be shown as the secured party or legal owner, followed by LSR.

(b) If the vehicle is subject to a security agreement the certificate of ownership will show the lessor's name immediately below the lessee's name as a subsequent registered owner followed by LSR. The address shown will be the lessee's. The secured party's name and address will be shown as the legal owner.

(c) Dealers and persons engaged in the business of vehicle leasing may simply be shown 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 does a lien holder release interest on a leased vehicle? To release a lien on a vehicle that is being leased the lien holder must follow procedures outlined in WAC 308-56A-265.

(3) What if a sublessee is to be shown on the Washington certificate of ownership?

(a) Sublessees will be shown on the certificate of ownership as first registered owner, followed by SUBLSE. Lessees, lessor, and secured parties will be shown successively as described in subsection (1) of this section.

(b) The address of the registered owner will be that of the sublessee.

(c) Any person to be shown on the certificate of ownership as a registered owner as described in subsections (1) and (3)(a) of this section must sign the application for certificate of ownership.

(4) 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 must be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-070, filed 6/3/03, effective 7/4/03. 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) **Can more than one legal owner show as security interest on the certificate of ownership?** Yes, however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(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 will be shown on the certificate of ownership.

(3) **If the security interest has been satisfied with one of the legal owners shown on a certificate of ownership, how is their interest released?** When the security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest must be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) must, within ten days of receiving the properly released certificate of ownership, apply for reissuance of the certificate of ownership showing the remaining legal owner's name and address.

[Statutory Authority: RCW 46.01.110, 04-13-118, § 308-56A-075, filed 6/22/04, effective 7/23/04; 03-10-097, § 308-56A-075, filed 5/7/03, effective 6/7/03; 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 42.56 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.
- (e) Please see subsection (3) of this section for additional restrictions.

Business and government entities requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) **When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed?** Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government entities with enforcement, investi-

gative, or taxing authority and only for use in the normal course of conducting their business.

(4) **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.

(5) **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.

(6) **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.

(7) **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.

(8) **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.

(9) **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.

(10) **When may the department disclose the individual name(s) and address(es) of vehicle owners?** Notwithstanding the provisions of chapter 42.56 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.

(11) **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.

(12) **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.

(13) **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.

(14) **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. 06-15-059, § 308-56A-090, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 46.16.010, 46.12.370, and 46.12.380. 05-18-002, § 308-56A-090, filed 8/25/05, effective 9/25/05. 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 for a new vehicle must 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 must contain at least 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) Shipping weight or curb weight.

(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. 03-05-081, § 308-56A-110, filed 2/19/03, effective 3/22/03; 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 a state or country 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 a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the current ownership documents.

(b) If the vehicle was acquired from an agency of the United States government, the federal ownership document 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 either registered or titled in Washington with a federal (FED) use class, the purchaser needs a bill of sale for a no title issued (NTI), or when title is issued in Washington, need title properly released.

(ii) A secure odometer disclosure completed only by the transferee and buyer if the vehicle falls within the federal odometer disclosure criteria.

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the current ownership document issued by that country. If the country from which the vehicle is imported cancels the vehicle ownership document for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation if available. If evidence of cancellation is not available, then a statement of fact by the owner is required.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by a United States government military entity, the application for certifi-

cate of ownership must be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the armed forces member must provide the lien holder information at the time of application.

(2) What ownership documents are required to obtain a certificate of ownership for a vehicle from a non-titling state or country?

(a) If the vehicle is from a state or country 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 state or country that neither registers nor titles, follow the ownership in doubt procedures from WAC 308-56A-210. The applicant must submit a statement indicating when and where they acquired the vehicle.

(3) What if I am unable to locate a record of my vehicle in any state or country? If there is no indication that your vehicle is from a nontitle or nonregistration state or country, and no record of your vehicle is found, you may follow ownership in doubt procedures in WAC 308-56A-210.

(4) What is required to title a vehicle from a titling state or country that has refused to issue a title document for a specific vehicle? If the state or country has refused to issue title, Washington may 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.

(5) What documentation is required in addition to the ownership document if my vehicle is from a foreign country? In addition to the ownership document, the application for certificate of ownership must be accompanied by:

(a) An approved Department of Homeland Security U.S. Customs and Border Protection Entry Summary 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 must provide a notarized or 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-265, if the applicant is not the owner shown.

[Statutory Authority: RCW 46.01.110. 07-20-109, § 308-56A-115, filed 10/3/07, effective 11/3/07; 06-22-025, § 308-56A-115, filed 10/25/06, effective 11/25/06; 03-05-081, § 308-56A-115, filed 2/19/03, effective 3/22/03; 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 consists of a system-generated permit and a cardboard temporary "plate" which may be issued in lieu of a registration certificate and license plates when:

(a) The vehicle is not currently licensed in Washington; and

For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within sixty days of application for the department temporary permit, or the vehicle's license plates are missing or unreadable; and

(b) Appropriate vehicle documentation to title and license the vehicle is not immediately available but is likely to be available within sixty days; and

(c) The vehicle was purchased from someone other than a licensed Washington dealer or is scheduled for inspection by the Washington state patrol.

(2) How long is a department temporary permit valid? The department temporary permit is valid for no longer than sixty days from the date of application.

(3) Where do I apply for and obtain a department temporary permit? You may apply for a department temporary permit at any Washington vehicle licensing office.

(4) What fees are due when applying for a department temporary permit? All applicable taxes, title, license fees and inspection fees are due when the department temporary permit is issued. Any fees for license plates are due when the department temporary permit is cleared.

(5) How do I display the cardboard temporary plate? You must display the cardboard temporary plate where it is visible from outside of the vehicle or towed vehicle (such as on the inside left side of the rear window), or you may weatherproof the plate and place it in the license plate holder. Carry the cardboard temporary plate in the vehicle or the towing vehicle.

(6) If my vehicle is eligible for monthly gross weight, how many months of gross weight must I purchase with a department temporary permit? If your vehicle 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(7) for gross weight license already purchased.

(7) How do I clear the department temporary permit and obtain a registration certificate and license plates for my vehicle? You may obtain a registration certificate and license plates for your vehicle at any vehicle licensing office by submitting:

- (a) An application for certificate of ownership; and
- (b) An odometer disclosure statement, if applicable; and
- (c) License plate fees; and
- (d) Other applicable documentation, fees, and taxes.

(8) What fees are due when clearing a department temporary permit? In addition to other fees as prescribed by law, the title application fee and license plate fees are due when the department temporary permit is cleared.

(9) How do I obtain a replacement department temporary permit? You may obtain a photocopy of the department temporary permit by contacting any vehicle licensing office who will acquire the photocopy from the department. 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 cardboard temporary "plate"? You may obtain a replacement cardboard temporary "plate" at any Washington vehicle license office

where it was purchased. You must provide the vehicle identification number or the department temporary permit number.

(11) May a department temporary permit be extended? Yes, a department temporary permit may be extended on a case-by-case basis upon departmental approval.

An extension of a department temporary permit cannot be granted for vehicles described in subsection (6) of this section when no more than two months' gross weight was purchased. Additional gross weight cannot be issued until the department temporary permit is cleared.

[Statutory Authority: RCW 46.01.110. 07-22-090, § 308-56A-140, filed 11/6/07, effective 12/7/07; 04-08-080, § 308-56A-140, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-140, filed 5/22/03, effective 6/22/03; 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, completed by the Washington state patrol or other 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 and ownership was not retained by the registered owner;

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

(c) One on which the identification number needs verification as requested by the department, county auditor, or authorized agent;

(d) A kit vehicle not previously titled as such (if no vehicle identification number (VIN) or model year previously assigned);

(e) A street rod not previously titled as such;

(f) A glider kit not previously titled as such;

(g) Subject to ownership in doubt described in WAC 308-56A-210;

(h) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen;

(i) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW; or

(j) Inspections are not required for snowmobiles or mobile homes.

(2) Is there a fee charged for a VIN inspection? Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(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 entities or individuals designated by the director if the vehicle is located in another 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) Sixty 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 no Washington record or no manufacture certificate/statement of origin (MCO/MSO) except those described in WAC 308-56A-210;

(v) Referred for inspection for any reason not listed.

(b) Three hundred sixty-five days for a licensed vehicle dealer.

[Statutory Authority: RCW 46.01.110. 08-03-104, § 308-56A-150, filed 1/22/08, effective 2/22/08; 06-22-025, § 308-56A-150, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.060, 46.16.600, 43.17.060. 04-08-002, § 308-56A-150, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-150, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-150, filed 2/19/03, effective 3/22/03; 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 is the model year assigned by the manufacturer or in the case of homemade vehicles, it is the year the vehicle was built.

(2) Are there standards for assigning model years that manufacturers must follow? Manufacturers must adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards must 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 must designate the model year on the manufacturer's certificate of origin (MCO), manufacturer's statement of origin (MSO) 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/MSOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles must 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 will 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, a street rod, assembled or a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

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

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

(d) The model year of a kit vehicle as defined in RCW 46.04.251 will not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms will 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 includes 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/MSO 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 that 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, 46.16.216, 03-12-006, § 308-56A-160, filed 5/22/03, effective 6/22/03; 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?** A replacement certificate of ownership will be issued only to the owner(s) of record. You will need to provide an explanation of what happened to the certificate of ownership that you are replacing and the vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. A request for a replacement certificate of ownership must be presented to the department on a notarized or certified:

- (a) Affidavit of loss form;
- (b) Letter of request from the owner(s) of record; or
- (c) 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 must sign the request for the replacement certificate of ownership. Signatures must be certified or notarized in accordance with WAC 308-56A-275.

(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, 46.16.216, 03-12-006, § 308-56A-200, filed 5/22/03, effective 6/22/03; 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—Bonded title or three-year registration without title. (1) **What is ownership in doubt?** Ownership in doubt is when a vehicle owner(s) is unable to obtain satisfactory evidence of ownership or releases of interest as described in WAC 308-56A-265.

(2) **What options are available in an ownership in doubt situation?** When in an ownership in doubt situation, the owner may:

- (a) Apply for three-year registration without title; or
- (b) Apply for a bonded title described in RCW 46.12.-151; or
- (c) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. This 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.

(3) **What documents are required when applying for a bonded title or three-year registration without title?** Required documents when applying for a bonded title or three-year registration include:

(a) The originals or copies of letters sent by registered or certified mail to the registered and legal owners of record, including the return receipt. The letters must include information regarding the applicant's claim to ownership and a request for the released certificate of ownership (title) or a notarized or certified release of interest.

(i) Registered and legal owner information will be released under WAC 308-56A-090 for applications needing that information.

(ii) If there is no Washington record, (a) of this subsection does not apply.

(iii) If the owners of record do not respond before submitting their application, the applicant must wait fifteen days from acknowledged receipt of the letter.

(iv) If the letter is returned unclaimed, the applicant must submit the letter, unopened, with the application.

(b) A bonded title or a three-year registration without title affidavit completed by the applicant and signed by all persons to be shown as a registered owner.

(c) Washington state patrol inspection, unless the vehicle is specifically exempt under subsection (4) of this section. For vehicles exempt from the Washington state patrol inspection under subsection (4) of this section, the following documents are also required:

(i) A bonded title or three-year registration without title affidavit for vehicles exempt from the Washington state patrol inspection completed and signed by a person to be shown as a registered owner; and

(ii) A legible etching or photograph of the VIN as proof of the VIN.

(d) Application for certificate of ownership (title).

(e) A bond as described in RCW 46.12.151, if the applicant is applying for a bonded title.

(f) Other documents that may be required by law or rule.

(4) Are there exemptions from the Washington state patrol inspection? Yes.

(a) Certain vehicles are exempt from the Washington state patrol inspection if:

(i) There is a Washington record; or

(ii) There is no Washington record, but the vehicle owner has a title or registration certificate issued by Washington or another jurisdiction.

(b) Vehicles exempt from the Washington state patrol inspection include:

(i) Mopeds;

(ii) Trailers with a scale weight less than two thousand pounds;

(iii) Not eligible for road use (NEFRU) vehicles as defined in WAC 308-56A-500 when the model year is ten years old or older;

(iv) Travel trailers and park model trailers when the model year is ten years old and older;

(v) Campers when the model year is ten years old and older;

(vi) Manufactured and mobile homes are exempt at all times.

(5) When is a bond required? A bond is required in ownership in doubt situations when:

(a) The applicant is a Washington state licensed vehicle dealer; or

(b) The Washington record shows there is an existing lien.

(6) How is a vehicle value determined for filing a bond? Vehicle value may be determined from one of the following sources:

(a) The department's automated valuing system; or

(b) A published appraisal guide; or

(c) Appraisal from a licensed vehicle dealer or appraisal company. The appraisal must be on company letterhead and have the business card attached; or

(d) Insured amount; or

(e) Consideration or payment plus estimated repairs by a bona fide mechanic; or

(f) Other valuing sources approved by the department.

(7) May I transfer ownership on a vehicle with a bonded title or three-year registration without title? Yes.

(a) Owners releasing interest in a vehicle with a bonded title or three-year registration without title must provide a release of interest described in WAC 308-56A-265;

(b) The new owners must submit an application for title as described in this chapter and complete the time remaining on the current ownership in doubt period.

[Statutory Authority: RCW 46.01.110, 07-13-082, § 308-56A-210, filed 6/19/07, effective 7/20/07; 06-22-025, § 308-56A-210, filed 10/25/06, effective 11/25/06; 03-05-081, § 308-56A-210, filed 2/19/03, effective 3/22/03; 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, alterations, and incorrect information. (1) Will the department accept an application for certificate of ownership or supporting documents if they have been altered? The department may refuse to accept any application for certificate of ownership or supporting documents when ownership or vehicle information has been altered.

(2) Will the department accept a certificate of ownership if it has been altered? Any alteration or erasure voids the certificate of ownership unless documentation satisfactory to the department in accordance with subsection (3) of this section is submitted with the certificate.

(3) 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 from a Washington licensed dealer. In lieu of a release of interest, the Washington licensed vehicle dealer may attach an affidavit explaining the error in the security interest.

(c) A name erroneously shown on the certificate of ownership as the purchaser must be accompanied by either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed or other explanation for the erroneous designation.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216, 03-12-006, § 308-56A-215, filed 5/22/03, effective 6/22/03; 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 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;
- (f) The department determines from a review of supporting documentation that the vehicle record must be corrected and a new certificate of ownership issued to correct an error made by the department.

(2) **When is one signature acceptable on an application for certificate of ownership with multiple registered owners?** 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 46.16.110. 04-19-017, § 308-56A-250, filed 9/7/04, effective 10/8/04. Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-250, filed 3/31/03, effective 5/1/03; 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 a registered or legal owner release interest in a vehicle?** To release interest in a vehicle a registered or legal owner must:

- (a) Sign the release of interest section provided on the certificate of ownership; or
- (b) Provide a release of interest document or form approved by the department.

(2) **Do signatures releasing interest need to be notarized or certified?** If the signatures releasing interest are not provided on the certificate of ownership, all signatures must be notarized or certified in accordance with WAC 308-56A-275.

(3) **When are notarized or certified signatures not required on a release of interest?** Signatures releasing interest do not need to be notarized or certified when:

- (a) A signature releasing interest is provided on the certificate of ownership issued by the department or another jurisdiction;
- (b) An approved affidavit in lieu of title printed by a lending institution that is authorized by the department to participate in the electronic title program is provided;
- (c) A secured party is releasing interest; and
- (i) The secured party is a business; and
- (ii) Provide a release of interest document or form approved by the department; and

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(ii) Is submitted with the current 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 bill of sale from a wrecker or insurance company.

(4) **When is a release of interest not required from a registered owner?** A release of interest from the registered owner is not required when:

(a) The registered owner is identified as a lessee or sublessee on an ownership document.

(b) The vehicle is awarded to a different owner by legal action.

(5) **What other documentation may be used as a release of interest?** Documents that may be used as a release of interest include, but are not limited to:

- (a) Bill of sale;
 - (b) Affidavit in lieu of title with the release of interest portion properly completed;
 - (c) Letter of release;
 - (d) Affidavit of repossession;
 - (e) Affidavit of sale on an abandoned vehicle report;
 - (f) Chattel or landlord lien form;
 - (g) Certificate of junk vehicle form; or
 - (h) Other documentation approved by the department.
- These items may be subject to notary requirements.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-265, filed 3/31/03, effective 5/1/03; 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 forms of signature are 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, signature stamp, mark or sign made with the intent to authenticate an application for certificate of ownership or registration of any person.

(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 authorized to sign on behalf of the business as stated in subsection (1) of this section; and

(c) The title or position of that person.

[Statutory Authority: RCW 46.16.010 and 9A.04.110. 06-15-060, § 308-56A-270, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-270, filed 3/31/03, effective 5/1/03. 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 must be notarized by a notary public or certified by an agent or subagent 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 includes:

- (a) Drivers license; or
- (b) Any nationally or regionally recognized government issued photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or
 - (d) Other documentation satisfactory to the department.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-275, filed 3/31/03, effective 5/1/03; 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 will 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. 03-05-081, § 308-56A-295, filed 2/19/03, effective 3/22/03; 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 proof of ownership do I need to submit for a vehicle I purchased at a Washington abandoned vehicle auction as authorized under chapter 46.55 RCW? You must submit:

- (1) A Washington Abandoned Vehicle Report - Affidavit of Sale form as provided for in WAC 308-61-026(1); and
- (2) Certificate of ownership application and other documents required by RCW 46.12.030(3).

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-300, filed 6/3/03, effective 7/4/03; 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 documents must I submit to obtain a certificate of ownership for a vehicle that has been purchased at a law enforcement sale? You must submit:

- (a) Documents required by chapters 46.01 and 46.12 RCW;
 - (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;
 - (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; or
 - (d) The current certificate of ownership, if it is available.
- (2) **Does the sale of a vehicle at a law enforcement sale remove any previous security interest?** Yes, the security interests are released at the time of sale.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-305, filed 6/3/03, effective 7/4/03; 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.

(1) **What is a chattel lien?** For the purposes of this section a chattel lien is a process by which a person may sell or take ownership of a vehicle when:

- (a) They provide services or materials for a vehicle at the request of the registered owner; and
- (b) The person who provided the services and/or materials has not been compensated.

(2) **What documents are required to obtain a certificate of ownership for a vehicle?** The required documents include:

- (a) A completed Vehicle/Vessel Chattel Lien Sale Affidavit form provided or approved by the department; and
- (b) A certified copy of the lien filing that is filed with the county auditor; and
- (c) A copy of the letter(s) sent by the lien applicant via first class mail, and certified or registered mail, to the registered and legal owners of record, including the return receipt; and
- (d) Affidavit of service by mail; and
- (e) Application for certificate of ownership; and
- (f) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a chattel lien?** A Washington court order is required when:

- (a) Someone other than the owner of record requested the services and/or materials; or
- (b) There is no record of the vehicle on file with the department.

(4) **What laws regulate chattel liens?** Chapter 60.08 RCW regulates chattel liens.

[Statutory Authority: RCW 88.020 [88.02.070], 88.02.100. 07-03-128, § 308-56A-310, filed 1/23/07, effective 2/23/07. Statutory Authority: RCW 46.01.110. 06-17-145, § 308-56A-310, filed 8/22/06, effective 9/22/06. 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-311 Personal property lien—Landlord's lien for rent. (1) **What is a landlord's lien for rent?** For the purposes of this chapter, a landlord's lien for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

(2) **What documents are required to issue a certificate of ownership for a vehicle obtained through the landlord's lien for rent process?** The required documents include:

- (a) A completed affidavit of landlord lien form provided or approved by the department;
- (b) Application for certificate of ownership; and
- (c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a landlord's lien for rent?** A Washington court order is required when there is no record of the vehicle on file with the department.

(4) **What laws regulate landlords' lien for rent?** Chapters 59.18, 60.10, and 60.72 RCW regulate landlord liens for rent.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-56A-311, filed 8/22/06, effective 9/22/06.]

WAC 308-56A-312 Personal property lien—Self-service storage facilities. (1) **What is a self-service storage facilities lien?** For the purposes of this chapter, a self-storage facilities lien is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(2) **What documents are required to obtain a certificate of ownership for a vehicle obtained through the self-service storage facilities lien process?** The required documents include:

- (a) A completed affidavit of self-storage facilities lien sale form provided or approved by the department;
- (b) Application for certificate of ownership; and
- (c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a self-service storage facilities lien?**

(a) The vehicle is no longer in the possession of the person who is claiming the self-service storage facilities lien; or

(b) There is an existing lien holder on the vehicle record;

or

(c) There is no record of the vehicle on file with the department.

(4) **What law regulates self-service storage facilities liens?** Chapter 19.150 RCW regulates self-storage facilities liens.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-56A-312, filed 8/22/06, effective 9/22/06.]

(2009 Ed.)

WAC 308-56A-315 Name change. What document must I submit to change my name shown on the certificate of ownership? You must submit:

(1) Documents required by chapters 46.01 and 46.12 RCW; and

(2) If the name was changed by a court order, a copy of that order; or

(3) A notarized/certified 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.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-315, filed 6/3/03, effective 7/4/03; 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 documents must I submit if ownership of a vehicle is awarded by court order?** In addition to ownership documents required by chapter 46.12 RCW and registration documents required by chapter 46.16 RCW, you must submit:

(a) A copy of the Washington state court order, or certification from the clerk of the court confirming the court's action; or

(b) Finding of fact, conclusion of law and decision from the Washington state office of administrative hearings per RCW 46.12.330 for vehicles titled in Washington state; or

(c) 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; or

(d) 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; or

(e) A certificate of ownership from a foreign jurisdiction in the applicant's name.

(2) **What information does the department require on the court order or legal decision as defined in RCW 46.12.330?** At a minimum, the court order or legal decision must contain:

(a) The full name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded;

(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 or legal decision as defined in RCW 46.12.330?** No, the department requires only copies of pages of the final court order or legal decision that contain:

(a) The information listed in subsection (2) of this section; and

(b) If the court order or legal decision identifies any collateral agreements, include the first page, the signature page, and vehicle description; and

(c) The page of the order or decision actually signed by the judge or legal official.

(4) **Does the copy of the court order or legal decision need to be certified?** No.

(5) **What does the department require if the court order or legal decision does not describe the vehicle by vehicle identification number (VIN) or Washington license plate number?** The department requires a certified or notarized statement from the owner describing the vehicle in the court order or legal decision by year, make and VIN or vehicle license plate number.

(6) **Does the court order or legal decision allow the department to remove the security interest recorded on the current certificate of ownership?** The department will remove the security interest only if the court order or legal decision specifically directs the department to do so.

(7) **How do I get the security interest removed if the court order or legal decision does not specifically direct the department to do so?** The new owner may:

(a) Negotiate with the secured party to obtain either a release of interest or a new security agreement; or

(b) Petition the original court or legal official that issued the order or decision, or a higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 46.01.110, 46.12.101, 03-12-071, § 308-56A-320, filed 6/3/03, effective 7/4/03; 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 a guardian has been appointed for a person who has been declared incompetent? The department requires a copy of the order issued 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 the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent on the certificate of ownership. 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 the vehicle. If guardianship is not recorded on the current certificate of ownership, a copy of the court order appointing the guardian must accompany the release of interest. The guardian may not appoint any person through power of attorney to release interest.

[Statutory Authority: RCW 46.01.110, 46.12.101, 03-12-071, § 308-56A-325, filed 6/3/03, effective 7/4/03; 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 the trustee appointed by the bankruptcy court has the authority to release interest in a vehicle. A copy of the court order appointing the trustee must accompany the release of interest.

[Statutory Authority: RCW 46.01.110, 46.12.101, 03-12-071, § 308-56A-330, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-330, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-330, filed 7/31/74.]

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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. Do I need to title those vehicles? 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.

[Statutory Authority: RCW 46.70.160, 05-14-092, § 308-56A-405, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-405, filed 7/31/74.]

WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership? A Washington vehicle dealer need not apply for certificate of ownership 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;

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(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.

(4) An abandoned vehicle/vessel is purchased by a Washington licensed dealer and intended for retail sale.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-56A-410, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-410, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-410, filed 7/31/74.]

WAC 308-56A-415 Application in dealers name. When do I need to apply for a certificate of ownership?

Except as referenced in WAC 308-56A-410, 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.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-415, filed 6/30/05, effective 7/31/05; Order MV 208, § 308-56A-415, filed 7/31/74.]

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. How do I deliver a vehicle on a 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/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser/lessee. 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) or lessee.

(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/lessee.

(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), when a second temporary permit is authorized; 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 or leasing dealer physically delivers the vehicle to the customer/purchaser/lessee shall commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee'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 was

physically delivered to the customer/purchaser/lessee 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/lessee.

(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) Date and location of purchase of each permit and the permit number;
- (b) Identification of vehicles delivered on temporary permits;
- (c) Dates of vehicle sales, leases and deliveries.

[Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-420, filed 6/30/05, effective 7/31/05. 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 must be submitted with an application for certification of ownership for glider kits? The application for certificate of ownership must be accompanied by the following documents:

- (a) The previously issued certificate of ownership, bill(s) of sale or manufacturer's certificate/statement of origin (MCO/MSO);

(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 inspector verifying the vehicle identification number and of component parts not included in the glider kit MCO/MSO;

(d) A certified weight slip showing the new scale weight of the vehicle;

(e) An MCO/MSO or bill of sale for the kit;

(f) A declaration of value form provided by the department.

[Statutory Authority: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.600, 46.16.600, 43.17.060. 04-08-002, § 308-56A-450, filed 3/24/04, effective 4/24/04. 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:

(a) Has had the complete body or frame replaced with the body or frame from another commercially manufactured vehicle; or

(b) Had the body or frame cut in two and replaced with a major portion of the body or frame from another vehicle; or

(c) Has had a major modification so that the VIN no longer properly describes the vehicle; or

(d) Is a motorcycle on which the frame and engine are of different make or model years. An assembled vehicle is made from parts produced by recognized manufacturers for commercially produced vehicles, and can be recognized as one produced by a particular manufacturer. Assembled vehicles do not include glider kits, custom built, replica, kit vehicles, or trucks installed with a different bed.

(2) **How is the model year determined for an assembled vehicle?** The Washington state patrol will determine the model year of an assembled vehicle upon inspection of the vehicle.

(3) **What constitutes a homemade vehicle?** A homemade vehicle is one that cannot visually be identified as produced by a particular manufacturer and is made primarily from fabricated parts. The make will be identified as homemade.

(4) **How is the model year determined for a homemade vehicle?** The Washington state patrol will determine the model year of a homemade vehicle upon inspection of the vehicle.

(5) **What documents must I submit with my application for a certificate of ownership for an assembled or homemade vehicle?** You must submit the following documents with your application for certificate of ownership:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle. The bills of sale must be notarized unless the seller is a licensed business. The bill(s) of sale must 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 Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year; and

(c) A completed declaration of value form.

You may be required to apply for ownership in doubt as described in WAC 308-56A-210 if you do not have all the required documentation.

(6) **What is required if I must remove, destroy or conceal a vehicle identification number plate on a vehicle or major component part to be used on my assembled or homemade vehicle?** The vehicle or major component part containing the VIN plate must be presented to the Washington state patrol with the VIN plate intact. The WSP will remove the VIN plate and mark the vehicle or major component part so it can be identified when the assembled or homemade vehicle is ready for inspection.

[Statutory Authority: RCW 46.01.110. 04-08-080, § 308-56A-455, filed 4/6/04, effective 5/7/04; 03-10-097, § 308-56A-455, filed 5/7/03, effective 6/7/03; 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—Reporting—Rebuilt. (1) **What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.12.005;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

(2) **How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?**

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's on-line reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form (TD 420-074).

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED,"

and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 is also required.

(3) **What if the "market value threshold amount" is not provided as required?** If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.005 has been met. The certificate of ownership will be branded according to WAC 308-56A-530.

(4) **What documentation is required to obtain a certificate of ownership after a vehicle is destroyed?** After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of ownership:

(a) Application for certificate of ownership as described in RCW 46.12.030;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holders are not required since liens are presumed to have been satisfied at the time of settlement of the claim.

(d) Odometer disclosure statement, if applicable.

(5) **What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle?** Except as permitted by RCW 46.70.101 (1)(b)(viii), before a 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 vehicle inspection by the Washington state patrol; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(6) **Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle?** Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16.233, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

(7) **Will the certificate of ownership or registration certificate indicate "WA REBUILT"?** Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

[Statutory Authority: RCW 46.01.110, 04-08-080, § 308-56A-460, filed 4/6/04, effective 5/7/04; 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 following definitions apply to terms used in chapters 46.12 and 46.16 RCW and chapter 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership, registration certificate, validation tab are unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

(4) "Brands" means a permanent notation on the certificate of ownership and vehicle registration certificate that records a circumstance or condition involving a vehicle.

(5) "Brands incident date" is the date that a brand was first applied to a vehicle. For states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS), it's the date the brand was first reported. For all other states/jurisdictions, it is established by using the date the current title was issued. Brands on Washington records prior to the effective date of this rule will reflect a brand incident date equal to the date the last Washington certificate of ownership was issued.

(6) "Certificate of ownership" (also referred to as "certificate of title" or "title") is a legal document indicating proof of ownership and will establish a fact or sustain a judgment unless contradictory evidence is produced. A certificate of ownership may be a document other than a title when a title document is not issued by a jurisdiction. For example, for Canadian vehicles, the certificate of ownership is the registration.

(7) "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.

(8) "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.

(9) "Current license plate registration" means the current registration or one that has been expired less than one year.

(10) "Declaration in lieu of title" is a written statement confirming the certificate of ownership, registration certificate, validation tab is unavailable, lost, stolen, destroyed, or mutilated. The declaration in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the declaration in lieu of title must be signed under penalty of perjury, as described in WAC 308-56A-270.

(11) "Declaration of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed, or mutilated. The declaration of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the declaration of loss release of interest must be signed under penalty of perjury, as described in WAC 308-56A-270.

(12) "Department" means the same as described in RCW 46.04.162.

(13) "Department temporary permit" is a permit issued temporarily in lieu of permanent registration and license plates when required documentation is unavailable.

(14) "Electronic filing" is the use of an electronic method to transmit information to the department that may include, but is not limited to, the use of the internet and facsimile.

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

(16) "Joint tenancy with rights of survivorship" (JTWROS) means two or more people who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(17) "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.

(18) "Legal owner" means the same as described in RCW 46.04.270.

(19) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(20) "Natural person" means a human being.

(21) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, 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.

(22) "A declaration under penalty of perjury" means a statement signed by the applicant to the effect - "I declare under penalty of perjury under the laws of the state of Washington that the information I have provided on this form is true and correct." Anyone who knowingly makes a false statement may be guilty of a crime under state law.

(23) "Person" means the same as described in RCW 46.04.405.

(24) "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).

(25) "Registered owner" means the same as described in RCW 46.04.460.

(26) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(27) "Security interest holders" means in this instance, the same as "lien holder" as defined in subsection (16) of this section.

(28) "Secured party" means in this instance the same as "lien holder" as defined in subsection (16) of this section.

(29) "Standard brand" is a brand found on the brands list maintained by the National Motor Vehicle Title Information System (NMVTIS) program.

(30) "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.

(31) "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.

(32) "Unique brand" means a brand issued by a state that is not participating in the National Motor Vehicle Title Information System (NMVTIS) program and does not appear on the brands list maintained by NMVTIS.

(33) "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 of ownership has occurred.

(34) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(35) "Washington vehicle licensing office" means an office that is operated by the department or an agent or sub-agent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-56A-500, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.16.010. 05-23-135, § 308-56A-500, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110. 05-07-152, § 308-56A-500, filed 3/23/05, effective 5/15/05; 04-08-081, § 308-56A-500, filed 4/6/04, effective 5/7/04; 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 certificate of ownership (title)—Eligibility. (1) **May I eliminate the certificate of ownership (title) on my manufactured home?** You may eliminate the certificate of ownership (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 certificate of ownership on my manufactured home?** You must complete, record and submit a manufactured home application. The application to eliminate the certificate of ownership issued 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 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 elimination 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 a 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 completed application must be recorded with the county auditor's office in the county where the manufactured home and land are located.

(e) After recording, the original or a certified copy of the elimination application and any other documents required by the department must be submitted to a vehicle licensing office to complete the elimination process with the appropriate fees. A confirmation letter is sent from the department confirming the elimination of the certificate of ownership.

(f) Failure to finalize the elimination process with a vehicle licensing office will render the elimination incomplete until such time the original or certified copy of the recorded application and any other documents required by the department are submitted to a vehicle licensing office with the appropriate fees.

(4) **How do I complete the elimination of my manufactured home certificate of ownership with the department?** After recording the original or a certified copy of the elimination application and any other documents required, it must be submitted to the department for processing with payment of the applicable fees. After the application has been processed, you will receive a confirmation letter from the department that your manufactured home certificate of ownership has been eliminated.

(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 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 cover the cost of processing documents and performing services as described in RCW 65.20.090.

[Statutory Authority: RCW 65.20.090, 05-01-209, § 308-56A-505, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 46.01.110, 04-08-081, § 308-56A-505, filed 4/6/04, effective 5/7/04. 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) **Who must file a vehicle seller's report of sale?** With the exception of certain vehicle transfers by registered Washington vehicle dealers, and vehicles disposed of by licensed vehicle wreckers, Washington law (RCW 46.12.101) requires filing 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.

(2) **When must a completed vehicle seller's report of sale be filed?** Vehicle seller's report of sale must be received by the department within five days of the date of sale, gift, trade or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

(3) **Who is the seller?** The seller is the current registered owner of record according to the computer file kept by the department. The seller is a person (individual or business) who transfers their right of ownership of a vehicle to another person or business.

(4) **Who is the purchaser?** The purchaser is a person (individual or business) who takes a vehicle into their possession, by voluntary acquisition.

(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) **How do I file my vehicle seller's report of sale?** You may file your seller's report of sale through:

- (a) Your local vehicle/vessel licensing office; or
- (b) The department by mail; or
- (c) The internet.

(7) **What information is required on the vehicle report of sale?** You are required to provide information contained in RCW 46.12.101 that includes:

- (a) The date of sale or transfer;
- (b) Name(s) and address of seller;

- (c) Name(s) and address of transferee (buyer);
- (d) Description of vehicle; and
- (e) Purchase price.

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.

(8) 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).

(9) 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.

(10) How will I show that I filed a completed vehicle seller's report of sale? When you file a vehicle seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt.

When you file a vehicle report of sale on the internet, you will have the option of printing your receipt. Both receipts will show the following information:

- (a) Date the report of sale was filed;
- (b) Description of vehicle;
- (c) Name and address of agent/subagent where filed (not included when filing through the internet);
- (d) Date of sale;
- (e) Purchase price if provided;
- (f) Name(s) and address of seller;
- (g) Name(s) and address of transferee (buyer if provided).

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, must 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. 06-23-038, § 308-56A-525, filed 11/7/06, effective 12/8/06; 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) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18);

(h) Returned to manufacturer;

(i) Odometer - Not actual;

(j) Odometer - Exceeds mechanical limits;

(k) Repaired - Wrecker/insurance bill of sale;

(l) Contaminated - Vehicles described in chapter 64.44 RCW;

(m) Decontaminated - Vehicles described in chapter 64.44 RCW.

(3) What brands are carried forward from the other states/jurisdictions by the department?

(a) Brands for states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS) program (known as "Standard Brands,") are maintained in the brands list by NMVTIS and include, but are not limited to:

- (i) Rebuilt;
- (ii) Junk;
- (iii) Destroyed;
- (iv) Salvage - Damaged;
- (v) Salvage - Retention;
- (vi) Salvage - Stolen;
- (vii) Salvage - Other;
- (viii) Flood damage;
- (ix) Hail damage;
- (x) Saltwater damage;
- (xi) Totaled.

(b) Brands from states/jurisdictions not participating in NMVTIS that do not appear on the brands list maintained by NMVTIS (known as "unique brands") will be carried forward on Washington certificates of ownership and registration certificates exactly (or abbreviated if too long) as they appear on the foreign title.

More than one brand may appear on the vehicle registration or certificate of ownership.

(4) Will a brand be applied to destroyed vehicles that have been sold on an out-of-state wrecker or insurance bill of sale, then repaired, and inspected? Yes. 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, then brought into Washington from another jurisdiction that is not subject to reporting under RCW 46.12.070 repaired, and inspected will be branded. The brand will appear as "repaired-wrecker/insurance bill of sale."

The jurisdiction code will be identified as "WA."

(5) 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.

(6) Will the department remove a brand? Brands stay on vehicle records indefinitely. The department will only remove a brand if the brand was applied to a Washington certificate of ownership in error; or

(a) 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.

(b) If a nonstandard 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.

(7) Where are brands located on the documents?

Brands are located in the brands section of the certificate of ownership and vehicle registration. Brands will display beginning with Washington issued brands, followed by unique brands, then standard brands. If applicable, "WA REBUILT" will show as a banner across the certificate of ownership.

(8) 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.

(9) 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: Not eligible for road use.

(10) What comments could the department print on vehicle registration certificates? Comments printed on vehicle registration certificates may include, but are not limited to:

(a) "CVSEF PAID" or "commercial vehicle safety enforcement fee paid";

(b) "Because scale weight exceeds gross weight, D.O.T. permit also required";

(c) "Commercial vehicle safety enforcement fee not paid";

(d) "Display tab on back license plate" only - front plate is still required;

(e) "*Check vehicle data base record for actual expiration date";

(f) "Replica";

(g) "Proof of FHVUT verified";

(h) "No title issued" or "no title issued - ownership in doubt";

(i) "Excise exempt NRM";

(j) "Excise exempt native American";

(k) "Excise exempt van pool";

(l) "Excise exempt rideshare";

(m) "Registration only";

(n) "Prorated gross weight to be more than 16,000";

(o) "Additional owners on record";

(p) "Not eligible for road use";

(q) "Perm plt";

(r) "Use tax waived: Gift";

(s) "Permanent fleet vehicle";

(t) "*Perm";

(u) "Color";

(v) Comments relating to the ownership; bonded, leased, JTWROS, registration only;

(w) Tax liability DAV, native American, NRM, value code/year, use tax option, rideshare, POW, tax code 95, double transfer;

(x) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration;

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(y) 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).

(11) What comments would the department carry forward from other jurisdictions? The department does not carry forward comments assigned by other jurisdictions.

(12) 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 or other pertinent information.

(13) 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 and 88.02.070. 08-20-034, § 308-56A-530, filed 9/23/08, effective 10/24/08. Statutory Authority: RCW 46.01.110. 05-07-152, § 308-56A-530, filed 3/23/05, effective 5/15/05; 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 is required on all transfers of ownership as required by RCW 46.12.124 and Title 49 of the Code of Federal Regulations (CFR), unless specifically exempted.

(2) What odometer disclosure statement forms will the department accept?

The department will accept odometer disclosure statement forms that comply with the Federal Truth in Mileage Act of 1986, Title 49 CFR, and RCW 46.12.124.

Note: An odometer power of attorney used in compliance with Part 580, Title 49 of the Code of Federal Regulations (CFR) is acceptable, and will not violate the intention of this rule.

(3) 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; and

(b) If all reassignments on the certificate of ownership are full; or

(c) If the certificate of ownership is unavailable.

(4) What are the odometer disclosure requirements for dealer transactions?

Dealers are required to obtain an odometer disclosure statement from the selling owner (transferor), and acknowledge the disclosure as transferee, when taking a vehicle in on trade, purchase, or otherwise acquiring a vehicle. Dealers must complete an odometer disclosure statement as transferor when selling a vehicle either wholesale or retail.

(5) What are the odometer disclosure requirements for vehicles sold through an auction company?

The seller/consignor completes an odometer disclosure statement as transferor and the successful bidder/buyer acknowledges the disclosure as transferee.

(6) How long must dealers and auction companies maintain odometer disclosure statement records?

Dealers and auction companies must keep odometer disclosure statement records for five years.

(7) **What are the odometer disclosure requirements for leased vehicles?** Odometer disclosure is required when establishing, terminating, or buying out a lease.

(a) When establishing a lease, the lessor must complete an odometer disclosure statement as transferor, and the lessee must acknowledge the disclosure as transferee.

(b) When terminating or buying out a lease, the lessee must complete an odometer disclosure statement as transferor, and the lessor must acknowledge the disclosure as transferee. Prior to the termination of the lease or any transfer of ownership, the lessor must notify the lessee in writing that the lessee must provide an odometer disclosure statement to the lessor.

(c) Only the former lessee needs to submit a completed odometer disclosure statement with an application for certificate of ownership following a lease buyout. The former lessee must complete the odometer disclosure statement as transferee. No transferor signature is required.

(8) **May a power of attorney be used to complete an odometer disclosure statement?** Yes, with the following restrictions:

(a) The transferor cannot authorize or give power of attorney to the transferee or dealer to complete the odometer disclosure statement.

(b) The transferee cannot authorize or give power of attorney to the transferor or dealer to complete the odometer disclosure statement.

(c) No person may sign an odometer disclosure statement as both the transferor and transferee in the same transaction.

Note: An odometer power of attorney used in compliance with Part 580, Title 49 of the Code of Federal Regulations (CFR) is acceptable, and will not violate the intention of this rule.

(9) **Is an odometer disclosure statement required when involuntary divestiture occurs?** Yes. The seller, although not the owner of record, must complete an odometer disclosure statement as transferor, and the buyer must acknowledge the disclosure as transferee. The department may approve disclosure by the transferee only in extenuating circumstances.

[Statutory Authority: RCW 46.01.110 and 46.12.020. 04-03-016, § 308-56A-640, filed 1/12/04, effective 2/12/04. 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.

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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:

(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.

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(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.]

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

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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 9/7/79; Order MV 451, § 308-61-040, filed 9/26/77; Order MV 174, § 308-61-

308-61-050	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.	308-61-200	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.
308-61-100	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.	308-61-205	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.
308-61-110	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.	308-61-210	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.
308-61-120	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.	308-61-220	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.
308-61-130	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.	308-61-230	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.
308-61-140	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.	308-61-240	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.
308-61-150	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.	308-61-250	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.
308-61-155	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.	308-61-260	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.
308-61-160	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.	308-61-270	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.
308-61-165	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.	308-61-300	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.
308-61-170	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.		

- 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 registered 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.]

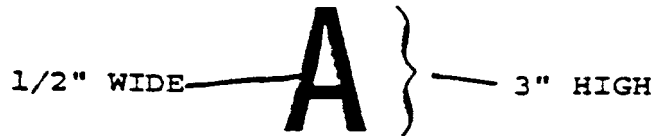
WAC 308-61-108 Miscellaneous licensing provisions.

- (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 pursuant 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 of lawful possession will take the place 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 under RCW 46.12.101, unless the transferee on the seller's report had no knowledge of the filing.

(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 of impound is to be sent by first-class mail within twenty-four hours after the impound to any lessor or lessee, as well as to the last known registered and legal owner (lien holder) of the vehicle. If the department returns information indicating a change in vehicle possession, (example: Report of sale, wrecker, or insurance destroyed report) notification will also be sent to the name and address provided by the department.

(7)(a) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment is to be sent to the registered and legal owners as described in subsection (6) of this section with the twenty-four hour impoundment notice on an unauthorized vehicle.

(b) The same notice, of the right of redemption and opportunity for a hearing to contest the validity of an impound, must also be given to anyone qualified under RCW 46.55.120 who attempts to redeem a vehicle.

(8) As the record required in RCW 46.05.150(2) [RCW 46.55.150(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.

(10) In compliance with the requirements of RCW 46.55.100, as it relates to the reporting of abandoned vehicles after being auctioned by a registered tow truck operator, any tow truck company who has established an account with the department to use the abandoned vehicle report-affidavit of sale through the online system must use that system. Any report sent to the department by fax or mail will be returned to the appropriate tow truck company to be filed online.

Tow truck companies that have not established an account with the department to use the abandoned vehicle online system are encouraged to do so; however, they may continue to file the abandoned vehicle report of sale reports via fax or through the mail.

[Statutory Authority: RCW 46.55.190. 08-08-031, § 308-61-135, filed 3/25/08, effective 4/25/08; 07-03-117, § 308-61-135, filed 1/22/07, effective 2/22/07; 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.

(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) 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.

(3) 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.

(4) Upon inspection of the vehicle as provided in subsection (3) 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.

(5) 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.

(6) 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.

(7) 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.

(8) The public viewing period required in RCW 46.55-130(1) must be held at all times during daylight hours.

(9) Auctions may be held on Saturdays or Sundays which are not legal holidays.

(10) Three days prior to any vehicle auction, tow companies must fax a listing of all vehicles, including year, make, model, and vehicle identification number, to their Washington state patrol business inspector. If there are any changes to the list, an updated/amended list must also be faxed to the Washington state patrol inspector.

[Statutory Authority: RCW 46.55.190. 07-03-117, § 308-61-175, filed 1/22/07, effective 2/22/07; 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.

(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. 04-12-063, § 308-61-190, filed 5/28/04, effective 6/28/04; 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.
308-63-020	Definitions.
308-63-030	Established place of business.
308-63-040	Wreckers—Application for license.
308-63-050	Expiration of motor vehicle wrecker's license.
308-63-060	Vehicle wrecker—Special plates.
308-63-070	Wreckers—General procedures and requirements.
308-63-080	Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts.
308-63-090	Vehicle wrecker—Records and procedures for monthly reports.
308-63-100	Vehicle wrecker—Must furnish bill of sale for parts.
308-63-110	Vehicle wrecker—Selling used vehicles.
308-63-120	Statement of change in business structure, ownership interest or control.
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.

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(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 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 being purchased, including the make, model and identification or serial number; the date of purchase; 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. 05-14-093, § 308-63-020, filed 6/30/05, effective 7/31/05; 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 vehicle 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. 05-14-093, § 308-63-030, filed 6/30/05, effective 7/31/05; 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

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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 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 vehicle wrecker's license shall expire twelve consecutive months from the date of issuance.

(2) Vehicle wrecker license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-050, filed 6/30/05, effective 7/31/05; 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 Vehicle wrecker—Special plates. How do I use the special vehicle wrecker license plates?

All vehicles used for towing or transporting vehicles or vehicle parts 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 or vehicle parts 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 or vehicle parts 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. 05-14-093, § 308-63-060, filed 6/30/05, effective 7/31/05; 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.

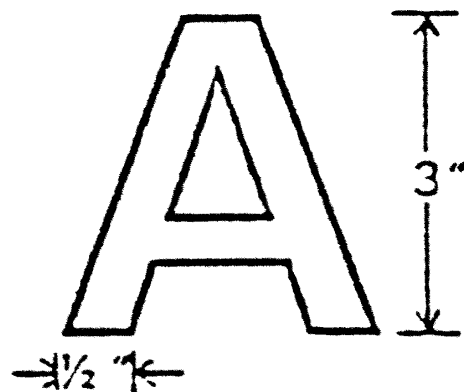
(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same permit. The vehicle 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 vehicle 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 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 or vehicle parts 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 (5) 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 vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-070, filed 6/30/05, effective 7/31/05; 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 Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts? Supporting acquisition. The vehicle 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).

(9) A bill of sale from another licensed vehicle wrecker.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-080, filed 6/30/05, effective 7/31/05; 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 Vehicle wrecker—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 must maintain books and files that 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 vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of ownership number if registered in a title state, or registration number if a nontitling state; or description of the document used in lieu of title, such as an affidavit of sale, 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 wrecked.

(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 must be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker must retain a copy of the 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 information must 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 vehicle 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 that the 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, under WAC 308-63-070(8), will not be reported. The report must be made in duplicate. The original must 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 must contain 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 ownership or other adequate evidence of ownership and registration certificates. Records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records must be kept for three years from date of purchase and made available for inspection.

(3) **Identity of vehicles in yard.** A yard number must identify all vehicles placed in the wrecking yard. The number must be 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 must be remarked in another location on the vehicle.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-63-090, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-090, filed 6/30/05, effective 7/31/05. 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 Vehicle wrecker—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No vehicle wrecker may sell a vehicle part unless the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle 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 vehicle 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 vehicle wrecker shall retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-100, filed 6/30/05, effective 7/31/05; 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 Vehicle wrecker—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. 05-14-093, § 308-63-110, filed 6/30/05, effective 7/31/05; 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.

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[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 vehicle wrecker license? A vehicle wrecker who terminates business shall, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

[Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-130, filed 6/30/05, effective 7/31/05; 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.
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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.
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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 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 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.]

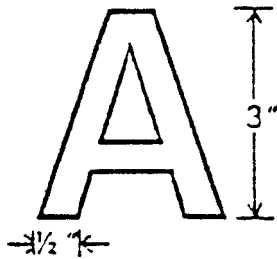
WAC 308-65-070 Hulk hauler—General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

- (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 certifi-

ates 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 vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.79.080, 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 ownership 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 must be given to the scrap processor or vehicle wrecker purchasing the vehicles listed.

(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 must have in his/her possession ownership documents to support

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lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation must 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, example, 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.

(5) When sold to a licensed wrecker or scrap processor in another state or country, the licensed hulk hauler must furnish a written report to the department by the tenth of the month following sale of the vehicle. The report must contain the following:

(a) A description of each vehicle acquired by make, model, year and vehicle identification number;

(b) The date acquired, name of the person, firm or corporation from which obtained;

(c) A description of the ownership document, including any title or registration number.

This report must be made in duplicate, retaining the duplicate for the hulk hauler's files for a period of three years. The report must be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the hulk hauler's possession.

[Statutory Authority: RCW 46.79.080, 07-03-118, § 308-65-080, filed 1/22/07, effective 2/22/07; 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

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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.

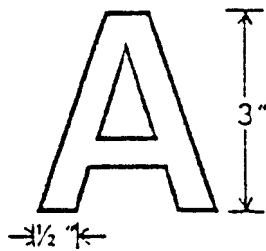
(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(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 copy of the document evidencing ownership, as required by WAC 308-65-080; 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 pro-

cessor'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. 07-03-118, § 308-65-140, filed 1/22/07, effective 2/22/07; 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.

[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.]

(2009 Ed.)

**Chapter 308-66 WAC
MOTOR VEHICLE DEALERS AND
MANUFACTURERS**

WAC

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**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. When a dealer closes the place of business during normal business hours, a sign must be posted on the main door of the business stating the time that the dealer will next be open for business and how the dealer may be contacted provided that this is not permission to routinely avoid maintaining normal business hours.

(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 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) A "vehicle dealer identification card" is a card, prescribed by the department and issued by a licensed dealer, that is used to identify the principal of a dealership, including a corporate officer, a partner of a partnership, or sole proprietor, or a member of a limited liability company, or an "employee," for purposes of driving a vehicle bearing dealer license plates.

(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 that manufacturer's or distributor's new vehicles which qualify for adjustments under the 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 that the purchaser has possession of the vehicle, all liens against the vehicle are paid, the seller has the proceeds of sale, and title to the vehicle has been transferred to the retail purchaser.

(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 for that home.

(13) "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.

(14) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

(15) "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.

(16) "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.

(17) 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.

(18) The "principal" of a business as used herein means a true party of interest, including:

(a) The proprietor of a sole proprietorship;

(b) A partner of a partnership or a limited liability partnership;

(c) An officer of a corporation;

(d) A member or manager of a limited liability company;

(e) A spouse, if he or she is a true party of interest;

(f) In addition, any owner of ten percent or more of the assets who is not already listed.

[Statutory Authority: RCW 46.70.160, 07-03-119, § 308-66-110, filed 1/22/07, effective 2/22/07; 04-16-090, § 308-66-110, filed 8/3/04, effective 9/3/04; 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. What information is needed to apply for a vehicle dealer license? (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 business;

(b) The name and address of the principal place of business;

(c) The names and addresses of each and every sub-agency, if any;

(d) A current balance sheet of assets, liabilities and owner's equity which shall have been prepared within sixty days of its submission, including proof of the assets;

(e) A statement of whether or not the applicant, including any sole proprietor, partner, member, officer, or director 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 suspended for cause and the terms of the suspension have not been fulfilled or assessed a monetary penalty that has not been paid;

(f) A 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 must appear for a personal interview if requested by the department.

(3) The department may require a credit report for each person named on each application for a dealer's license.

(4) An applicant must provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

(5) An applicant must provide a bank reference for verifying financial condition consisting of:

(a) The name of the applicant's bank, a person to contact at that bank concerning the applicant's financial condition, or

(b) A letter of credit current within the last sixty 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 to provide evidence that the business location conforms to all zoning and land use ordinances.

(7) A corporate applicant must 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 business name and address on the license application and all required supporting documents must be the same.

(9) The applicant must provide 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.

(10) Any service agreement required by RCW 46.70.041 must be on file with the department. An acquisition or loss of a service agreement must be reported to the department in writing within ten days.

[Statutory Authority: RCW 46.70.160, 07-03-119, § 308-66-120, filed 1/22/07, effective 2/22/07; 04-16-090, § 308-66-120, filed 8/3/04, effective 9/3/04; 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. Which business names and locations do I need to license?

(1) A dealer must inform the department in writing of each and every:

(a) Name under which the dealer does business, and

(b) Location at which the dealer does business.

The dealer must inform the department in writing within ten days of any addition, deletion or change in the name or location.

(2) A dealer shall designate one name and one location as the principal name and principal place of business.

(a) All other names under which the dealer does business shall be designated and licensed as subagencies of that dealership;

(b) 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;

(c) If a dealer is required to obtain a subagency license under (2)(b) of this section, the dealer shall not be required to obtain an additional subagency license under (2)(a) of this section, unless the dealer does business under more than one name at that subagency location;

(d) The department will not require a subagency license for a name solely due to the use of a ".com" or other URL extension in an internet address; or because a dealership uses a derivative of its licensed "doing business as" name for its internet address. The web site must clearly display the licensed "doing business as" name.

(3) If the dealer ceases to maintain "an established place of business" at that subagency location, the director shall suspend, revoke and/or refuse to renew a subagency license of a dealership.

(4) All temporary subagencies must be covered by the bond of the dealer's principal place of business.

(5) A vehicle dealer, whether franchised or nonfranchised, that is unable to locate the dealer's used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) The vehicle sales lot is contained within the same city block, or

(b) Is directly across the street, or

(c) Is within sight, and

- (d) Its location is zoned properly, and
- (e) The dealer bond covers the sales lot.

(6) If the sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed cancelled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

(10) The sign at the certified location and the business telephone listing must reflect the "doing business as" (dba) name.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-140, filed 8/3/04, effective 9/3/04; 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. How may I obtain a place of business waiver?

(1) An applicant for a vehicle dealer license, or a licensee, who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All applicable documents and fees in RCW 46.70.041, 46.70.061, 46.70.070, WAC 308-66-120, and 308-66-140.

(b) A written request for the waiver, in the form of either a letter or a request completed on the department's prescribed form, which requires 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) 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.

(3) A waiver granted under section (2) 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 terminates the waiver.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-145, filed 8/3/04, effective 9/3/04; 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 lease or 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 or lease involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it must 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 its 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 vehicle manufactured fewer 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 there-

with, but not so as to create ambiguity as to whether the vehicle is new, used, or a demonstrator.

(h) Advertising a "rebuilt vehicle" for sale with knowledge as defined in RCW 46.70.101 (1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;

(i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;

(i) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or

(ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: Provided, however, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;

(j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;

(k) Adding charges, costs, or items to the advertised price, 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 leased or 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 adver-

tised 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 terms:

(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 must state clearly that the advertisement offers a lease rather than a vehicle sale.

(8) No advertisement to aid, promote, or assist directly or indirectly any consumer lease of a vehicle shall state the

amount of any monthly payment, or state a capitalized cost reduction or other payment required prior to or at consummation/delivery, unless it also states the following terms:

(a) That the transaction advertised is a lease;

(b) The total amount due prior to or at consummation/delivery;

(c) The number, amount, and due dates or period of scheduled payments under the lease;

(d) A statement of whether or not a security deposit is required; and

(e) A disclosure of the lessee's liability at the end of an open-end lease.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-152, filed 8/3/04, effective 9/3/04; 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. How must I handle a consignment transaction?

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180(2) for a vehicle dealer to accept any vehicle on consignment without first reducing the terms of the consignment to writing.

(b) *All consignment contracts must include:*

(i) The names of the parties to the contract including the identity of the legal owner of the consigned vehicle.

(ii) The consignor's statement that guarantees to deliver the title to the dealer-consignee upon sale of the vehicle which identifies the location of the title and states the unpaid balance owing on the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon amount which will be paid to the consignor.

(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 amount has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the dealer-consignee 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, must be placed in a trust account as required under RCW 46.70.180(9), and said funds must remain in that trust account until the consignor's and any lienholder interests have been fully satisfied. 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/or the salesperson until all terms of the agreement have been completed.

(b) The amount due a consignor and any lienholder from the sale of the consigned vehicle must be paid by the consignee within ten days following delivery of the vehicle to the purchaser.

(c) At the same time payment is made pursuant to (b) of this subsection, the dealer must give to the consignor a copy of the purchase order used in the sale.

(4) Consignee's duty to transfer title.

(a) The sale of consigned vehicles imposes upon the consignee-dealer the same duty under RCW 46.70.122 to promptly transfer title into the name of the purchaser 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(2).

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-155, filed 8/3/04, effective 9/3/04; 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. How do I handle a manufactured home 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.

(3) The sale of listed vehicles imposes upon the listing dealer the same duty under RCW 46.70.122 to promptly transfer title into the name of the retail purchaser, as in any other sale.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-157, filed 8/3/04, effective 9/3/04; 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 (7)(c). Prospective customers, when not accompanied by a dealer or member of his firm, must 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 must 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 foreign-plated vehicles are sold to residents of a 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 sign a nonresident affidavit to apply to their home state's vehicle licensing authority to register the vehicle in their own name, or

(b) The purchaser must have obtained a trip permit to move the vehicle from the dealer's place of business to the purchaser's own state.

(3) A dealer, corporate officer, member of a limited liability company; or spouse of the dealer, corporate officer, or member of a limited liability company; or an employee of a dealer must carry a vehicle dealer identification card when operating any vehicle bearing dealer plates.

(4) Dealer plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer 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. In addition, vehicle manufacturers may test vehicles for purposes of product evaluation/performance and problem identification, as long as loads are within the legal limits, no commercial hauling is involved, and a company employee with identification is driving the vehicle.

[Statutory Authority: RCW 46.70.160, 05-23-088, § 308-66-160, filed 11/16/05, effective 12/17/05; 04-16-090, § 308-66-160, filed 8/3/04, effective 9/3/04; 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. How do I report vehicle sales for purposes of renewing my dealer license? To report sales for purposes of license renewal as required by RCW 46.70.083, the dealer will report the number of vehicles leased and sold at both retail and wholesale during the twelve-month period ending sixty days prior to the expiration of the license, for each license classification held by the dealer.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-165, filed 8/3/04, effective 9/3/04. 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.

[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. Must a buyer's agent disclose their activities? 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 46.70.160. 04-16-090, § 308-66-175, filed 8/3/04, effective 9/3/04. 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 308-66-177 Trust account. The deposit trust account required by RCW 46.70.180(9) must be established and maintained within Washington state.

[Statutory Authority: RCW 46.70.160. 07-03-119, § 308-66-177, filed 1/22/07, effective 2/22/07.]

WAC 308-66-180 Record of transactions. (1) The record of the purchase and sale of a vehicle maintained by a dealer must 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;

(c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580, and in WAC 308-56A-640 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 and in WAC 308-56A-670;

(d) All purchase orders must 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) A record of the purchase and sale of a vehicle must be maintained on all transactions, whether at retail or wholesale; and must be available for inspection and copying by representatives of the department of licensing during normal business hours.

(3) Any such records kept electronically must be made available in hard copy upon request of a representative of the department of licensing.

[Statutory Authority: RCW 46.70.160. 04-16-090, § 308-66-180, filed 8/3/04, effective 9/3/04; 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. How is the transfer to be done? (1) When a vehicle displaying current Washington plates is sold, leased or otherwise disposed of by a dealer, the dealer must make an application for a certificate of title in the purchaser's or lessee's name within forty-five calendar days commencing with the sale, lease or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser/lessee must commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee'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 time period for title transfer; 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 must in every case sign or type their name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, they must give their title.

(3) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

[Statutory Authority: RCW 46.70.160. 04-16-090, § 308-66-190, filed 8/3/04, effective 9/3/04. 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. How do I possess such documents? (1) A vehicle dealer must have possession of a separate certificate of ownership 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. Possession is accomplished by the dealer obtaining either:

(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 or purchase order, together with evidence that the dealer has satisfied or paid off any lienholder on the vehicle.

(2) If there is a lienholder on any vehicle acquired by the dealer, the dealer must obtain possession of the title by paying off any balance due to the lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. For purposes of this section, if a dealer takes possession of a vehicle as a trade-in, a dealer acquires that trade-in vehicle when the dealer takes possession of the vehicle and unconditionally sells another vehicle for which the trade-in vehicle is part of the price in accordance with RCW 46.70.180(4).

[Statutory Authority: RCW 46.70.160. 04-16-090, § 308-66-195, filed 8/3/04, effective 9/3/04; 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 Assignment of vehicle to another dealer. How is the assignment to be done? When a dealer sells a vehicle to a second dealer, the first dealer must complete and sign the 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 when applying for certificate of ownership into the name of the purchaser.

[Statutory Authority: RCW 46.70.160. 04-16-090, § 308-66-200, filed 8/3/04, effective 9/3/04; 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. When do I report such a change?(1) With the exception of a corporation any person licensed as a dealer under chapter 46.70 RCW must, within ten days following any change in its business structure, file a new application and pay original licensing fees under the new entity.

(2) In addition, any new principals including, but not limited to, new corporate officers, directors, managing partners, members or trustees, must, within ten days of assuming such function, file an application including fingerprint cards and legal and financial history.

(3) Any person licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW must inform the department in writing within ten days of the change to:

(a) The business structure of the licensee company and must file a new application and pay original licensing fees under the new entity;

(b) The mailing address of the 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. However, 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 such employees or agents.

(4) Any and all changes affecting the applicability of a surety bond shall be reflected by appropriate endorsement to such bond.

[Statutory Authority: RCW 46.70.160, 07-03-119, § 308-66-210, filed 1/22/07, effective 2/22/07; 04-16-090, § 308-66-210, filed 8/3/04, effective 9/3/04; 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. What if I terminate the 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, 04-16-090, § 308-66-211, filed 8/3/04, effective 9/3/04; 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. When does such a transfer require a new license? 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 upon request.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-212, filed 8/3/04, effective 9/3/04; 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. What if I incorporate 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 upon request.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-214, filed 8/3/04, effective 9/3/04; 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.]

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 are to be stored within the segregated area of the fenced wrecking area per WAC 308-63-070(8).

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[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-220, filed 8/3/04, effective 9/3/04; 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. What is the nature of remanufacturing? (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 (assembled or homemade) or 308-56A-460 (total loss rebuilt) be considered remanufactured by a manufacturer.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-225, filed 8/3/04, effective 9/3/04. 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. How must I disclose title brands when I sell a vehicle at retail or wholesale? Any title brand required in RCW 46.70.101 (1)(b)(xi) must be clearly disclosed on the face of the purchase order.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-227, filed 8/3/04, effective 9/3/04; 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.]

WAC 308-66-250 Internet business. Is a license required for an internet business? The department will require a Washington state dealer license for an internet business that has no physical presence in this state if that business:

(1) Brings together a Washington state customer with a licensed Washington state dealer; and

(2) Receives compensation from the customer or the dealer resulting from the actual sale or lease of a vehicle; or

(3) In any event acts as a vehicle dealer as defined in existing Washington state statutes and rules.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-250, filed 8/3/04, effective 9/3/04.]

WAC 308-66-260 Dealer license plates—Waiver procedure. How do I request more than my allotted number of dealer license plates? (1) A licensed vehicle dealer may request a waiver of the three dealer license plates or six percent or sales formula in RCW 46.70.090(2).

The request:

- (a) Must be in writing; and
- (b) Must explain why the statutory formula does not satisfy the business needs of the dealer; and
- (c) Must indicate how many vehicles were sold by the dealer in the past twelve months; and
- (d) Must project how many vehicles are expected to be sold in the next twelve months; and
- (e) Must state how many additional dealer license plates are desired as essential for the continued operation of the dealer's business.

(2) Upon receipt of a request for a waiver, the director or the director's designee will review the request and issue a final determination in writing.

(3) A waiver granted under subsection (2) of this section will remain in effect only as long as the circumstance(s) under which the waiver was originally granted have not changed or until the director terminates the waiver.

[Statutory Authority: RCW 46.70.160, 04-16-090, § 308-66-260, filed 8/3/04, effective 9/3/04.]

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 chapters 46.93 and 46.96 RCW is \$500.00.

[Statutory Authority: 2003 c 354 § 3(1), 06-21-037, § 308-67-010, filed 10/10/06, effective 11/10/06. 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.

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(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 pass-book, 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

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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.

[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 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 web site;

(b) Transmission of the notification via electronic mail or facsimile; and

(c) Mailing of the notification via U.S. mail.

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[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.

(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.

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[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, 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.

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(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.

[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

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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 82.36.435. 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.

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(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.

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(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%
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, 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.

(2009 Ed.)

(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

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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.	308-77-080
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
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
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
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
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
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
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
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
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	308-77-125
	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.	308-77-130
	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; Order 114 MV, § 308-77-080, filed 11/26/71.] Repealed by 91-03-018, filed 1/7/91, effective 2/7/91. Statutory Authority: RCW 82.38.260.	308-77-140
	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.	308-77-150
	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.	
	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.	
	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.	
	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.	
	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.	
	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.	
	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.	
	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.	
	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:	

- ity: 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.
- 308-77-160 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.
- 308-77-180 Appeals. [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.] Repealed by 04-09-012, filed 4/9/04, effective 5/10/04. Statutory Authority: RCW 82.38.260. Later promulgation, see WAC 308-77-102.
- 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 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.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

(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.

(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 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

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(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.

(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 web site;

(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 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 and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish, and/or adjust fees, penalties,

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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.

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(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

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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:

- The operator of the vehicle; and/or
- The registered owner(s) of the vehicle; and/or
- 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 supported 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.]

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 which the fuel is used. Each claimant must also keep on

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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.

[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.
308-78-030	Required reports.
308-78-035	Minimum tax payment/refund.
308-78-040	Tax exempt sales by licensed distributors.
308-78-045	Tax exempt use and circumstances.
308-78-046	Tax exempt losses.
308-78-050	Supporting documents for tax exempt transactions.
308-78-070	Records.
308-78-075	Invoices issued by licensees.
308-78-080	Refunds.
308-78-090	Mitigation of penalties and/or interest.
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, 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.
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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.

(6) "Emergency medical air transport entities" means entities that own or lease, and operate aircraft used solely for air ambulance services.

[Statutory Authority: RCW 82.42.040. 04-06-001, § 308-78-010, filed 2/18/04, effective 3/20/04. 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 88.42.040. 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.)

(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 88.42.040. 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 88.42.040. 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.

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(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.

(8) Users of aircraft fuel placed into helicopters or the wing tanks of aircraft that are used solely for air ambulance services are eligible for a refund of the aircraft fuel tax. For purposes of the tax exemption, aircraft fuel placed into the wing tanks of aircraft or placed into helicopters and consumed during training activities directly related to providing air ambulance services is considered to be exempt from the aircraft fuel tax.

[Statutory Authority: RCW 82.42.040. 04-06-001, § 308-78-045, filed 2/18/04, effective 3/20/04. 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.]

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 pro-

duced 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 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 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	Transporters.
308-80-015	Expiration of motor vehicle transporter license.
308-80-020	Improper use of transporter license plates.

WAC 308-80-010 Transporters. (1) The term "transporter" applies only to those engaged in the business of delivering vehicles, not owned by said transporter, by driveway 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 driveway vehicles a front and rear plate of a set with the same number and letter suffix.

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(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" means a category of for hire, chauffeur-driven, unmetered, unmarked luxury motor vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity of not more than twelve passengers behind the driver, and a maximum wheelbase of 285 inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The term "stretch limousine" excludes trucks, auto transportation companies, excursion buses, charter buses, minibuses, vehicles regulated under chapter 81.66 RCW, taxicabs, executive sedans, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(b) "Executive sedan" means a four-door sedan automobile having a seating capacity of not more than three passengers behind the driver and a minimum wheelbase of 114.5 inches. An executive sedan is equipped with standard factory amenities, and the wheelbase may not be altered. The term "executive sedan" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(c) "Executive van" means a van, minivan, or minibus having a seating capacity of not less than seven passengers and not more than fourteen passengers behind the driver. The term "executive van" excludes trucks, auto transportation companies, excursion buses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, and courtesy vans.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

(e) "Executive sport utility vehicle" means an automobile with a seating capacity of not less than three passengers and not more than six passengers behind the driver, and a minimum wheelbase of 116 inches that has not been altered. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The term "executive sport utility vehicle" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(f) "Stretch sport utility vehicle" means an automobile with a seating capacity of not more than fourteen passengers behind the driver or a total of fifteen occupants including the driver and a maximum wheelbase of 325 inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but

are not limited to, a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The term "stretch sport utility vehicle" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, executive sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(2) "Business owner" means operator or carrier as defined in chapter 46.72A RCW.

(3) "Person or persons" means an individual, a corporation, association, joint stock association, partnership, limited liability partnership or limited liability company, 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 46.72A RCW.

(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.

(8) "Passenger capacity" may be determined using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle pursuant to 49 CFR, parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department of licensing may determine the passenger capacity upon visual inspection of the vehicle.

[Statutory Authority: RCW 46.04.274 and chapter 46.72A RCW. 06-21-005, § 308-87-010, filed 10/5/06, effective 11/1/06. 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.

[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 chapter 308-87 WAC.

(2) A limousine carrier business license may not be leased, assigned, or otherwise transferred.

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(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 308-87-060 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 vehicle 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 vehicle businesses. (1) What is required to become a rental vehicle business?

(a) Applicants must apply for a rental vehicle business license by submitting a completed master business application to the department of licensing's master license service.

(b) A separate master business application must be filed for each place of business operated as a rental vehicle business. For the purposes of this section, "place of business" means a physical location at which arrangements to rent a rental vehicle may be made.

(c) Businesses operating in the form of a corporation, limited liability company, limited liability partnership, or similar form of legal entity must register their legal entity

through the office of the secretary of state before applying for a rental vehicle business license.

(2) **What will I receive as proof that I qualified as a vehicle rental business?** A rental vehicle business registration number will be issued to your business and displayed on the master license.

(3) **Can I transfer my business registration number to another company?** No. The rental vehicle business registration number issued through the master license service is not assignable or transferable, and is valid only for the rental vehicle business to which the registration number (R-number) was issued.

[Statutory Authority: RCW 46.01.110, 07-02-077, § 308-88-020, filed 1/2/07, effective 2/2/07; 04-01-162, § 308-88-020, filed 12/22/03, effective 1/22/04; 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.]

(2009 Ed.)

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 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.]

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.

[Title 308 WAC—p. 232]

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?

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:

(1) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(2) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(3) The firm's business structure and place of organization.

(4) The uniform business identification number issued by the department of licensing.

(5) Whether the applicant has been adjudged guilty of a crime which directly relates to the marine trade industry and the time elapsed since the conviction is less than ten years, and in the case of a corporation, partnership, or limited liability company all directors, officers, partners or members.

(6) Any other information the department may reasonably require.

[Statutory Authority: RCW 88.02.100. 03-22-095, § 308-90-040, filed 11/5/03, effective 12/6/03; 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),

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§ 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 numbering 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

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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 provided 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 deposit trust account required by RCW 88.02.220 must be established and maintained within Washington state.

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(2) The dealer's separate trust account cannot accrue interest.

(3) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: RCW 88.02.100. 07-03-120, § 308-90-120, filed 1/22/07, effective 2/22/07. 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

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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

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7/30/90, effective 9/1/90. Statutory Authority: RCW 46.01.110 and 46.87.010(2).
 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.

(2009 Ed.)

(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.

(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:

[Title 308 WAC—p. 237]

(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.]

(2009 Ed.)

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.

(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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

WAC

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		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.
		308-93-040	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 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.
		308-93-050	Vessels exempted from registration, excise tax and titling. [Statutory Authority: RCW 88.02.070 and 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.] Repealed by 06-21-025, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 88.02.070 and 88.02.100.
		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.
		308-93-073	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.
		308-93-074	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.
		308-93-075	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.
		308-93-077	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.
		308-93-080	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.
- 308-93-085 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.
- 308-93-100 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.
- 308-93-110 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.
- 308-93-120 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.
- 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.
- 308-93-135 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: 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.

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a captain or 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.
- (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. Also referred to as "out-of-country."
- (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 vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the number system has not been approved by the Coast Guard 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, 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.

(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/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Racing vessel" is a vessel used exclusively in racing events.

(29) "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.

(30) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(31) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(32) "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.

(33) "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.

(34) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(35) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(36) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(37) "Vessel seller's report of sale." A vessel seller's report of sale is a document that protects the seller 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.

(38) "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. 06-21-025, § 308-93-010, filed 10/9/06, effective 11/9/06; 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 exemptions. (1) What vessels are subject to excise tax? All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter 82.49 RCW and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

(2) What vessels are subject to registration? Most vessels are subject to registration under chapter 88.02 RCW, including the following:

- (a) Amphibious vessels (vehicles);
- (b) Docking hulls;
- (c) Houseboats;
- (d) Inflatable vessels with motors;
- (e) Sailboats (sixteen feet or longer);
- (f) Personal watercraft (Jet Ski, Sea-Doo, AquaTrax, Wave Runner, etc.);

(g) Documented pleasure vessels.

(3) What do I do with the vessel registration identification document? The vessel registration must be:

- (a) Carried on board the vessel whenever on the waters;
- (b) Made available to any law enforcement officer on request.

(4) What vessels are exempt from registration? Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

- (a) Vessels under sixteen feet in overall length are:
 - (i) Powered by ten horsepower or less; and
 - (ii) Used on waters where there is no federal jurisdiction.
- (b) Sailboats under sixteen feet;

(c) Ship's tender when properly identified as a tender to the parent vessel; and

(i) Is used only for direct transportation from ship to shore; and

(ii) Is less than ten horsepower.

(d) Vessels powered by human power, such as canoes, kayaks, and rowboats.

(e) Documented charter vessels, including, bare boat and time share charters.

(f) Vessels used exclusively for racing.

(5) **What vessels are subject to titling?** All vessels subject to registration are issued a title, except the following:

(a) Vessel documented by the United States Coast Guard;

(b) Owner is unable to provide proof of ownership;

(c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-030, filed 10/9/06, effective 11/9/06; 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 308-93-055 Vessels from out-of-state operating in this state—Identification document required. (1) **What documentation must be carried aboard a vessel from another state or out-of-country 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 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 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?**

(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 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?**

(a) Keep aboard 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?** 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 out-of-state or out-of-country registration certificate.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-055, filed 10/9/06, effective 11/9/06; 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:

(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 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 out-of-state or out-of-country 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) The name of each registered owner of the vessel and if the vessel is subject to security interest, the name of each legal owner;

(b) The mailing address for one of the registered owners;

(c) The mailing address of the first legal owner (lienholder);

(d) The Washington registration number;

(e) Make and model year;

(f) Length of vessel;

(g) Type of power (gasoline, diesel, etc.);

(h) Primary use (commercial, pleasure, etc.);

(i) Primary method of propulsion (inboard, sail, etc.);

(j) Type of vessel (runabout, cabin, etc.);

(k) Primary vessel construction (fiberglass, wood, etc.);

(l) County of moorage;

(m) Hull identification number;

(n) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

(o) The signature of all registered owners.

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;

(p) United States Coast Guard documentation 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 must provide:

(a) Certificates of ownership to any vessels used in the construction of the homemade vessel; or

(b) Bills of sale from the previous registered owners (these must be notarized or certified);

(c) Bills of sale or invoices for materials or parts used in the construction of the homemade vessel;

(d) Declaration of Value (TD-420-737). This form is used to establish the value of the vessel;

(e) Vessel Data Form.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 07-08-026, § 308-93-070, filed 3/27/07, effective 4/27/07; 06-21-025, § 308-93-070, filed 10/9/06, effective 11/9/06; 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 § 3 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 308-93-076 Vessel 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 vessel registration certificate that records a special circumstance or condition involving a vessel.

(2) **What brands are assigned to vessels by the department?** Brands used by the department include, but are not limited to:

(a) Contaminated described in chapter 64.44 RCW.

(b) Decontaminated described in chapter 64.44 RCW.

(3) **Why is a brand used?** A brand is used for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vessel.

(4) **Will the department remove a brand?** Brands stay on vessel records indefinitely. The department will only remove a brand if the brand was applied to a Washington certificate of title in error.

(5) **What is a comment?** For the purposes of this section, a comment is a notation on the certificate of title, or vessel registration certificate that relates to tax liability, type of ownership, title transaction type.

(6) What comments could the department print on certificates of title?

(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.

(7) What comments could the department print on vessel registration certificates? Comments printed on vessel registration certificates may include, but are not limited to:

(a) "Registration only";

(b) "Additional owners on record";

(c) "Use tax waived: Gift";

(d) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration.

(8) Why are comments used? Comments are used for consumer protection to inform any subsequent owners and vessel licensing personnel of the current tax liability, type of ownership, or title transaction type or other pertinent information.

(9) 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 and 88.02.070. 08-20-034, § 308-93-076, filed 9/23/08, effective 10/24/08.]

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,

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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.

(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 chapters 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 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 42.56 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; and

(e) 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.

(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.

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(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 42.56 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

(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 46.01.110, 06-15-059, § 308-93-089, filed 7/12/06, effective 8/12/06. 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?** If the vessel is:

(a) Registered out-of-state or 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 another state or country 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). No 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 another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washing-

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).



(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.

ton 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?** 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) 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

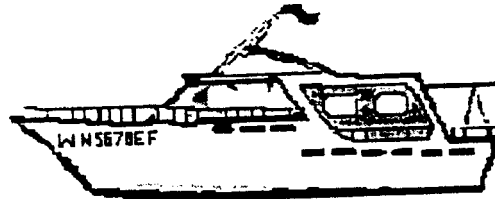
(b) A copy of the current registration certificate.

(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 be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 06-21-025, § 308-93-090, filed 10/9/06, effective 11/9/06; 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.]



(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:

(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 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 308-93-146 Vessel carbon monoxide warning sticker. (1) **What is a carbon monoxide warning sticker?** A carbon monoxide warning sticker is displayed on a vessel to warn people of the dangers of carbon monoxide poisoning.

(2) **What vessels are required to have a carbon monoxide warning sticker?** Any vessel with an engine that produces carbon monoxide by burning a carbon based fuel such as: Gas, propane, oil, diesel, or charcoal. A personal watercraft (Jet Ski type) is exempt from this rule.

(3) **How do I get a carbon monoxide warning sticker?** You will receive the carbon monoxide warning sticker from your vessel dealer, or vehicle/vessel licensing offices when you:

(a) Purchase a vessel from a dealer; or

(b) Renew your vessel registration; or

(c) Transfer a vessel into your name from a private sale; or

(d) Transfer a vessel from outside the state or country with a certificate of ownership or registration to a Washington certificate of ownership or registration; or

(e) Request one through your local vehicle/vessel licensing office; or

(f) Receive one that has been approved by the Coast Guard from a boating safety organization.

(4) **Where do I attach the carbon monoxide warning sticker to my boat or vessel?** You must attach it on the interior of the vessel so it is clearly visible to a person and where they may be exposed to carbon monoxide.

(5) **Is there a charge for the carbon monoxide warning sticker?** No.

(6) **Will I ever have to replace my vessel carbon monoxide warning sticker?** Yes, when the sticker becomes faded, damaged, or is no longer readable you can request a replacement at no cost.

(7) **Will a carbon monoxide warning sticker installed by the manufacturer or issued by another state meet the requirements of this rule?** Yes, the department will accept any warning sticker that warns of the dangers of carbon monoxide poisoning, provided the warning sticker is attached on the interior of the vessel.

[Statutory Authority: Chapter 88.02 RCW. 06-22-026, § 308-93-146, filed 10/25/06, effective 11/25/06.]

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 web site, 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 is perfected when the requirements similar to RCW 46.12.095 for vehicles is followed. Security interest in a vessel (other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required) is perfected only by completing the requirements of RCW 46.12.103 for vessels under the circumstances provided for in this section:

(a) The existing certificate and application for certificate of ownership containing the name and address of the secured party is received by the department with required fees; or

(b) The secured interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership when received in (a) of this subsection with appropriate fees; or

(c) The vessel is subject to a security interest when brought into this state. The perfection of the security interest is determined by the jurisdiction in which the vessel was either purchased, registered and/or titled and the security interest is attached.

If perfected through the laws of another jurisdiction, the following applies:

(i) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state.

(ii) If the security interest was not perfected under the law of the jurisdiction where the vessel was when the security interest was attached, it may be perfected in this state, in that case perfection dates from the time of perfection in this state.

The application must be in the same manner as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) When would the department of licensing not issue a certificate of ownership?

(a) Vessels that are documented in compliance with federal regulations are issued a registration and are not issued a certificate of ownership; or

(b) When ownership in doubt; or

(c) The out-of-state lien holder retains title.

(3) What fees are charged for adding, deleting or changing a secured party?

An application fee and filing fee are due for each transaction. An additional service fee is charged if a licensing sub-agent processes the transaction as referenced in RCW 88.02.-070.

(4) 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.

Requirements for application for certificate of ownership:

(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 will 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, 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 must 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 must 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, such as:

(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.

(5) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?

The secured party must comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes, but is not limited to:

- (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.

In addition to the information listed above, 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.

(6) 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 88.02.070 and 88.02.100. 03-15-019, § 308-93-230, filed 7/8/03, effective 8/8/03. 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? They are vessel registrations and decals assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) When is an undercover or confidential vessel registration issued? An undercover or confidential vessel registration is issued to government agencies when the vessel is being used in confidential, investigative, or undercover work.

(3) How are undercover and confidential vessels registered?

(a) An undercover vessel registration record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential vessel registration record will show the government agency name and address on all department records subject to public disclosure.

(4) **Who is responsible for verifying that only fictitious names and addresses are used for undercover vessel registrations?** The individual signing the application.

(5) **How does a government agency apply for an undercover or confidential vessel registration?**

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vessel is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066 and 88.02.035. 06-04-026, § 308-93-241, filed 1/24/06, effective 2/24/06. 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 depart-

ment. 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) 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 filing of a vessel seller's report of sale by any person or business that transfers their interest in a Washington registered/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.

(2) When must a vessel seller's report of sale be filed?

Vessel seller's report of sale must be received by the department within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

(3) **Who is the seller?** The seller is a person (individual or business) who transfers their right of ownership of a vessel to another person or business.

(4) **Who is the purchaser?** The purchaser is a person (individual or business) who takes a vessel into their possession, by voluntary acquisition.

(5) **How do I file my vessel seller's report of sale?** You may file your seller's report of sale by mailing it to the department.

(6) **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.

(7) **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 by notifying the department in writing. You will need to provide the reason you are removing the report of sale.

(8) **How will I show that I filed a vessel seller's report of sale?** To obtain a copy of the filed seller's report of sale, you must contact 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. 06-23-038, § 308-93-276, filed 11/7/06, effective 12/8/06. 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.

(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:

(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.

(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.]

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?** No, the department no longer uses these designations when recording ownership interest. For those certificates of ownership that have been issued using one of these designations:

(a) Any registered owners shown are considered to have equal registered owner interest in the vessel; and

(b) 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 department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070, 88.02.100, 03-07-076, § 308-93-370, filed 3/18/03, effective 4/18/03; 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 must show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out.

(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" in the brands/comments section.

[Statutory Authority: RCW 88.02.070, 88.02.100, 03-07-076, § 308-93-380, filed 3/18/03, effective 4/18/03; 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?** A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(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.

Note: Massachusetts Trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(3) **What is required when the trustee no longer acts on behalf of a trust?** If a trustee no longer acts on behalf of a trust, and the vessel ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John

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Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust application for new certificate of ownership is not required.

Note: New, or successor, trustees must provide documentation showing they are named as such in the trust.

(4) **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 88.02.070, 88.02.100, 03-07-076, § 308-93-390, filed 3/18/03, effective 4/18/03. 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—Bonded title or three-year registration without title. (1) **What is ownership in doubt?** Ownership in doubt is when a vessel owner(s) is unable to obtain satisfactory evidence of ownership or release of interest described in WAC 308-93-460.

(2) **What options are available in an ownership in doubt situation?** When in an ownership in doubt situation, the owner may:

(a) Apply for three-year registration without title; or

(b) Apply for a bonded title as described in vehicle law RCW 46.12.151; or

(c) Petition any district or superior court of any county of this state to receive a judgment. This is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed.

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(3) **What documents are required when applying for a bonded title or three-year registration without title?** Required documents when applying for a bonded title or three-year registration include:

(a) The originals or copies of letters sent by registered or certified mail to the registered and legal owners of record, including the return receipt. The letters must include information regarding the applicant's claim to the ownership and request for the released certificate of ownership (title) or a notarized or certified release of interest.

(i) Registered and legal owner information will be released under WAC 308-93-087 for applicants needing that information.

(ii) If there is no Washington record, (a) of this subsection does not apply.

(iii) If the owners of record do not respond before submitting the application, the applicant must wait fifteen days from acknowledged receipt of the letter.

(iv) If the letter is returned unclaimed, the applicant must submit the letter, unopened, with the application.

(b) A bonded title or three-year registration without title affidavit completed by the applicant and signed by all persons to be shown as registered owner(s).

(c) Application for certificate of ownership (title).

(d) A bond as described in vehicle law RCW 46.12.151, if the applicant is applying for a bonded title.

(e) Other documents that may be required by law or rule.

(4) **How is a vessel value determined for filing a bond?** Vessel value may be determined from one of the following sources:

(a) The department's automated valuing system; or

(b) A published appraisal guide; or

(c) Appraisal from a licensed vessel dealer or appraisal company. The appraisal must be on company letterhead and have the business card attached; or

(d) An appraisal from the department of revenue; or

(e) Insured amount; or

(f) Consideration or payment plus estimated repairs by a bona fide repair facility; or

(g) Other valuing sources approved by the department.

(5) **May I sell or release my interest in the vessel during the three-year ownership without title period?** Yes. A bonded certificate of ownership may be released and provided to the buyer in the same way as any other certificate of ownership. The Washington bonded title may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. For three-year registration without title, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment from a district or superior court of Washington or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized or certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or three-year registration without title process.

[Statutory Authority: RCW 46.01.110. 07-13-082, § 308-93-440, filed 6/19/07, effective 7/20/07. Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-440, filed 3/18/03, effective 4/18/03; 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.

(1) **What is a chattel lien?** For the purposes of this chapter, a chattel lien is a process by which a person may sell or take ownership of a vessel when:

(a) They provide services or materials for the vessel at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(2) **What documents are required to issue a certificate of ownership for a vessel?** The required documents include:

(a) A completed Vehicle/Vessel Chattel Lien Sale Affidavit form provided or approved by the department; and

(b) A certified copy of the lien filing that is filed with the county auditor; and

(c) A copy of the letter(s) sent by the lien applicant via first class mail, and certified or registered mail, to the registered and legal owners of record, including the return receipt; and

(d) Affidavit of service by mail; and

(e) Application for certificate of ownership; and

(f) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) Someone other than the owner of record requested the services and/or materials; or

(b) There is no record of the vessel on file with the department.

(4) **What laws regulate chattel liens?** Chapters 60.08 and 60.10 RCW regulate chattel liens.

[Statutory Authority: RCW 88.020 [88.02.070], 88.02.100. 07-03-128, § 308-93-445, filed 1/23/07, effective 2/23/07. Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-445, filed 8/22/06, effective 9/22/06. 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 308-93-446 Personal property lien—Landlord's lien for rent.

(1) **What is a landlord's lien for rent?** For the purposes of this chapter, a landlord's lien for rent is a process by which a landlord may sell or take ownership of a tenant's vessel as security for rent due.

This chapter does not apply to vessels (including transient vessels) moored or stored at a private moorage facility (see chapter 88.26 RCW).

(2) **What documents are required to issue a certificate of ownership for a vessel obtained through the landlord's lien for rent process?** The required documents include:

(a) A completed affidavit of landlord lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a landlord's lien for rent?** A Washington court order is required when there is no record of the vessel on file with the department.

(4) **What laws regulate landlord's liens for rent?** Chapters 58.18, 60.10, and 60.72 RCW regulate landlord's liens for rent.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-446, filed 8/22/06, effective 9/22/06.]

WAC 308-93-447 Personal property lien—Self-service storage facilities. (1) **What is a self-service storage facilities lien?** A self-service storage facilities lien is a process by which the owner of a self-service storage facility may sell a vessel stored at the facility as security for rent or other charges due.

(2) **What documentation is required to obtain a certificate of ownership for a vessel obtained through the self-service storage facilities lien process?** The required documents include:

(a) A completed affidavit of self-service storage facilities lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a self-service storage facilities lien?**

(a) The vessel is no longer in the possession of the person who is claiming the self-service storage facilities lien; or

(b) There is an existing lien holder on the vessel record; or

(c) There is no record of the vessel on file with the department.

(4) **What law regulates self-service storage facilities liens?** Chapter 19.150 RCW regulates self-service storage facilities liens.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-447, filed 8/22/06, effective 9/22/06.]

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 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.

(2009 Ed.)

[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;

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(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 lienholder sells a contract to another lienholder;

(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 lienholder/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 lienholder/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:

(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

(2009 Ed.)

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

(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. Equip-

ment 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.]

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 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.

(2009 Ed.)

(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 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.

[Title 308 WAC—p. 265]

[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 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 revoca-

tion 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 sys-

tem 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.]

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

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 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.]

- 308-94-200 Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
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) **How do I register my snowmobile?** To register your snowmobile you must submit the following:

- (a) An application for original or transfer registration. The application must include:
- (i) The name and address of each registered owner; and
 - (ii) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
 - (iii) The purchase price and year of purchase or declared value and year of declaration; and
- (b) A copy of any of the following:
- (i) Previously issued registration certificate;

- (ii) Certificate of ownership from another state or country;
- (iii) Manufacturer's certificate of origin;
- (iv) A bill of sale or purchase agreement;
- (v) Other department approved ownership documents; and

(c) Applicable fees and taxes.

(2) **How are security interests recorded?** Please contact the Uniform Commercial Code section for specific instructions/application or visit them on the web site and key "security interest" in the DOL search tool. Security interests are registered 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. Registration fees are not prorated.

[Statutory Authority: RCW 46.01.110. 06-21-023, § 308-94-030, filed 10/9/06, effective 11/9/06; 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.

(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.

(2009 Ed.)

(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 308-94-030 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. 05-01-090, § 308-94-105, filed 12/13/04, effective 1/13/05; 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) **Is a certificate of ownership issued for off-road and nonhighway vehicles?** Yes, a certificate of ownership is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of owner-

ship will indicate the brand "not eligible for road use," if a vehicle is not manufactured for road use.

(2) What are the licensing options for off-road and nonhighway vehicles described in RCW 46.09.020? Licensing options include:

(a) If your vehicle is licensed for road use under chapter 46.16 RCW:

(i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas;

(ii) You may purchase an annual or temporary off-road use permit.

(b) If your vehicle is not manufactured for road use, you may only purchase an annual or temporary off-road use permit;

(c) You may choose to title your vehicle without licensing it.

(3) What is an off-road/nonhighway vehicle use permit?

(a) The temporary off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for sixty days from the date of application;

(ii) Available to nonresidents and Washington residents who choose not to annually license their ORV;

(iii) Not transferable to another vehicle.

(b) The permanent off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for one year from the date of application;

(ii) Available to residents of Washington who choose to annually license their ORV;

(iii) Not transferable to another vehicle.

(4) What do I do with the annual or temporary off-road permit? The permit must be:

(a) Carried on the vehicle whenever in use;

(b) Made available to any law enforcement officer on request.

(5) 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? There may be different requirements, depending upon the jurisdiction control of the dirt, gravel road, or trail area. Check with local, state, or federal authorities in the areas you intend to operate the vehicle to ensure you are operating in accordance with their requirements.

[Statutory Authority: RCW 46.16.110. 06-21-024, § 308-94A-005, filed 10/9/06, effective 11/9/06. 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;
- (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.]

- 308-96A-176 Special transportation needs for ride-share vehicles.
- 308-96A-180 Registration of rental vehicles.
- 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.
- 308-96A-295 Display of tabs.
- 308-96A-300 Changing assigned registration year.
- 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-530 Veteran remembrance license plate emblems.
- 308-96A-545 Gold Star Parent license plate.
- 308-96A-550 Vehicle special collegiate license plates.
- 308-96A-560 Special license plates—Criteria for creation or continued issuance.

**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-047 Cooper Jones/Share the Road license plate emblems affixed to license plates.
- 308-96A-048 Distribution of the first twenty-five sequential special license plates.
- 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 Collector vehicle and restored license plates.
- 308-96A-076 Law enforcement memorial special vehicle license plate series.
- 308-96A-078 Professional fire fighters and paramedics special vehicle license plate series.
- 308-96A-079 Helping Kids Speak special vehicle license plate series.
- 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-096 Registration requirements.
- 308-96A-098 Surrender and disposition of license plates.
- 308-96A-099 Use class descriptions.
- 308-96A-101 Scale weight required for licensing.
- 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.

**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, 46.16.225 [46.16.225], 46.16.490 and 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-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, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.
- 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-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, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.
- 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-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-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-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-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-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-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-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-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-130	Hearse and ambulances. [Order MV-328, § 308-96A-130, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-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.	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-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-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-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-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-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-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-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-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-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-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-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-	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-177	Replacement of license plates. [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.] Repealed by 03-05-080, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110.
		308-96A-200	Computing capacity fee. [Order MV-328, § 308-96A-200, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
		308-96A-215	Transfer of tonnage license—From person to person. [Order MV-328, § 308-96A-215, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
		308-96A-225	Transfer of tonnage license—To a farmer. [Order MV-328, § 308-96A-225, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Author-

- ity: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-230 Transfer of tonnage license—From a farmer. [Order MV-328, § 308-96A-230, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-235 Transfer of tonnage license—Involuntary transfer. [Order MV-328, § 308-96A-235, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-240 Transfer of tonnage license—Vehicle transferred to another state. [Order MV-328, § 308-96A-240, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-265 Staggered licensing—Conversion of vehicles currently licensed. [Order MV-355, § 308-96A-265, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-270 Staggered licensing—Billing for other than 12 months. [Order MV-355, § 308-96A-270, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-280 Staggered licensing—Excise tax computation. [Order MV-355, § 308-96A-280, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-285 Quarterly tonnage. [Order MV-355, § 308-96A-285, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-290 Quarterly tonnage—Refunds excess of twelve months. [Order MV-355, § 308-96A-290, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-305 Quarterly tonnage—Destroyed vehicles rebuilt. [Order MV-355, § 308-96A-305, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-306 Definitions—Individual with disabilities special parking privileges. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-306, filed 7/6/04, effective 8/6/04; 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.] Repealed by 07-03-127, filed 1/23/07, effective 2/23/07. Statutory Authority: RCW 46.16.381. Later promulgation, see chapter 308-96B WAC.
- 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-311 General provisions. [Statutory Authority: RCW 46.16.381. 05-07-151, § 308-96A-311, filed 3/23/05, effective 4/23/05; 04-14-077, § 308-96A-311, filed 7/6/04, effective 8/6/04; 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.]
- 308-96A-312 Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-313 Temporary individual with disabilities parking placard and identification card. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-312, filed 7/6/04, effective 8/6/04; 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.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-314 Individual with disabilities parking placard and identification card—For permanent disabilities. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-313, filed 7/6/04, effective 8/6/04; 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.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-315 Individual with disabilities special license plates. [Statutory Authority: RCW 46.16.381. 05-07-151, § 308-96A-314, filed 3/23/05, effective 4/23/05; 04-14-077, § 308-96A-314, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-314, filed 2/19/03, effective 3/22/03. 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.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-316 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-317 Permanent placard and individual with disabilities special license plates for organizations. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-316, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-316, filed 2/19/03, effective 3/22/03. 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.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 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-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-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-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" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license of that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(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 an incomplete vehicle manufactured and sold with only a cab, 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.

(6) "Chattel lien" is a process by which a person may sell or take ownership of a vehicle when:

(a) They provide services or materials for a vehicle at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(7) "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).

(8) "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.

(9) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(10) "Department" means the department of licensing. (RCW 46.04.162.)

(11) "Empty scale weight" means the same as "scale weight" in this section.

(12) "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.)

(13) "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.

(14) "Fixed load vehicle" is a vehicle that is exempt from the one hundred fifty percent gross weight requirements as specified in RCW 46.16.079 and described in WAC 308-96A-099.

(15) "Gross weight," "declared gross weight," and "tonnage" mean gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(16) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as a maximum load weight of a single vehicle.

(17) "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.

(18) "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.

(19) "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.

(20) "Indian tribe" means a Washington Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(21) "Indian" means a person on the tribal rolls of the Washington Indian tribe occupying Indian country.

(22) "Individual with disabilities parking placard expiration date" means the last day of the month as specified on the department placard.

(23) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative of one of these entities.

(24) "Jurisdiction seal" means an embossed seal or stamp provided by the jurisdiction to authenticate court documents.

(25) "Landlord's lien" for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

(26) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(27) "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.

(28) "License tab fees" means the same as described in RCW 46.16.0621.

(29) "Licensed physician" for the purpose of individual with disabilities parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, osteopathic physicians, podiatric physicians, and advanced registered nurse practitioners. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(30) "Motor home" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(31) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(32) "Natural person" means a human being.

(33) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(34) "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.)

(35) "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.)

(36) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(37) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1).)

(38) "Permanent" in reference to individual with disabilities 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.)

(39) "Permanent fleet" means a group of one hundred 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.)

(40) "Permit" in reference to individual with disabilities 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 individual with disabilities parking privileges. (RCW 46.16.381.)

(41) "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.)

(42) "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.)

(43) "Placard" is an item issued to individuals who qualify for special individual with disabilities parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing in the form of a removable windshield placard bearing the international symbol of access and individual serial number.

(44) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(45) "Private use trailer" means one that is owned by a natural person, and used for the private noncommercial use of the owner.

(46) "Privilege" in reference to individual with disabilities 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.)

(47) "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.

(48) "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.)

(49) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(50) "Renewal notice" means the notice to renew a vehicle license. Renewal notices are sent to the registered owner approximately sixty days prior to the current expiration date.

(51) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

(52) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070, 46.16.111, and chapter 46.17 RCW.)

(53) "Self-storage facilities lien" is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(54) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(55) "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.

(56) "Subagent" means individual(s) recommended by an agent and 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.

(57) "Tab(s)" means stickers, issued by the department, affixed to the rear license plate to identify the registration expiration month and year for a specific vehicle.

(58) "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.)

(59) "Unprocessed" as used in parking ticket system means no update of the computer record has not been updated.

(60) "Use classes" means those vehicles described in WAC 308-96A-099.

(61) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

(62) "Vehicle/vessel seller's report of sale" means a document or electronic record transaction that when properly filed protects the seller of a vehicle/vessel from certain criminal and civil liabilities arising from use of the vehicle/vessel by another person after the vehicle/vessel has been sold or a change in ownership has occurred.

[Statutory Authority: RCW 46.16.010. 06-21-027, § 308-96A-005, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-005, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 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, 46.46.16.225 [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 web site at www.wa.gov/dol.

[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-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) for my current Washington plate(s)?

You obtain replacement plate(s) by applying:

- (a) Either in person; or
- (b) By mail, to a Washington vehicle licensing office; or
- (c) On-line through the department of licensing web page in conjunction with your registration renewal and seven-year replacement requirement.

(2) When do I need to replace my plate(s)?

You need to replace your plate(s) if:

- (a) Your plate(s) are lost, destroyed, or mutilated. For an additional fee, you may replace them with the same number/letter combination as long as the plate meets a current approved license plate configuration and background; or
- (b) Your plate(s) are stolen. You may not request the same number/letter combination (see the note at the end of this section); or
- (c) 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; or
- (d) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233. For an additional fee, you may request the same number/letter combination as long as the plate meets a current approved license plate configuration and background.

(3) Who can apply for replacement plate(s)?

One of the registered owners must apply for replacement plate(s).

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(4) What documentation do I need to apply for replacement plate(s)?

(a) If your plate(s) are lost, stolen (see note at end of this section), 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 an authorized employee of a Washington vehicle licensing office. A replacement plate fee will be charged. For an additional fee, the same number/letter combination may be requested as long as the plate meets a current approved license plate configuration and background.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will 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 will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) What is the replacement cycle date for my license plate? The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

(7) When I am required to replace special license plate(s) on a currently registered vehicle, will I receive the same license plate number/letter combination? Yes, for an additional fee, if you are replacing license plates on a currently registered vehicle, your license plates will be replaced with the same number/letter combination as shown on the vehicle computer record as long as the plate meets a current approved license plate configuration and background.

(8) 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;
 - (d) Personalized;
 - (e) Ride share;
 - (f) Disabled person;
 - (g) Disabled veterans;
 - (h) Pearl Harbor survivors;
 - (i) Purple heart;
 - (j) Stadium;
 - (k) Square dancer;
 - (l) Honorary Consular;
 - (m) Former prisoner of war;
 - (n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under;
 - (o) Special plate series created after January 1, 2003.
- (9) What license plates are exempt from the replacement requirements?**

(a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;

(b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Plates issued to government agencies with exempt use class; and

(e) Medal of Honor license plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276, 04-08-079, § 308-96A-021, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 03-05-080, § 308-96A-021, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.135, 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. Use of the vehicle is restricted to the reason(s) indicated on the permit.

(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.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from Washington vehicle licensing offices.

(4) How long is the vehicle transit permit valid?

The permit is valid only for the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

(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 charge a service fee.

[Statutory Authority: RCW 46.01.110, 05-13-118, § 308-96A-026, filed 6/20/05, effective 7/21/05. Statutory Authority: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.060, 46.16.600, 43.17.060, 04-08-002, § 308-96A-026, filed 3/24/04, effective 4/24/04. 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-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 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 high-

way, 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-047 Cooper Jones/Share the Road license plate emblems affixed to license plates. (1) Where do I order the Cooper Jones/Share the Road license plate emblem? You order them from the Washington state department of printing's general store located at www.prt.wa.gov or by mail to Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

(2) Who may purchase the emblems? Anyone may purchase as many emblems as they choose.

(3) Is there a fee for the plate emblems? A fee will be charged for **each set of** emblems described under RCW 46.16.333.

(4) Are there vehicles that may not bear the Cooper Jones/Share the Road emblems? Yes, those vehicles excluded under chapter 46.87 RCW, nonmotorized, and one-plated vehicles.

(5) How shall I affix my Cooper Jones/Share the Road license plate emblem to my license plate? In addition to requirements and limitations in RCW 46.16.327, the "SHARE THE ROAD" portion of the emblem set shall be displayed between the bottom license plate bolt holes of the front or rear license plate.

(6) Do I have to affix my Cooper Jones/Share the Road emblem to a license plate? No. There are no restrictions regarding placement of the emblem other than the license plate, or except where the law stipulates you may not obstruct the driver's view.

[Statutory Authority: RCW 46.01.110, 03-05-080, § 308-96A-047, filed 2/19/03, effective 3/22/03.]

WAC 308-96A-048 Distribution of the first twenty-five sequential special license plates. (1) What is required for obtaining the distribution of the first twenty-five sequential plates of each special license plate series?

(a) The organizational sponsor liaison that signed the original special license plate series application (or their successor) may submit a list of registered owners and vehicle information to be recipients of up to the first twenty-five special license plates issued. Only vehicles required to display two license plates may be considered. The list must be submitted to the vehicle services special plate manager at least one month before the release date of the initial plate series.

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Plates will be issued in sequential order in the order specified on the list.

(b) If fewer than twenty-five names are provided on the list, the remainder of those plates will be made available to other applicants in sequential order.

(c) All applicable fees and taxes, as well as any required documentation, are due and must be submitted for each individual vehicle when the plates are issued.

(2) Where and when are the plates distributed? The license plates will only be distributed from the Olympia headquarters vehicle licensing office and only on the first release date of the new special license plate series.

(3) Who may pick up the plates? The registered owner or a person authorized by the registered owner may take delivery of the special license plates.

(4) Are there restrictions on issuing the special plates? Yes, the first twenty-five special plates will only be issued to Washington valid licensed vehicles requiring two license plates.

[Statutory Authority: RCW 46.01.110, 05-01-001, § 308-96A-048, filed 12/1/04, effective 1/3/05.]

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.

(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).

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(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 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 or spouse if the recipient is deceased;

(b) Was wounded or is the spouse of a person who 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; or

(d) The spouse of a deceased recipient of a Purple Heart medal.

(3) **What documentation does a Purple Heart recipient or spouse of a deceased recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients or spouse of a deceased recipient 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.

(c) The surviving spouse of a deceased Purple Heart medal recipient may be issued a special Purple Heart license plate. In addition to confirm eligibility, the surviving spouse must submit the following:

(i) A copy of the death certificate of the deceased Purple Heart medal recipient; and

(ii) An affidavit that the applicant is not currently married.

(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 and letter combination?** Yes. If the vehicle owner requests and pays the fees in RCW 46.16.233, the Purple Heart license plates will be replaced with the same number/letter combination as shown on the vehicle computer record.

[Statutory Authority: RCW 46.01.110, 46.12.270, and 46.16.276, 07-21-119, § 308-96A-057, filed 10/23/07, effective 11/23/07. 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 consul, 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 replacement 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 46.01.110, 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) The personalized message appears to replicate the standard configuration for a special license plate; or

(xi) 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) **What special plates cannot be personalized?**

(a) Medal of honor;

(b) Horseless carriage;

(c) Restored;

(d) Collector vehicle;

(e) Ham and Mars license plates;

(f) Former prisoner of war;

(g) Pearl Harbor survivor;

(h) Disabled veteran;

(i) Exempt license plates.

(5) **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 (b) of this subsection, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(6) **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-pur-

chased 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.

(7) 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.

(8) 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. 07-20-110, § 308-96A-065, filed 10/3/07, effective 11/3/07. 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 applicable fees as stated in RCW 46.16.316 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 and applicable fees as stated in RCW 46.16.316.

(6) Are there any FCC operator special license plates that will not be issued? Yes, if the call sign has WSP as part of the number letter combination.

(7) 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. 07-20-112, § 308-96A-070, filed 10/3/07, effective 11/3/07. Statutory Authority: RCW 46.01.110 and 46.16.316. 04-18-023, § 308-96A-070, filed 8/24/04, effective 9/24/04. 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 applicable fees as stated in RCW 46.16.316 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 and applicable fees as stated in RCW 46.16.316.

(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 and 46.16.316. 04-18-023, § 308-96A-071, filed 8/24/04, effective 9/24/04. 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?** A 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, except those vehicles licensed under the provisions of chapter 46.87 RCW.

(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) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(5) **Will I ever have to replace my square dancer license plates?** Yes, the department has determined that all license plates be replaced on a seven-year replacement schedule. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-072, filed 4/6/04, effective 5/7/04. 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 Collector vehicle and restored 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 general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. 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. The restored plate(s) may be reassigned to another qualifying 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.

(11) Will I be able to apply for a refund of fees I have paid if I decide to change my restored use plate to a regular issue plate? No. There is no provision in the law to issue a refund should you decide to change to a regular issue plate.

(12) May I apply the fees I paid for my restored plate towards the purchase of regular issued plates? No. Full fees must be paid for the new plates.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276, 04-08-079, § 308-96A-074, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 03-05-082, § 308-96A-074, filed 2/19/03, effective 3/22/03. 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-076 Law enforcement memorial special vehicle license plate series. (1) **When ownership of a vehicle issued a law enforcement memorial license plate(s) changes, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the law enforcement memorial license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an additional fee for the law enforcement memorial license plate will be charged at the rate of one-twelfth of the annual law enforcement memorial license plate(s) fee for each additional month and partial month beyond the registration expiration date of the previous vehicle. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May law enforcement memorial license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both plate(s), the owner must make application for new law enforcement memorial or other license plate(s) and pay the fees described in RCW 46.16.-270. See subsection (5) of this section.

(4) **Are law enforcement memorial license plate(s) subject to the vehicle license plate replacement schedule?** Yes, the law enforcement memorial license plate(s) are subject to the mandatory vehicle license plate replacement schedule in WAC 308-96A-021(8).

(5) **When replacing law enforcement memorial license plate(s), is same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees in RCW 46.16.233, the law enforcement memorial license plate(s) will be replaced with the same number/letter combination as shown on the vehicle computer record.

(6) **Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination?** If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue for the protection of the public.

[Statutory Authority: RCW 46.16.316, 05-01-003, § 308-96A-076, filed 12/1/04, effective 1/3/05.]

WAC 308-96A-078 Professional fire fighters and paramedics special vehicle license plate series. (1) **Who may apply for the professional fire fighters and paramedics (PFFP) license plate(s)?** Only members of the Washington state council of fire fighters who are indicated on the vehicle record as a registered or coregistered owner of a vehicle may apply. The professional fire fighters and paramedics license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant is a current member to the Washington state council of fire fighters (WSCFF)?** A member of the Washington state council of fire fighters must provide a current letter from the WSCFF and either a valid Washington state drivers license or identification card, or International Federation of Fire Fighters identification showing current membership.

(3) **When is proof of WSCFF membership required?** Upon initial application or vehicle registration renewal.

(4) **When ownership of a vehicle issued professional fire fighters and paramedics license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle. License plate transfer fees apply.

(5) **Will any new fees be charged when the professional fire fighters and paramedics license plate(s) are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an abated fee for the professional fire fighters and paramedics license plate will be charged at the rate of one-twelfth of the annual professional fire fighters and paramedics license plate(s) fee for each succeeding month and partial month. If the new registration

expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(6) **Will professional fire fighters and paramedics license plate(s) ever need replacing?** Yes, the professional fire fighters and paramedics license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(7) **When replacing professional fire fighters and paramedics license plate(s), is same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the professional fire fighters and paramedics license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

(8) **Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination?** If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.16.316. 05-01-002, § 308-96A-078, filed 12/1/04, effective 1/3/05.]

WAC 308-96A-079 Helping Kids Speak special vehicle license plate series. (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW 46.16.270. See note following subsection (5) of this section.

(4) **Will Helping Kids Speak license plate(s) ever need replacing?** Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(5) **When replacing Helping Kids Speak license plate(s), is the same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the Helping Kids Speak license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

(2009 Ed.)

Note: If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.01.110 and 46.16.316. 05-01-210, § 308-96A-079, filed 12/21/04, effective 1/21/05.]

WAC 308-96A-080 Undercover and confidential license plates—Application procedures. (1) **What are undercover and confidential license plates?** They are standard issue license plates assigned only to vehicles owned or operated by government agencies as identified in RCW 46.08.066. These vehicles include, but are not limited to, off road vehicles, trailers, and snowmobiles.

(2) **When is an undercover or confidential license plate issued?** An undercover or confidential license plate is issued to government agencies when being used in confidential, investigative, or undercover work.

(3) **When are undercover and confidential license plates used?**

(a) These plates are used for official business by government agencies or any state elected official.

(b) For the personal security of any other public officer, or public employee, for use on an unmarked publicly owned or controlled vehicle for the conduct of business for the period of time required.

(4) **How are undercover and confidential vehicles registered?**

(a) An undercover license plate record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential license plate record will show the government agency name and address on all department records subject to public disclosure.

(5) **Who is responsible for verifying that only fictitious names and addresses are used for undercover vehicle registrations?** The individual signing the application.

(6) **How does a government agency apply for undercover or confidential license plates?**

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vehicle is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066 and 88.02.035. 06-04-026, § 308-96A-080, filed 1/24/06, effective 2/24/06. 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.

[Title 308 WAC—p. 285]

(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.

(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.

[Title 308 WAC—p. 286]

(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-096 Registration requirements. (1) **What is required when registering a vehicle in Washington?**

(a) The name of each registered owner, (natural person or business) of the vehicle and, if the vehicle is subject to a lien or other security interest, the name of each secured party;

(b) The registered owner's primary residence street address (at the choice of the registered owner, a mailing address if different from the residence address can also be given); and

(c) The primary secured party's mailing address; and
(d) For natural persons one of the following:

(i) Presentation of an unexpired Washington state driver's license; or

(ii) Certification that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

For purposes of this section, shared or joint ownership includes all registered owners shown on the active vehicle record.

(2) For the purposes of this section, "presents" means:

(a) In person, to bring and display the unexpired Washington state driver's license to the department or its agents and subagents and for each additional registered owner shown on the vehicle record, a photocopy of, or to provide in writing, the license number and expiration date from an unexpired Washington state driver's license.

(b) For internet transactions, to enter the license number and expiration date from an unexpired Washington state driver's license.

(c) By mail, to provide in writing the license number and expiration date from an unexpired Washington state driver's license.

(3) For the purposes of this section, "valid and compelling" reasons include:

(a) Driving privilege has been withdrawn by the department or a court.

(b) A co-owner is not available. Circumstances to include, but not be limited to, being incarcerated or out-of-state due to work assignment or personal need.

(c) A co-owner is deceased.

(d) Persons who are divorced and the registered owner awarded the vehicle presents a divorce decree showing the vehicle was awarded to them.

(e) Active military stationed in a foreign country or otherwise not available to provide the information.

(f) Military personnel who are at least sixteen years of age, including a spouse or dependent, who have in their immediate possession a valid driver's license issued by the jurisdiction designated as their home of record.

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(g) Other reasons determined by the director or his or her designee to be valid and compelling.

(4) For the purposes of this section, a "natural person" may be a resident of this state even though that person has or claims residency 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:

- (a) You maintain a residence in this state for personal use;
- (b) You have a Washington state driver's license or a Washington state resident hunting or fishing license;
- (c) You use a Washington state address for federal income tax or state tax purposes;
- (d) You have previously maintained a residence in this state for personal use and have not established a permanent residence outside the state of Washington (for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);
- (e) You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;
- (f) You are a custodial parent with a child attending public school in this state;
- (g) The department may consider factors other than those listed in this subsection to determine that a person intends to be located in or be a resident of this state. However, the department may not consider those factors alone to presume residency;
- (h) A natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration.

(5) When registering a vehicle with joint or shared ownership, you must present the following for each registered owner shown on the active vehicle record:

- (a) The license number from an unexpired Washington state driver's license; or
- (b) Certification that you or the co-owner is a Washington resident who does not operate a motor vehicle on public roads; or
- (c) Certificate that you or the co-owner is exempt from the requirement to obtain a Washington driver's license under RCW 46.20.025.

[Statutory Authority: RCW 46.16.010, 06-17-033, § 308-96A-096, filed 8/8/06, effective 9/8/06; 05-23-135, § 308-96A-096, filed 11/22/05, effective 1/3/06.]

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/manufacturer 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) Charge 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	Motor vehicle 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.

ABBREVIATION	TRANSLATION	DESCRIPTION
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. Converter gear is titled but not licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and tows a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB, or FCB use class.
CMP	CAMPER	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	Motor vehicle either (1) a power unit that does not pull a trailer or that pulls a trailer but the declared 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	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	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	Motor 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.
FCB	FARM COMBINATION	Motor 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	Any motor vehicle used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181.
FIX	FIXED LOAD	Motor vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law requiring 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 for these vehicles and should be equal to the scale weight, or the next higher gross weight increment. If the scale weight exceeds the maximum legal limit for that vehicle, the declared gross weight needs to be equal to or just lower than the legal limit. Fixed load vehicles' maximum legal limit may actually be less than their scale weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Motor 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	Motor vehicle 40 years old or older with limited used as defined in RCW 46.16.307.
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

ABBREVIATION	TRANSLATION	DESCRIPTION
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. Mobile home use class does not include park model trailers.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways, including ocean beaches.
PAS	PASSENGER	Motor vehicle used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private buses are licensed as passenger vehicles.
PED	MOPED	Motor vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
RES	RESTORED	Motor vehicles over 30 years old with limited use as defined in RCW 46.16.307. Vehicles with this use class may display license plates described in WAC 308-96A-074.
SCH	SCHOOL	Motor vehicle 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.
STA	STAGE	Motor vehicle 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. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Motor vehicle 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	Motor vehicle is a personal use 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 and camp/tent trailers.

(4) 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.

(5) 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 buses 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.

(6) 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.

(7) 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;

(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;

(d) (PAS) passenger; or

(e) (COM) commercial.

(8) 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.

(9) 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 certify the vehicle qualifies as M/H and will be used exclusively as a motor home for personal use and not for commercial use.

(10) 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. 07-22-091, § 308-96A-099, filed 11/6/07, effective 12/7/07; 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 required for licensing. (1) The department requires vehicle scale weight for:

(a) Vehicles licensed under RCW 46.16.070, 46.16.090, and 46.16.0621;

(b) Trailers;

(c) The vehicle is powered by propane, natural gas or butane;

(d) The vehicle has been structurally modified changing the scale weight.

(2) Determining scale weight:

The department will accept:

(a) The shipping/scale weight as shown on a manufacturer's statement/certificate of origin, factory invoice, previous title, registration, or supporting documentation issued by another jurisdiction; or

(b) A weight slip from a certified scale; or

(c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry; (for example: *NADA* or *Kelly Blue Book*); or

(d) Automated Value System (AVS) Value Detail Screen; or

(e) Dealer's declaration of factory shipping weight - Completed vehicles only; or

(f) Other sources approved by the department.

[Statutory Authority: RCW 46.16.010. 06-21-027, § 308-96A-101, filed 10/9/06, effective 11/9/06. 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.]

[Title 308 WAC—p. 290]

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.]

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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

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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 passenger motor vehicle is primarily used as a commute ride-sharing motor 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 statement that the vehicle is being used as a ride-sharing vehicle; or

(b) For motor 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 motor vehicle is used as a commuter ride-sharing motor vehicle.

(c) A written statement that the motor vehicle is used for commuter ride-sharing if the passenger motor vehicle is owned, rented or leased by a government agency.

(2) Can the ride-share license plate be transferred to another motor vehicle? To transfer license plates to another motor vehicle, the owner must:

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay applicable fees stated in RCW 46.16.316.

(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 motor vehicle to another, you must:

(a) Purchase replacement license plates if the motor vehicle will be operated on public highways; and

(b) Pay applicable tax for the remaining license registration period for the vehicle.

(c) If use/sales tax was exempted but the vehicle was used less than thirty-six consecutive months as a ride-share motor vehicle, use tax is due and payable to the department of revenue.

(4) What happens when the ride-share motor vehicle is sold or transferred to another person?

(a) When a ride-share motor 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) Provide a statement that the motor vehicle is used as a commuter ride-share motor vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed statement approved by the department that the motor vehicle qualifies as a commuter ride-sharing motor vehicle. 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. 08-20-035, § 308-96A-175, filed 9/23/08, effective 10/24/08. Statutory Authority: RCW 46.01.110 and 46.16.316. 04-18-023, § 308-96A-175, filed 8/24/04, effective 9/24/04. 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-180 Registration of rental vehicles.

(1) What is a rental vehicle?

A rental vehicle is defined in RCW 46.04.465.

(2) Who registers a rental vehicle?

Any Washington vehicle licensing office registers rental vehicles.

(3) How will I register my rental vehicles?

Annual renewal of rental vehicle registration may be processed through any Washington vehicle licensing office or by mail by meeting the qualifications and paying the appropriate fees. The rental vehicle business registration number must be included on the vehicle registration. The name of the legal or registered owner on a rental vehicle registration must be identical to the business name displayed on the master license.

(4) Do rental vehicles operated in Washington need to be registered in Washington?

Rental vehicles must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington; or

(b) The vehicle was dropped off at a Washington rental vehicle 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 vehicle business fleet.

(5) Does the current certificate of registration issued by the department need to be carried in the rental vehicle?

A photocopy of the current certificate of registration may be carried in a rental vehicle in lieu of the original certificate of registration.

(6) Who may operate a rental vehicle?

Rental vehicles may only be used by rental customers, unless the rental vehicle is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(7) What does a rental vehicle business do when they remove a rental vehicle from their fleet?

The rental vehicle business may submit a vehicle seller's report of sale 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.

[Statutory Authority: RCW 46.01.110. 07-02-077, § 308-96A-180, filed 1/2/07, effective 2/2/07; 04-01-162, § 308-96A-180, filed 12/22/03, effective 1/22/04. 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 is the gross weight expiration date if I purchase twelve thousand pounds or less?

(2009 Ed.)

The gross weight license expiration date is the same as the registration expiration date. Gross weight fees are 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 buy 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 buy 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 are 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 46.16.010. 06-21-027, § 308-96A-201, filed 10/9/06, effective 11/9/06. 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.

[Title 308 WAC—p. 293]

(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

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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.

[Title 308 WAC—p. 295]

(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 non-farm? 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 non-farm 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 when I change my vehicle registration from non-farm 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.

[Title 308 WAC—p. 296]

(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 forfeit. 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 46.16.010. 06-21-027, § 308-96A-208, filed 10/9/06, effective 11/9/06. 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, 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 is 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 is forfeit and is not 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 reg-

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istration 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 is 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 46.16.010, 06-21-027, § 308-96A-210, filed 10/9/06, effective 11/9/06. 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.

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(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 is:

(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, self-service storage facility 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 is 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 not be refunded or ever used as a credit.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-220, filed 10/9/06, effective 11/9/06. 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, 46.16.225 [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.]

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, 46.16.225 [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-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: 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, 46.16.216. 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 web site www.goia.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 may purchase veteran remembrance license plate emblems.

(3) **What will I receive when I purchase veteran remembrance license plate emblems?** In addition to a receipt, you will receive an emblem package including:

(a) One U.S. veteran emblem;

(b) One U.S. flag and campaign ribbon emblem; or

(c) Two campaign ribbon emblems; or

(d) Two U.S. flag emblems.

(4) **What emblems are available for purchase?**

(a) Afghanistan Campaign Medal.

(b) American Campaign Medal WWII.

(c) Armed Forces Expedition Medal.

(d) Armed Forces Services Medal.

(e) Asiatic - Pacific Campaign Medal WWII.

(f) European-African-Middle Eastern Campaign Medal WWII.

(g) Iraq Campaign Medal.

(h) Korean Defense Medal.

- (i) Korean Service Medal.
- (j) Kosovo Campaign Medal.
- (k) Merchant Marines Atlantic War Zone Medal.
- (l) Merchant Marines Middle East War Zone Medal.
- (m) Merchant Marines Pacific War Zone Medal.
- (n) National Defense Medal.
- (o) South Asia Service Medal.
- (p) U.S. Flag decal.
- (q) U.S. Veteran decal.
- (r) Vietnam Service Medal.
- (s) War on Terrorism Expeditionary Medal.
- (t) War on Terrorism Service Medal.
- (u) World War I Victory Medal.

(5) **How much do veteran remembrance license plate emblem packages cost?** Veteran remembrance license plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.01.140 (5)(b).

(6) **How do I display my license plate emblems?** 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;

(d) For two-plated vehicles, you may display the emblems on either the front or rear license plate, or you may buy a second package if you want to display emblems on both license plates.

Note: When a license plate displaying veteran's remembrance emblems is transferred to a new owner, the emblems must be removed.

(7) **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.

(8) **May I obtain a replacement or additional veteran remembrance license plate emblem package?** Yes:

(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, a replacement set will be provided at no fee.

[Statutory Authority: RCW 46.16.110, 46.16.335, 46.16.276. 06-21-026, § 308-96A-530, filed 10/9/06, effective 11/9/06. 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.]

(2009 Ed.)

WAC 308-96A-545 Gold Star Parent license plate.

(1) **What is a Gold Star Parent license plate?** The Gold Star Parent license plate was created by the legislature to recognize the parents of United States armed forces members who have died while in service to their country or as a result of such service.

(2) **Who qualifies as a parent of a member of the United State armed forces?** The term "parent," as defined by the Washington state department of veterans affairs, (WDVA) includes:

(a) Birth mother;

(b) Birth father;

(c) Stepmother;

(d) Stepfather;

(e) Mother through adoption;

(f) Father through adoption; and

(g) Adults who fulfilled the parental role including foster parents and kinship care providers or caretaker relative. (Documentation required.)

(3) **Who can purchase a Gold Star Parent plate?** A resident of this state and a registered owner of a motorized vehicle who is a parent of a member of the United States armed forces who has died while in service to their country or as a result of such service. The parent must be certified by the WDVA.

(4) **What is required to purchase a Gold Star Parent plate?** A copy of the letter to a qualifying parent provided by WDVA is required. The letter will be used in lieu of a special plate application to purchase the plate. No other documentation is required.

(5) **Can a Gold Star Parent plate be transferred to a new owner?** No. The plate may only be transferred to a vehicle owned by the same registered owner who was certified as a qualifying parent by WDVA. The plate cannot be transferred to a different registered owner. If the parent transfers the plate to a new car registered to them, they are required to pay the plate transfer fee.

(6) **What vehicles qualify to display a Gold Star Parent plate?** Motorized vehicles required to display one or two license plates.

(7) **What fees are required to purchase the plate?** There is no special plate fee or special plate renewal fee for the Gold Star Parent plate. The registered owner must pay all licensing fees.

(8) **Is the plate subject to the mandatory plate replacement?** Yes, the plate must be replaced every seven years due to mandatory plate replacement requirements. Customers will not be charged the plate replacement fees, or the fee to keep their same number.

(9) **Can a Gold Star Parent plate background be personalized?** Yes. A Gold Star Parent plate background can be personalized; however, the customer is required to pay all fees associated with a personalized plate original purchase or renewal.

(10) **Is a commercial vehicle eligible for a Gold Star Parent plate as long as it is in the name of the qualifying parent and not a business name?** Yes.

(11) **Can a prorated vehicle display a Gold Star Parent plate if the vehicle is under the name of the parent that is eligible for this plate?** No per chapter 46.87 RCW.

[Title 308 WAC—p. 301]

[Statutory Authority: RCW 46.01.110, 46.16.305 and 46.16.725. 08-22-066, § 308-96A-545, filed 11/4/08, effective 12/5/08.]

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** Application for license plate series from an institution of higher education under RCW 46.16.324 may be submitted to the special license plate review board through the process established in RCW 46.16.735 and 46.16.745. In addition the following criteria must be satisfied:

(a) The plates will consist of numbers, letters, colors and a symbol or artwork approved by the department and/or the special license plate review board.

(b) The numbers and letters combination may not exceed seven positions.

(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 is legible and clearly identifiable 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. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department, Washington state patrol, the special license plate review board and/or the legislature.

(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 a registered owner of the vehicle.

(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 retain my current collegiate license plate number/letter combination if my plate is lost, defaced, or destroyed?** Yes. 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 and 46.16.233 as applicable. See note following subsection (9) of this section.

(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.

(8) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(9) **When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination?** Yes. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-550, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-550, filed 2/19/03, effective 3/22/03. 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 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 license plates—Criteria for creation or continued issuance. (1) **What is a special license plate series?** For the purpose of this rule a special license plate series is one license plate design with a range of numbers and letter combinations to be determined by the department.

(2) **What is required for an organization to apply to create a new plate through the special license plate review board?** The organization must submit a completed application packet, signature sheet and supporting documentation as required by law. Signature sheets must reflect that they are collected within three years of submission.

If an organization started collecting signature sheets before the moratorium was put into place that ends on July 1, 2009, they are exempt from the three-year time frame. However, organizations collecting signatures during the moratorium must submit their completed application packet and signature sheets at the next board meeting after the moratorium is lifted. If an organization does not submit the signature sheets at the board meeting following the moratorium, the signature sheets are no longer valid.

(3) **What criteria are used to discontinue issuing special license plates?** A special license plate series may be canceled if:

(a) The department determines that fewer than five hundred special license plates are purchased annually and fewer than one thousand five hundred special license plates are purchased in any continuous three-year period. (Except those license plates issued under RCW 46.16.301, 46.16.305, and 46.16.324); or

(b) If the sponsoring organization does not submit an annual financial statement required by RCW 46.16.765 and certified by an accountant; or

(c) The legislature concurs with a recommendation from the special license plate review board to discontinue a plate series created after January 1, 2003; or

(d) The state legislature changes the law allowing that plate series.

(4) **What information must be contained in the annual financial report?** The annual financial report must include all expenditures related to programs, fund-raising, marketing, and administrative expenses related to their special license plate. The report must include:

(a) The stated purpose of the organization receiving the special plate revenue;

(b) A message from the chair or director of the organization;

(c) Program highlights with a detailed list of how the funds were expended for those programs;

(d) List of special events the organization held to market their special plate for the current reporting year;

(e) A summary of financial information:

(i) Previous revenue received during current reporting year;

(ii) Total revenue received during current reporting year;

(iii) Summary of administrative expenses.

If an organization is disbursing funds through a grant program or to another nonprofit organization supporting Washington citizens, a list including the program and the organizations must be submitted which includes their name and amount received.

(5) **What steps are taken by the department if the annual financial report is not submitted as required or the special plate revenue is expended for purposes other than allowed by law?** The department will follow the guidelines as established in the organization's contractual agreement with the department:

(a) Send a written notice of the violations to the organization;

(b) The organization is given thirty days to correct the violation;

(c) If the violation is not corrected, the department may immediately terminate the contract.

(6) **Can an organization have more than one special plate series?** No. Organizations cannot have more than one special license plate series except those issued before January 1, 2006. Those organizations that already have multiple special plate series may not have more.

An updated design of the current special license plates does not constitute more than one special plate series. The newest design supersedes the prior design. The assigned number and letter combination cannot be changed when a new plate design is created.

[Statutory Authority: RCW 46.01.110. 08-22-067, § 308-96A-560, filed 11/4/08, effective 12/5/08; 07-20-110, § 308-96A-560, filed 10/3/07, effective

(2009 Ed.)

tive 11/3/07. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-560, filed 4/6/04, effective 5/7/04. 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 308-96B WAC

INDIVIDUALS WITH DISABILITIES VEHICLE LICENSE PRIVILEGES

WAC

308-96B-010	Definitions—Individual with disabilities special parking privileges.
308-96B-020	General provisions.
308-96B-030	Permanent placard and individual with disabilities special license plates for organizations.

WAC 308-96B-010 Definitions—Individual with disabilities special parking privileges. For the purposes of determining eligibility under RCW 46.16.381, for individual with disabilities special parking placards and license plates, the following definitions apply:

(1) "Application for individual" means the form provided by the department that must be completed by the individual and physician.

(2) "Application for organization" means the form provided by the department that must be completed by the organization.

(3) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(4) "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), physician's assistant (PA). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(5) "Permanent" means a licensed physician has certified the qualifying disability condition is expected to last at least five years.

(6) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s), individual with disability license tab, and identification card.

(7) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities.

(8) "Privilege" means the right to utilize the benefits associated with the individuals with disabilities, parking placards, identification card, license plate(s) and tabs.

(9) "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.

(10) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

[Statutory Authority: RCW 46.12.381. 07-20-111, § 308-96B-010, filed 10/3/07, effective 11/3/07. Statutory Authority: RCW 46.16.381. 06-19-079, § 308-96B-010, filed 9/19/06, effective 10/20/06.]

WAC 308-96B-020 General provisions. (1) How do I qualify for an individual with disabilities parking privilege? To qualify for temporary or permanent individual with disabilities parking privilege, a licensed physician as defined in WAC 308-96B-010(4) must certify, on a department approved application form, that you have a disability that limits or impairs your ability to walk and that you meet the requirements listed in RCW 46.16.381(1). The physician must sign a declaration under penalty of perjury that you have a disability that limits or impairs the ability to walk and that you meet one of the following criteria:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Are severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Have such a severe disability that you cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Use portable oxygen;
- (e) Are restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Are impaired by cardiovascular disease or cardiac condition to the extent that your functional limitations are classified as class III or IV under standards accepted by the American Heart Association;
- (g) Have a disability resulting from an acute sensitivity to automobile emissions which limits or impairs your ability to walk. Your personal physician as described in WAC 308-96B-010(4) must document that your disability is comparable in severity to the others listed in this subsection; or
- (h) Is legally blind and has limited mobility;
- (i) Limited by porphyria (acute sensitivity to light as defined in RCW 46.16.381).

The medical declaration is required on all original applications for permanent and temporary disability privileges and for permanent disability privileges that have been expired more than thirty days. A declaration is not required for renewal of existing Washington privileges for an individual with disabilities.

(2) How do I apply for an individual with disabilities parking privilege? You must complete and sign your portion of the application. Once the licensed physician portion of the application is completed, you submit it to most vehicle licensing offices or the department as noted on the application.

(3) Who may sign the application for an individual with disabilities who is unable to sign or is a minor? An authorized representative of the individual with disabilities may sign the application. The application must 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) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(4) When is the individual with disabilities parking privilege no longer valid?

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the individual with disabilities;
- (d) If the disability no longer exists;
- (e) The special license plates have been canceled by department administrative action;
- (f) If the privilege was issued in error; or
- (g) If the individual with disability is no longer shown on the department's record as being a registered owner of the vehicle.

(5) What do I receive when my application is approved for an individual with disabilities parking privilege? An individual with disabilities identification card and:

- (a) If you have a temporary disability, you will receive one temporary placard;
- (b) If you have a permanent disability, you receive up to two privileges. You may choose to receive:
 - (i) Up to two permanent placards; or
 - (ii) One permanent placard and one set of individual with disabilities license plates or individual with disabilities year tab. The year tab may only be displayed on qualifying plates. The individual with disabilities must be a registered owner of the vehicle to receive these plates or tab.

(6) When can the individual with disabilities parking privileges be used? When transporting the person to whom the plate or placard is issued.

(7) Why is the individual with disabilities identification card issued? The identification card is issued to identify the individual with disabilities and to ensure that only those who qualify use the parking privilege. The identification card must be available for law enforcement or parking enforcement officials.

If you have just applied for and not yet received an individual with disabilities identification card, show the receipt you received at the time of application.

(8) How do I display the individual with disabilities parking placard?

- (a) The placard is hung from the rearview mirror post; or
- (b) The placard may be placed on the dashboard, (in the absence of the rearview mirror post).

The entire placard must be visible through the vehicle windshield.

(9) How long is the individuals with disabilities parking privilege valid?

- (a) Temporary privileges are valid for up to six months from the date of issuance by the department.
- (b) Permanent privileges are issued for five years and expire on the last day of the month of issuance. The expiration date can be located on the identification card or as marked on the placard. For example: If your expiration date is May 2008, your privilege will expire on May 31, 2008.

Note: License plates carry the expiration date of your vehicle registration and must be renewed annually.

(10) How do I renew or extend my individual with disabilities parking privilege?

(a) You cannot renew a temporary privilege. If your condition continues beyond the expiration date, you can obtain a new temporary individual with disabilities parking placard and identification card by submitting a new application completed and certified by a licensed physician, an advanced registered nurse practitioner, or a physician's assistant, as described in WAC 308-96B-010(4).

(b) You can renew a permanent privilege. The department will mail you a renewal notice before your privilege expires. Submit the completed renewal notice or a new application to most vehicle licensing offices to renew. You will receive your new parking placard(s) and new identification card through the mail.

(c) If permanent privilege has been expired more than thirty days you must submit a new application completed and certified by a licensed physician, an advanced registered nurse practitioner, or a physician's assistant, as described in WAC 308-96B-010.

(11) What if the individual with disabilities parking placard or identification card is lost, mutilated, destroyed, or stolen? To replace your individual with disabilities parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new individual with disabilities parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

(12) What should I do with my placard and identification card when they are no longer valid? When your placard and identification card are no longer valid, they should be destroyed.

Note: If the vehicle has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.12.381. 07-20-111, § 308-96B-020, filed 10/3/07, effective 11/3/07. Statutory Authority: RCW 46.16.381. 06-19-079, § 308-96B-020, filed 9/19/06, effective 10/20/06.]

WAC 308-96B-030 Permanent placard and individual with disabilities special license plates for organizations. (1) **When can a qualifying organization use disabled person license plates or parking placards?** Qualifying organizations may only use disabled parking license plates or parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) **How does an organization qualify for individual with disabled parking license plates and permanent parking placards?** The organization must:

(a) Service participants/clients who meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent individual with disabilities parking placard or disabled parking license plate to the department by April 30th each year.

(3) **How does a qualifying organization apply for disabled parking license plates and placards?** The organization must submit a completed individual with disabilities parking privileges organization application with appropriate documentation as indicated on the application.

(4) **When can a qualifying organization use disabled parking license plates or placards?** Qualifying organizations can only use disabled parking license plates or placards when transporting persons who meet the criteria for an individual with disabilities.

(5) **What can a qualifying organization receive when approved for parking privileges?**

(a) Disabled parking license plates can be issued for vehicles registered to the organization, which regularly transport persons who have qualified or would qualify for this parking privilege; or

(b) Parking placard(s) can be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disabled parking privilege.

An organization may receive up to ninety-nine placards, or disabled parking license plates can be issued to vehicles licensed in the name of the organization if used primarily for transporting persons who have or would qualify for the parking privileges. The department may approve exceptions.

(6) **Where does a qualifying organization obtain individual with disabilities parking placard(s) or disabled parking license plates?** A qualifying organization can obtain disabled parking placard(s) and disabled parking license plates at most Washington vehicle licensing offices.

(7) **Is a qualifying organization issued an identification card?** No.

(8) **When do the disabled parking license plates or placard(s) for organizations expire?** The 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 2008, it expires May 31, 2008.

Note: License plates also carry the expiration of your vehicle registration and must be renewed annually.

(9) **When are the disabled parking license plates and/or placard(s) no longer valid?** The individual with disabled parking license plates are no longer valid when:

(a) The plates/placard(s) expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting individuals with disabilities;

(d) The disabled parking license plates/placard(s) have been canceled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is canceled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report by April 30th.

(10) **How does an organization replace placards or disabled parking license plates if they become lost, mutilated, destroyed, or stolen?** The organization must complete and sign a statement explaining what happened to the placards or plates and pay replacement fees. Replacement permanent parking placards or disabled parking license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued. This is

a law enforcement issue and is for the protection of the public.

(11) How does an organization renew its permanent disabled parking placard(s)? The department will send a renewal notice to the organization before the privilege expires. The organization must submit the completed and signed renewal notice or a new application. Upon approval of the completed and signed renewal notice or application, the department will issue new placards.

(12) Does an organization qualify for disabled parking license plate tabs? No.

[Statutory Authority: RCW 46.16.381, 06-19-079, § 308-96B-030, filed 9/19/06, effective 10/20/06.]

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" means an entity engaged in the transportation of goods or persons. The term includes a for-hire motor carrier, private motor carrier, contract motor carrier, or exempt motor carrier.

[Statutory Authority: RCW 46.16.160, 06-06-087, § 308-97-011, filed 3/1/06, effective 4/1/06; 04-01-163, § 308-97-011, filed 12/22/03, effective 1/22/04. 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 must be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, neighborhood electric vehicles (NEV), small trucks and campers: Affix permit to the inside lower left corner of the rear window, upright so that it may be easily read.

(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, 04-01-163, § 308-97-125, filed 12/22/03, effective 1/22/04; 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?

Government agencies and nongovernmental organizations, including:

- (a) Department of transportation;
- (b) Department of licensing;
- (c) County auditors;
- (d) Vehicle licensing offices; and
- (e) Private businesses approved by the department of licensing.

(2) How does a private business obtain approval to sell vehicle trip permits?

- (a) Apply to the department of licensing;
- (b) Enter into a written agreement with the department;
- (c) Provide a surety bond; and
- (d) Provide fee schedule if issuing permits electronically.

(3) How does a private business obtain an application to sell vehicle trip permits?

Obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are you required to do under the agreement?

You are required to:

- (a) Pay fees on time;
- (b) Make your records available for audit;
- (c) Pay all interest and penalties;
- (d) Maintain records of transmittals for a period of four calendar years and have these records available to the department during business hours;
- (e) Send transmittals to the department on a bimonthly basis. Transmittals must be included with the appropriate fees; and
- (f) Pay the department for any unaccounted for permit(s).

(5) What are the requirements of a surety bond?

The bond must:

- (a) Be on a form provided by the department of licensing; and
- (b) Meet the requirements of chapter 48.28 RCW for a corporate surety bond; and
- (c) Be signed by the applicant; and
- (d) Be payable to the state of Washington; and
- (e) Be conditioned upon the performance of all the requirements of this section and RCW 46.16.160; and
- (f) Require payment of all permit fees, audit assessments, interest and penalties; and
- (g) Be equal to the value of vehicle trip permits issued to the agent by the department.

(6) How can vehicle trip permits be issued?

Permits can be issued in original form or, by fax, or electronic means.

(7) If the permit is issued by fax or other electronic means, can an additional fee be collected?

Yes. As long as the fee does not exceed that listed on the schedule filed with the department.

(8) What happens if you fail to comply with the agreement?

The department can revoke your appointment if you have violated any provisions of the agreement. Upon notice you must return all remaining vehicle trip permits and all money owed to the department.

[Statutory Authority: RCW 46.16.160. 06-06-087, § 308-97-230, filed 3/1/06, effective 4/1/06; 04-01-163, § 308-97-230, filed 12/22/03, effective 1/22/04. 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 Definitions.
- 308-99-040 Restrictions and conditions.
- 308-99-060 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 one of the following:

- (a) You are a registered voter in this state; or
- (b) You receive benefits under one of the Washington public assistance programs; or
- (c) You declare that you are a resident for the purpose of obtaining a state driver's license, a hunting or fishing license or tuition fees at resident rates.

A natural person may be a resident of this state even though that 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) You maintain a residence in this state for personal use;
- (ii) You have a Washington state driver's license or a Washington state resident hunting or fishing license;

(iii) You use a Washington state address for federal income tax or state tax purposes;

(iv) You have previously maintained a residence in this state for personal use and have not established a permanent residence outside the state of Washington (for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(v) You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(vi) You are 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 or be a resident of this state. However, the department may not consider those factors alone to presume residency.

A natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration.

(2) **Who are "military personnel"?** "Military personnel" means active duty members of the United States armed forces including the United States Coast Guard, Army, Navy, Marines, Air Force, 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.

(6) **What is a "natural person"?** For the purpose of this section, a "natural person" is a human being, as distinguished from an artificial person created by law.

[Statutory Authority: RCW 46.01.110. 05-01-048, § 308-99-020, filed 12/7/04, effective 1/7/05; 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. May a vehicle properly licensed or registered in another jurisdiction 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 a college or university in Washington accredited by the Northwest Association of Schools and Col-

leges 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. Vehicles must be registered in the student's or in the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the college, university or vocational school 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 their official home of record. A vehicle licensed at the last duty station may be operated until the current registration expires at which time the vehicle must be licensed in the military person's 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.

(4) **Vehicles undergoing repairs:** Commercial vehicles having a gross weight or combined gross weight of over 26,000 pounds and properly registered and licensed in another state or Canadian Province may enter Washington for purposes of repair under the following conditions:

(a) The vehicle must enter the state unladen and proceed immediately to the repair facility.

(b) The vehicle must immediately leave the state, unladen, upon completion of repairs.

(c) The vehicle cannot be used for any commercial activity while in Washington.

(d) The repair facility must be located within fifteen miles of the Washington border.

(e) While in Washington, the vehicle must carry the following documentation:

(i) An "out-of-state vehicle repair statement of fact." Blank forms are available from the department of licensing internet site at www.gov.wa/dol.

(ii) A copy of the vehicle repair work order issued by the repair facility before the vehicle enters Washington.

(f) The repair facility must maintain a copy of the "out-of-state vehicle repair statement of fact" and vehicle repair work order for a period of five years. The repair facility must make the forms available for inspection by state agency representatives.

[Statutory Authority: RCW 46.01.110. 05-01-048, § 308-99-040, filed 12/7/04, effective 1/7/05. Statutory Authority: RCW 46.85.060. 03-04-092, § 308-99-040, filed 2/4/03, effective 3/7/03. 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 12/1/86. 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. Is there vehicle license reciprocity for rental or leased vehicles? Yes, unless there is an agreement or arrangement to the contrary. The classes of vehicles and circumstances indicated below are eligible for reciprocity:

(1) Passenger cars and motor homes 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 semi-trailers 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 actual vehicle registration certificate (cab card) or a photo copy of the vehicle registration certificate 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, 05-01-048, § 308-99-060, filed 12/7/04, effective 1/7/05; 00-20-064, § 308-99-060, filed 10/3/00, effective 11/3/00.]

Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-005	Definitions.
308-100-010	Vehicles requiring a commercial driver's license for their operation.
308-100-020	Commercial driver's license—Eligibility.
308-100-031	Skill and training requirements for commercial driver's license.
308-100-033	Minimum training requirements.
308-100-035	Employer certification.
308-100-038	Commercial driver's license—Additional restrictions.
308-100-040	Examination requirement for commercial driver's license.
308-100-050	Fees.
308-100-060	Waiver applications and forms.
308-100-090	Commercial motor vehicle instruction permits.
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.
308-100-400	Formal hearings—Continuances.

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 308-100-005 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Agribusiness" means a private carrier who in the normal course of business primarily transports:

(a) Farm machinery, farm equipment, implements of husbandry, farm supplies and materials used in farming;

(b) Agricultural inputs, such as seed, feed, fertilizer and crop protection products;

(c) Unprocessed agricultural commodities as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(d) Any combination of (a) through (c).

(2) "Classroom instruction" means training provided through lectures, demonstrations, audiovisual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a commercial motor vehicle and its components by the student.

(3) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer.

(4) "Employer" means a person or entity that hires one or more individuals to operate a commercial motor vehicle on a regular basis during their normal course of employment and whose primary purpose is not to train operators of commercial motor vehicles.

(5) "Hour," as used in connection with training requirements, means no less than fifty minutes of training or instruction.

(6) "Lab" means a teaching environment involving a nonmoving vehicle for hands on instruction supported by classroom material.

(7) "Observation" means the careful watching, as a passenger in a commercial motor vehicle, of street driving during the hours of course instruction, recording lessons learned and applying classroom material.

(8) "Proficiency development" means driving exercises that will allow more time to develop the skills needed to demonstrate proficiency, competence, and confidence in the street driving and backing maneuvers portions of a course.

(9) "Range" means an area closed from the public where driving activities are practiced.

(10) "Street driving" means driving a commercial motor vehicle on a public road, where the traffic laws are enforced, consisting of city street, country road, and freeway driving.

(11) "Training institute" means:

(a) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(b) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(c) An entity in another state that the department has determined provides training or instruction equivalent to that required under WAC 308-100-033.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-005, filed 7/25/08, effective 8/25/08.]

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 308-100-031 Skill and training requirements for commercial driver's license. On or after January 2, 2009, an applicant for a commercial driver's license must complete the minimum training requirements specified under WAC 308-100-033, unless waived under RCW 46.25.060(3). The department also may issue a commercial driver's license to an applicant certified by an employer under WAC 308-100-035 as having the skills and training necessary to operate a commercial motor vehicle safely. Until January 2, 2010, the department may issue a commercial driver's license that is restricted to the operation of a commercial motor vehicle for agribusiness purposes under WAC 308-100-038 to an applicant who does not otherwise meet the requirements of this section.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-031, filed 7/25/08, effective 8/25/08.]

WAC 308-100-033 Minimum training requirements.

(1) To ensure the quality of the training given, a training course acceptable to the director must:

(a) Be provided by, and under the direct supervision of, a training institute; and

(b) Be not less than:

(i) One hundred sixty hours if the applicant is applying for a class A commercial driver's license, including not less than:

(A) Forty hours of classroom instruction;

(B) Eighteen hours of street driving training;

(C) Sixteen hours of training in backing maneuvers;

(D) Sixteen hours of proficiency development; and

(E) Seventy hours of combined lab training, range training, and observation;

(ii) Forty-eight hours if the applicant is applying for a class B commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Fourteen hours of street driving training;

(C) Four hours of training in backing maneuvers;

(D) Four hours of proficiency development; and

(E) Six hours of combined lab training, range training, and observation;

(iii) Thirty-six hours if the applicant is applying for a class C commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Eight hours of street driving training;

(C) Two hours of training in backing maneuvers;

(D) Two hours of proficiency development; and

(E) Four hours of combined lab training, range training, and observation.

(2) A licensed private vocational school must maintain individual student records. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session;

(c) The number of hours spent on each category of instruction covered; and

(d) The name and signature of the instructor who provided each session of instruction or training.

(3) Student records must be maintained by a licensed private vocational school for the past five years from the date instruction or training has ended and must be made available for inspection at the request of the department.

(4) A licensed private vocational school may issue a certificate of completion on a form provided by the department to a student who has received the training required under subsection (1) of this section. An accredited institution of higher learning may issue a certificate of completion to a student who has received appropriate training. A certificate issued under this subsection must be used by a student to demonstrate to the department that he or she has met the minimum requirements required under this section.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-033, filed 7/25/08, effective 8/25/08.]

WAC 308-100-035 Employer certification. An employer may certify an applicant for a commercial driver's license as having the skills and training necessary to operate a commercial motor vehicle safely on a form provided by the department. The certification must include the classification or endorsements of commercial motor vehicle that the employee or prospective employee is competent to operate.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-035, filed 7/25/08, effective 8/25/08.]

WAC 308-100-038 Commercial driver's license—Additional restrictions. In addition to the endorsements and restrictions that may be placed on a commercial driver's license under RCW 46.25.080 (2)(b), the department may place a "Z" restriction on a driver's license to indicate that there is a specific restriction on file with the department. Specific restrictions for commercial driver's licenses that may be kept on file include:

"Agribusiness" restricts the driver to commercial motor vehicles being operated for agribusiness purposes.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-038, filed 7/25/08, effective 8/25/08.]

WAC 308-100-040 Examination requirement for commercial driver's license. (1) Persons applying for a commercial driver's license 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 skills for the class of vehicle for which they seek the commercial driver's license. Skill examinations under this subsection shall consist of three components:

- (a) Pretrip inspection;
- (b) Basic controls; and
- (c) Road test.

(2) 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.

(2009 Ed.)

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 07-24-025, § 308-100-040, filed 11/28/07, effective 12/29/07. 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. (1) The basic fee for obtaining or renewing any class of commercial driver's license shall be thirty dollars.

(2) 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.

(3)(a) Except as provided in subsection (3)(b) of this section, the examination fee for each commercial driver's license skill examination conducted by the department shall be one hundred dollars.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by the department shall be seventy-five dollars:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(4) An applicant who has failed the skill examination must re-test and pay the full fee required under subsection (3) of this section.

(5) Drivers selected for reexamination by the department may be subject to costs associated with the testing.

(6) The fees in this section are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 07-24-025, § 308-100-050, filed 11/28/07, effective 12/29/07. 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 Commercial motor vehicle instruction permits. Any person who is at least eighteen years of age and who meets the requirements of RCW 46.25.060(4) may apply to the department for an instruction permit for the operation of a commercial motor vehicle. When operating a commercial motor vehicle on a highway, the instruction permit holder must be accompanied by the holder of a commercial driver's license valid for the vehicle being driven, with no less than two years of driving experience with the class of commercial motor vehicle being operated, and no

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less than five years of total driving experience. The holder of the commercial driver's license must occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140, 03-10-024, § 308-100-090, filed 4/28/03, effective 5/29/03; 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;

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(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

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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

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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. (1)(a) Except as provided in WAC 308-100-190 or subsection (1)(b) of this section, the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than one hundred dollars.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by a third party tester shall not be more than seventy-five dollars:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(2) An applicant who has failed the skill examination must retest and pay the full fee required under subsection (1) of this section.

(3) 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.

(4) Fees owed to a third party tester under this section must be paid by the applicant to the department. The department will reimburse the third party tester for the fees as provided in the third party tester agreement entered into under WAC 308-100-140.

(5) The fees in this section are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 07-24-025, § 308-100-180, filed 11/28/07, effective 12/29/07; 03-10-024, § 308-100-180, filed 4/28/03, effective 5/29/03. 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.

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[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
- (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.]

WAC 308-100-400 Formal hearings—Continuances.

(1) After a hearing has been scheduled pursuant to RCW 46.25.120(5), it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) A hearing officer must continue a hearing scheduled pursuant to RCW 46.25.120(5) in the event a law enforcement officer whose attendance is required fails to appear. A hearing continued under this subsection must be adjourned until such time as the officer may be compelled to attend by issuance of a subpoena under RCW 46.20.332. A subpoena issued to compel the attendance of an officer is subject to enforcement under RCW 7.21.060.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-100-400, filed 7/14/06, effective 8/14/06.]

Chapter 308-102 WAC

ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT—PROCEDURES

WAC

- 308-102-002 Declaration of purpose—Procedural rules.
- 308-102-004 Presiding officer.
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- 308-102-008 Property damage threshold.
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- 308-102-011 Amount of security—How determined.
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- 308-102-020 Notice of intent to suspend.
- 308-102-090 Agreements for payment of damages—Default notice.
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- 308-102-130 Informal settlement—Document review.
- 308-102-140 Informal settlement—Interview.
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- 308-102-200 Request for adjudicative proceeding—Formal hearing.
- 308-102-250 Issues to be determined—Formal hearing.
- 308-102-255 Determination of possibility of judgment.
- 308-102-260 Presiding officer—Duties.
- 308-102-265 Formal hearing—Failure to appear.
- 308-102-290 Formal hearings—Findings, conclusions and decisions.

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.
- 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.]

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.

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[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.]

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.]

[Title 308 WAC—p. 315]

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 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.

[Title 308 WAC—p. 316]

[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 an 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.

(2009 Ed.)

[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).

[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

(2009 Ed.)

(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 subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof; 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

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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.]

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.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-020, filed 7/14/06, effective 8/14/06. 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, RCW 1.12.040 shall apply, except in the service of subpoenas as provided in WAC 308-103-090.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-030, filed 7/14/06, effective 8/14/06. 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 submit his or her formal request for hearing:

(a) Within thirty days of the date notice is given under RCW 46.20.308(6) if the petitioner submitted to a breath test;

(b) Within thirty days of the date notice is given under RCW 46.20.308(6) 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 a 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. The petitioner may request a hearing on-line if the petitioner meets the qualifications described on the web site at www.dol.wa.gov;

(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 a hearing shall be submitted to the Department of Licensing, Driver Services Division, Hearings & Interviews, P.O. Box 9048, Olympia, Washington 98507-9048. If the petitioner is entitled to or applying for a waiver of the filing fee because of indigence, the request must be submitted to the Department of Licensing, Driver Services Division, Hearing & Interviews, P.O. Box 9031, Olympia, Washington 98507-9031;

(8) The written request for hearing shall be accompanied by the applicable filing fee, 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, 46.20.308, 46.25.120. 06-15-081, § 308-103-040, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 04-20-013, § 308-103-040, filed 9/24/04, effective 10/25/04; 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 timely request for a hearing, the department shall schedule a telephone hearing.

(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 mail a hearing notice to the petitioner or petitioner's legal representative at least ten days prior to the date of the hearing.

(4) The department's scheduling notice and brochure will include the assigned hearing officer's name, a phone number at which he or she may be contacted, and other information concerning the administrative hearing. The department's notice will also include a telephone number and a TDD num-

ber 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 must be in writing stating the reasons therefore and directed to the assigned hearing officer immediately upon receipt of the scheduling notice. The hearing officer 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.

(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.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-050, filed 7/14/06, effective 8/14/06. 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 continue, adjourn, or reschedule at any time, including on the date of the administrative hearing.

(5) Hearings that are continued, rescheduled, or adjourned may be reset 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 peti-

tioner 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.

(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.

(10) Notwithstanding any provisions of this section to the contrary, a hearing officer may continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear. The hearing officer must continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear and the petitioner is a holder of a commercial driver's license or was operating a commercial motor vehicle at the time of the driver's arrest. A hearing continued under this subsection must be adjourned until such time as the subpoena may be enforced under RCW 7.21.060. Action taken by the hearing officer to enforce a subpoena issued on the petitioner's behalf is considered to be at the request of the petitioner for purposes of WAC 308-103-070(6).

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-070, filed 7/14/06, effective 8/14/06. 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, the petitioner shall notify the assigned hearing officer and file a notice of Intent to Seek Deferred Prosecution, on a form provided by the department, with the hearing officer or the department. To be eligible for a stay, the petitioner must not have previously entered a deferred prosecution program, must have taken the breath or blood test, and must indicate that he or she intends to seek a deferred prosecution. If the petitioner is eligible, a stay of the administrative action shall be entered on the driver's record pursuant to RCW 46.20.308(10). If the petitioner is not eligible, he or she will be so notified by the department and the administrative action will continue.

(2) If a stay is entered under subsection (1) of this section, the hearing will proceed and the results will be sent to the petitioner. As provided by RCW 46.20.308(10), the stay of the action shall continue but any appeal of the Findings and Conclusion must be undertaken within thirty days of service of the results.

(3) If the petitioner elects to withdraw his or her request for a hearing, he or she must 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 privilege, unless a stay has been entered on the driver's record due to the filing of a notice of Intent to Seek a Deferred Prosecution.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-080, filed 7/14/06, effective 8/14/06. 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 submitted on a form approved by the department, available on the Internet at www.dol.wa.gov, and must be signed and issued by a hearing officer. An approved form may be obtained from the department.

(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 must be personally served by a 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. Proof of service shall be made by affidavit or declaration under penalty of perjury. Service by certified mail must be preapproved by the hearing officer. 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, 46.20.308, 46.25.120, 06-15-081, § 308-103-090, filed 7/14/06, effective 8/14/06. 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 only portions 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, 46.20.308, 46.25.120, 06-15-081, § 308-103-100, filed 7/14/06, effective 8/14/06. 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 Video evidence. If the petitioner wishes to submit video evidence, the petitioner shall be responsible for the costs of preparing a copy to be admitted as evidence. Video evidence shall be submitted sufficiently in advance of the hearing to allow the hearing officer the opportunity to review it 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, 46.20.308, 46.25.120. 06-15-081, § 308-103-110, filed 7/14/06, effective 8/14/06. 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. Evidence, including hearsay evidence, is admissible if in the judgment of the hearing officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely on in the conduct of their affairs. The hearing officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious. 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.

(3) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(4) Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during the hearing of the material so noticed and the sources thereof and they shall be afforded an opportunity to contest the facts and materials so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-120, filed 7/14/06, effective 8/14/06. 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

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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 nonimpaired or English-speaking party listening to uninterpreted 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 and/or obtain 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 and admit the official records of the department, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;
- (10) Examine and admit public records, including but not limited to maps, policy and procedure manuals, breath testing equipment manuals and the Washington state patrol breath test section web site at any time before and during the hearing, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;
- (11) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;
- (12) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (13) Issue an order of default;
- (14) Recess the hearing to a later time to accommodate scheduling conflicts. Hearings are ordinarily scheduled to be one hour in length;
- (15) Take any other action necessary and authorized by any applicable statute or rule; and
- (16) 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, 46.20.308, 46.25.120, 06-15-081, § 308-103-150, filed 7/14/06, effective 8/14/06. 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 rescheduled. 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; or
- (2) A hearing is continued or rescheduled outside of the initial sixty-day effective period of the temporary license.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-170, filed 7/14/06, effective 8/14/06. 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
- (4) Contain a statement describing the right to appeal.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120, 06-15-081, § 308-103-180, filed 7/14/06, effective 8/14/06. 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 were not 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 could not have been discovered using due diligence prior to 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 the final order is mailed to the petitioner.

(5) The petition shall be reviewed 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 modi-

fying 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 be issued 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, 46.20.308, 46.25.120, 06-15-081, § 308-103-190, filed 7/14/06, effective 8/14/06. 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
CODIFIED IN THIS CHAPTER**

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 reexamination 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. 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. (1) A person applying for a driver's license or instruction permit shall be required to take a vision test administered by the department.

(a) Any person [with] visual acuity worse than 20/40 Snellen with both eyes combined either corrected or uncorrected, or with some apparent significant visual limitation, must have an eye examination by a competent vision authority.

(b) If an applicant's vision cannot be corrected so it will be 20/40 Snellen for visual acuity and if the applicant's vision is between 20/50 Snellen and 20/100 Snellen, or if an applicant's other vision problems cannot be corrected, he or she must submit to a reexamination.

(c) An applicant whose vision cannot be corrected to at least 20/100 Snellen range will be deemed to have failed the portion of the driver's license examination specified by RCW 46.20.130 (1)(a) pertaining to eyesight and ability to see, and will be deemed to have failed to demonstrate that he or she is qualified to drive.

(d) An applicant whose optometrist or ophthalmologist answers "no" to the question "In your professional opinion, can this individual see adequately to safely operate a vehicle at night," will be deemed to have failed to demonstrate that he or she is qualified to drive at night.

(2) The department may waive the requirement for a vision test for any person applying to renew his or her driver's license by mail or electronic commerce if the person certifies on the application that his or her vision acuity is no less than 20/40 Snellen for visual acuity, either corrected or uncorrected, and that there are no other vision problems.

(3) The department shall refer for reexamination any person who uses bioptic or telescopic licenses to meet licensing standards for the issuance of any driver's license or instruction permit.

[Statutory Authority: RCW 46.20.130, 46.20.041. 07-02-104, § 308-104-010, filed 1/3/07, effective 2/3/07. Statutory Authority: RCW 46.01.110. 04-20-012, § 308-104-010, filed 9/24/04, effective 10/25/04; Order 2, § 308-104-010, filed 6/26/68.]

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

WAC 308-104-012 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 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) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a declaration by the person that he or she has read and understands the intermediate license restrictions;
- (10) 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
- (11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

[Statutory Authority: RCW 46.20.091 (1)(g) and 46.01.110. 05-15-064, § 308-104-014, filed 7/12/05, effective 8/12/05. Statutory Authority: RCW (2009 Ed.)

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;
 - (iii) Filed by a public official or governmental agency; or
 - (iv) Filed by a contractor who verifies or supplies correct addresses obtained from 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 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 46.20.202. 07-22-031, § 308-104-018, filed 10/29/07, effective 11/29/07. 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 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility. An applicant for a driver's license renewal or identicard renewal may apply by electronic commerce if he or she has received an authorization notice from the department.

- (1) The department may send an authorization notice to a person whose valid driver's license is about to expire if the person:
 - (a) Is eligible to renew his or her driver's license by electronic commerce under the provisions of RCW 46.20.120
 - (3)(b) or (4)(b);
 - (b) Has previously been issued a digital driver's license;
 - (c) Is at least twenty-four and not more than sixty-five years of age;

(d) Has a valid Social Security number on file with the department;

(e) Has a valid mailing address on his or her driving record as maintained by the department;

(f) Does not have a commercial driver's license, enhanced driver's license or identicard, instruction permit, or agricultural permit;

(g) Has not paid a fee owed to the department with a check that has been dishonored;

(h) Has not failed to appear, respond, or comply with the terms of or in response to a traffic citation or notice of traffic infraction; and

(i) Does not have any actions pending against his or her driver's license or driving privileges.

(2) A person applying for driver's license renewal by electronic commerce must:

(a) Certify that within the last six months he or she has not had a loss of consciousness or control that could impair his or her ability to operate a motor vehicle safely;

(b) Make the necessary certification under WAC 308-104-010(2); and

(c) Complete the required application and pay all applicable fees.

(3) The department may send an authorization notice to a person whose valid identicard is about to expire if the person:

(a) Is eligible to renew his or her identicard by electronic commerce under the provisions of RCW 46.20.117 (3)(b);

(b) Is at least twenty-four years of age; and

(c) Has previously been issued a digital identicard.

(4) A person applying for identicard renewal by electronic commerce must complete the required application and pay all applicable fees.

(5) The department may specify the means and establish procedures by which a person may make an application under this section.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-104-019, filed 10/29/07, effective 11/29/07. Statutory Authority: RCW 46.01.110. 04-20-012, § 308-104-019, filed 9/24/04, effective 10/25/04.]

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 (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 sup-

plemental 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.]

(2009 Ed.)

WAC 308-104-046 Instruction permit—Verification of enrollment in a traffic safety education program. For purposes of RCW 46.20.055, an applicant for a driver's instruction permit may demonstrate enrollment in a traffic safety education course offered by a licensed driver training school, or by a public or private school recognized by the superintendent of public instruction, by submitting written proof of enrollment indicating that the driver training course has already begun or will begin within ten calendar days of the date of the application. The proof of enrollment must be in a form that is approved by the department and bear the signature of a licensed driver training instructor or driver training school owner, or that of a public or private school instructor certified to teach a driver training course by the superintendent of public instruction.

[Statutory Authority: RCW 46.01.110, 04-18-060, § 308-104-046, filed 8/27/04, effective 9/27/04.]

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).

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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.]

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 308-104-075 Driver's licenses—Prohibited practices—Suspension, cancellation, or denial period.

The department shall suspend, cancel, or deny all driving privileges of a person who has been convicted of or determined by the department to have committed one of the prohibited practices relating to drivers' licenses listed in RCW 46.20.0921 for a period of not less than sixty consecutive days and not more than three hundred sixty-four consecutive days. For purposes of RCW 46.20.0921 (1)(e), an application for a commercial driver's license includes the application for a driver's license under RCW 46.20.091 and the application for a commercial driver's license under RCW 46.25.070.

[Statutory Authority: RCW 46.01.110, 46.20.207, 46.20.291. 06-16-087, § 308-104-075, filed 7/31/06, effective 8/31/06.]

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/temporary restricted driver's license—Person eligible. (1) Upon proper application, the department shall issue an occupational/temporary restricted 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:

(a) The person had previously been issued a valid driver's license; and

(b) 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.

(2) Notwithstanding the provisions of this section, an occupational/temporary restricted 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, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-104-100, filed 11/26/08, effective 1/1/09. Statutory Authority: RCW 46.01.110 and 46.20.391 (1)(c). 04-18-059, § 308-104-100, filed 8/27/04, effective 9/27/04. 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/temporary restricted license denial hearings. (1) Upon notification by the department that an occupational/temporary restricted 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/temporary restricted 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 previously been issued a valid license.

(b) Whether the suspension or revocation giving rise to the application for an occupational/temporary restricted driver's license is one for which an occupational/temporary restricted driver's license may be issued under RCW 46.20.391.

(c) Whether the person has committed an offense of vehicular assault or vehicular homicide within the seven years immediately preceding the conviction or incident for which the occupational/temporary restricted driver's license is requested or, if there are multiple suspensions or revocations in effect, within the seven years immediately preceding the latest conviction or incident for which the occupational/temporary restricted driver's license is requested.

(d) Whether the person is currently suspended or revoked for any reason for which an occupational/temporary restricted driver's license is not available.

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(e) Whether it is necessary that the person operate a motor vehicle because he or she:

(i) 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;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the person;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings in a twelve-step group such as Alcoholics Anonymous that requires the person to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program.

(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 (d) of this section unless the person presents clear and convincing evidence to the contrary.

(6) The person shall have the burden of proving that he or she meets one or more of the qualifying circumstances described in subsection (4)(e) of this section that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational/temporary restricted driver's license shall be affirmed.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-104-105, filed 11/26/08, effective 1/1/09. Statutory Authority: RCW 46.01.110 and 46.20.391 (1)(c). 04-18-059, § 308-104-105, filed 8/27/04, effective 9/27/04. 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.

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(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 RCW 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 to 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 308-105 WAC

ENHANCED DRIVERS' LICENSE AND IDENTICARD

WAC

308-105-010	Definitions.
308-105-020	Application for enhanced driver's license or identicard.
308-105-030	Enhanced driver's license or identicard denial—Hearing.
308-105-100	Fee.

WAC 308-105-010 Definitions. As used in this chapter, unless the context requires otherwise, the term:

(1) "Enhanced driver's license" means a driver's license that is issued under RCW 46.20.202.

(2) "Enhanced identicard" means an identicard that is issued under RCW 46.20.202.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-010, filed 10/29/07, effective 11/29/07.]

WAC 308-105-020 Application for enhanced driver's license or identicard. (1) An applicant for an enhanced driver's license must be eligible for a standard driver's license under chapter 46.20 RCW, provide the information required by RCW 46.20.091 and WAC 308-104-014, and establish his or her identity as provided by RCW 46.20.035 and WAC 308-104-040.

(2) An applicant for an enhanced identicard must be eligible for a standard identicard under chapter 46.20 RCW, provide the information required by RCW 46.20.117 and WAC 308-104-014, and establish his or her identity as provided by RCW 46.20.035 and WAC 308-104-040.

(3) An applicant for an enhanced driver's license or identicard must sign a declaration acknowledging that his or her photograph will be used as a facial recognition biometric identifier, and that he or she understands that the biometric identifier will be used in a one-to-many biometric matching system for purposes of verifying the identity of the applicant.

(4) An applicant for an enhanced driver's license or identicard must sign a declaration acknowledging that he or she has been notified that the enhanced driver's license or identicard contains a radio frequency identification chip, that he or she has been given written information on the type of information the chip contains and how it may be used, and that tampering with or deactivating the chip will invalidate the enhanced driver's license or identicard for purposes of border crossing.

(5) An applicant for an enhanced driver's license or identicard must provide the department with satisfactory proof of United States citizenship. United States citizenship may be established by providing at least one of the following pieces of documentation:

(a) A United States passport that is valid or has been expired for no more than five years;

(b) Certified state birth certificate;

- (c) Certificate of naturalization;
 - (d) Certificate of citizenship; or
 - (e) Department of state consular report of birth abroad.
- (6) An applicant for an enhanced driver's license or identicard must provide the department with satisfactory proof of residency in the state of Washington.

(7) An enhanced driver's license or identicard will not be issued to an applicant who is unable to provide the department with satisfactory proof required under this section.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-020, filed 10/29/07, effective 11/29/07.]

WAC 308-105-030 Enhanced driver's license or identicard denial—Hearing. (1) Within twenty days of the date of notification by the department that an application for an enhanced driver's license or identicard has been denied under WAC 308-105-020(7), the aggrieved person may submit a written request for a formal hearing to contest the department's decision.

(2) Within twenty days of receipt of a request for a formal hearing, the department shall notify the requester in writing of the time and location of the hearing.

(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) Has the applicant provided the necessary documentation and information;
- (b) Has the applicant established his or her identity;
- (c) Has the applicant established that he or she is a United States citizen; and
- (d) Has the applicant established that he or she maintains permanent residency in the state of Washington?

(5) The person shall have the burden of providing that he or she has established the requirements listed in subsection (4) of this section.

(6) Upon conclusion of the hearing, the hearing officer shall make written findings on the matter under consideration and shall sustain, modify, or reverse the department's denial of the application for an enhanced driver's license or identicard. The department shall notify the person of the hearing officer's decision and of the person's right to request an appeal in the superior court in the county of his or her residence in writing either by personal service or by first class mail set to the last address of record.

(7) A person denied an enhanced driver's license or identicard under subsection (6) of this section shall have the right within thirty days after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

(8) If the person does not request a formal hearing within the time specified in subsection (1) of this section, or fails to appear for the hearing, said person shall have waived his or her right to any further administrative remedies, including the right to appeal, and the case shall be remanded to the department and the department's previous decision denying the enhanced driver's license or identicard shall be affirmed.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-030, filed 10/29/07, effective 11/29/07.]

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WAC 308-105-100 Fee. The fee for an enhanced driver's license or enhanced identicard is fifteen dollars. This fee is in addition to the regular drivers' license or identicard fees.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-100, filed 10/29/07, effective 11/29/07.]

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.
308-106-050	Verifying participation in senior driver accident prevention course offered in an alternative method of delivery.

WAC 308-106-010 Insurance identification card. (1) Any person who operates a motor vehicle subject to registration under chapter 46.16 RCW must have an identification card in his or her possession, as required by section 4(1), chapter 353, Laws of 1989, unless exempt under section 2 (4)(a) or (b) of that chapter.

(2) In the event that an identification card contains a description of the insured vehicle(s), and the person acquires any additional or replacement vehicle(s), possession of a valid insurance identification card previously issued, along with proof of recent acquisition or transfer of ownership of the additional or replacement vehicle(s), shall be deemed to fulfill the requirements of this section for a period not to exceed thirty days after such vehicle(s) was acquired. The person must notify the company issuing the identification card of the acquisition of the additional or replacement vehicle(s) within fifteen days of acquisition. Possession of any binder issued pending the issuance of a motor vehicle liability policy shall likewise be deemed to fulfill the requirements of this section.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-010, filed 10/26/89, effective 11/26/89.]

WAC 308-106-020 Insurance identification card—Content. Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policy holder with an identification card that is to include, at a minimum:

- (a) The name of the insurance company;
- (b) The policy number;
- (c) The effective date of the policy;
- (d) The expiration date of the policy; and
- (e) A description of the year, make and/or model of the insured vehicle(s) and/or the name of the insured driver. If there are five or more vehicles under common ownership, the word "fleet" may be used in place of the vehicle description. The insurance company may issue a supplemental listing of vehicles covered.

If an insurance company issues an identification card containing information in addition to that identified above, the above information shall be printed in such a way so as to be readily discernible. To the extent practical, the insurance

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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.]

WAC 308-106-050 Verifying participation in senior driver accident prevention course offered in an alternative method of delivery. (1) An older insured driver is eligible for insurance premium reduction upon completion of a senior driver accident prevention course, as provided by RCW 48.19.460.

(2) This premium reduction is allowed for courses given in a classroom setting and courses given by an alternative delivery method, including but not limited to, internet, video, or other technology based methods.

(3) Courses provided by an alternative method of delivery must be approved by the department of licensing.

(4) Providers of senior driver accident prevention courses given by an alternative delivery method will include a process to determine that participants seeking certification for the course have completed the course. The process could include, but is not limited to:

- (a) Timers that limit how fast the course can be viewed;
- (b) Quizzes to determine if the participant understands the course content; or
- (c) Asking the participant to provide information at the beginning of the course, and then asking questions during the course to verify that information. The information requested will not be of a nature that would compromise the partici-

part's identity or security. These questions will be used to ensure that the participant who is taking the course is actually the person receiving the course material.

(5) Providers of senior driver accident prevention courses given by an alternative delivery method will maintain records of participants who complete the course and are issued certificates. These records will be made available to the department of licensing upon written request.

[Statutory Authority: RCW 46.01.110 and 46.19.460. 08-20-024, § 308-106-050, filed 9/19/08, effective 10/20/08.]

Chapter 308-107 WAC

IGNITION INTERLOCK DRIVER'S LICENSE

WAC

308-107-010	Definitions.
308-107-020	Ignition interlock driver's license—Application.
308-107-030	Functioning device—Satisfactory proof of installation.
308-107-040	Functioning device—Evidence that device is no longer installed or functioning.
308-107-050	Ignition interlock device revolving account.
308-107-060	Indigence—Monetary assistance—Determination of need.
308-107-070	Ignition interlock driver's license—Hearing.
308-107-080	Ignition interlock device compliance—Pilot program.

WAC 308-107-010 Definitions. As used in this chapter, unless the context requires otherwise, the term:

(1) "Authorized service provider" or "ignition interlock vendor" means a person or company meeting all qualifications set out in chapter 204-50 WAC and approved and trained by a manufacturer to service, install, monitor, calibrate, and provide information on manufacturer's devices currently certified for use in Washington state.

(2) "Breath or blood alcohol concentration (BAC)" means the amount of alcohol in a person's blood or breath determined by chemical analysis, which shall be measured by grams of alcohol per:

- (a) One hundred milliliters of blood; or
- (b) Two hundred ten liters of breath.

(3) "Commission" means the Washington traffic safety commission.

(4) "Device" means an ignition interlock device as defined under RCW 46.04.215 and WAC 204-50-030.

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

(6) "Event log report" means a compilation of the data downloaded from a device under the provisions of WAC 204-50-080.

(7) "Functioning device" means a device that is properly installed, maintained, and meets the requirements specified in chapter 204-50 WAC.

(8) "Manufacturer" or "ignition interlock company" means the person, company, or corporation who produces an ignition interlock device, and certifies to the Washington state patrol that an authorized service provider is qualified to service, install, monitor, calibrate, and provide information on devices.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20-745. 08-24-059, § 308-107-010, filed 11/26/08, effective 1/1/09.]

WAC 308-107-020 Ignition interlock driver's license—Application. A person applying for an ignition interlock driver's license must meet the requirements of RCW

46.20.385, submit a nonrefundable fee as required by RCW 46.20.380, and submit an application on a form provided by the department.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-020, filed 11/26/08, effective 1/1/09.]

WAC 308-107-030 Functioning device—Satisfactory proof of installation. For purposes of RCW 46.20.385, satisfactory proof of installation of a functioning device must include:

(1) An ignition interlock status verification form submitted by a manufacturer who has entered into an agreement with the department under WAC 308-107-050(2), or by an authorized service provider associated with such manufacturer, indicating that a device has been installed on a vehicle owned or operated by the driver; and

(2) An event log report periodically submitted by the manufacturer to the commission, as provided by WAC 308-107-080, indicating that the device is being maintained under WAC 204-50-080.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-030, filed 11/26/08, effective 1/1/09.]

WAC 308-107-040 Functioning device—Evidence that device is no longer installed or functioning. (1) For purposes of RCW 46.20.311, 46.20.385, and 46.20.740, the department may determine that a device is no longer installed or functioning in the vehicle(s) driven by a person based on:

(a) An ignition interlock status verification form submitted by a manufacturer, or by an authorized service provider associated with such manufacturer, indicating that a device is no longer installed or functioning;

(b) Notice from the commission that a report received under WAC 308-107-080 indicates that a device is no longer installed or functioning or that the driver has failed to appear for scheduled maintenance;

(c) The termination or expiration without renewal of an agreement entered into between the department and the manufacturer of the device(s) installed in the vehicle(s) driven by the person;

(d) A statement from a law enforcement officer made under RCW 9A.72.085 indicating that a device has been disabled or removed from a motor vehicle operated by the person; or

(e) A conviction under RCW 46.20.740(2) for operating a motor vehicle that is not equipped with a functioning device.

(2) Before making a determination under this section, the department may consider evidence from the person indicating that:

(a) The person is no longer operating the vehicle in which a device is no longer installed or functioning and that another vehicle driven by the person is so equipped; or

(b) The device has been replaced with a functioning device installed by another manufacturer or authorized service provider.

(3) Once the department has determined under this section that a device is no longer installed or functioning, the person must re-establish that a functioning device has been installed before a license may be reinstated or reissued during the remainder of an applicable period of restriction.

(2009 Ed.)

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-040, filed 11/26/08, effective 1/1/09.]

WAC 308-107-050 Ignition interlock device revolving account. (1) As required under RCW 46.20.385 (6)(a), unless determined by the department to be indigent under WAC 308-107-060, a person who is applying for or has been issued an ignition interlock driver's license must pay an additional fee of twenty dollars per month or partial month for which the ignition interlock driver's license is valid to the manufacturer of the device(s) installed in the motor vehicle(s) driven by the person. Payment may be made directly to the manufacturer, or through the authorized service provider, depending upon the manufacturer's business practices.

(2) A manufacturer providing devices to persons who are applying for or have been issued an ignition interlock driver's license, either directly or through an authorized service provider, must enter into an agreement with the department for the collection and transmittal of the twenty dollar monthly fee required under RCW 46.20.385 (6)(a). Any agreement made under this section must include appropriate reporting requirements and accounting practices to permit the department to audit the handling of the fees that must be remitted to the department. The department may terminate an agreement with a manufacturer upon a showing of good cause. Good cause shall include, but not be limited to, violation of the agreement, violation of the laws and rules governing the installation of devices, and violation of this chapter. An agreement between the department and a manufacturer 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.

(3) As provided by RCW 46.20.385 (6)(b), the department shall deposit the proceeds of the twenty-dollar fee into the ignition interlock device revolving account.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-050, filed 11/26/08, effective 1/1/09.]

WAC 308-107-060 Indigence—Monetary assistance—Determination of need. (1) An applicant for, or holder of, an ignition interlock driver's license may apply to the department for a determination that he or she is indigent for purposes of RCW 46.20.385 and 46.20.745. The department will determine that a person is indigent if the person is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

In making a determination of indigence under this subsection, the department may request that the applicant provide records or other evidence of public assistance, income, payment of taxes, or other relevant issues.

A person who has been determined to be indigent under this subsection is exempt from paying the additional fee of twenty dollars required under RCW 46.20.385 (6)(a), and

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may apply for monetary assistance under subsection (2) of this section.

(2) Subject to appropriation by the legislature of funds from the ignition interlock device revolving account and the availability of funds in the ignition interlock device revolving account, a person who has been determined to be indigent under this section may apply to the department for monetary assistance in covering the costs of installing, removing, and leasing an ignition interlock device, and any applicable licensing fees.

(3) Subject to funds appropriated, the department may base the amount of monetary assistance provided to an applicant under subsection (2) of this section on a determination of need. Where possible, a determination of need may be based on such factors as:

(a) Total number of persons in household, including the number of dependants;

(b) The age of the applicant and whether the applicant is a dependant of another person;

(c) Monthly expenses; and

(d) Liquid assets.

(4) A person who has been determined to be indigent under this section must re-apply for a determination of indigence on an annual basis.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.-745. 08-24-059, § 308-107-060, filed 11/26/08, effective 1/1/09.]

WAC 308-107-070 Ignition interlock driver's license—Hearing. (1) Upon notification by the department that an ignition interlock driver's license has been denied or cancelled under RCW 46.20.385 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 ignition interlock driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Upon notification by the department that a determination has been made under WAC 308-107-060 that a person is not indigent, the person may request a formal hearing to contest the department's determination.

(3) 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.

(4) 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.

(5) For a hearing requested under subsection (1) of this section, the scope of the hearing shall be limited to the following issues:

(a) Whether the person had previously been issued a valid license;

(b) Whether the suspension or revocation giving rise to the application for an ignition interlock driver's license is one for which an ignition interlock driver's license may be issued under RCW 46.20.385;

(c) Whether the person has committed an offense of vehicular assault or vehicular homicide within the seven

years immediately preceding the conviction or incident for which the ignition interlock driver's license is requested or, if there are multiple suspensions or revocations in effect, within the seven years immediately preceding the latest conviction or incident for which the ignition interlock driver's license is requested;

(d) Whether a device was installed and functioning; and

(e) Whether the person is currently suspended or revoked for any reason for which an ignition interlock driver's license is not available.

(6) 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 (5) of this section unless the person presents clear and convincing evidence to the contrary.

(7) For a hearing requested under subsection (2) of this section, the person shall have the burden of proving by a preponderance of the evidence that the department's determination is in error.

(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 or cancelling the ignition interlock driver's license, or decision determining that the person is not indigent, shall be affirmed.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.-745. 08-24-059, § 308-107-070, filed 11/26/08, effective 1/1/09.]

WAC 308-107-080 Ignition interlock device compliance—Pilot program. (1) As a part of the pilot program established under RCW 46.20.745, an authorized service provider must forward the event log reports for any device maintained under WAC 204-50-080, or a report that the driver failed to appear for the scheduled maintenance, to the manufacturer of the device. The manufacturer of the device must compile the reports received from their authorized service providers in a form specified by the commission and forward the compilation to the commission on a schedule established by the commission.

(2) For the duration of the pilot program, the event log report must include:

(a) The date, time, BAC of the driver, and success or failure of each attempt to start the vehicle;

(b) The date, time, BAC of the driver, and success or failure of each random retest;

(c) All attempts to tamper with the ignition interlock device;

(d) All attempts to avoid taking a random retest;

(e) All attempts to circumvent the device;

(f) If no attempts to tamper or circumvent are detected, a statement that the device has been recalibrated and no violations were found;

(g) The total number of events recorded by the data recorder since the last service visit;

(h) The number of vehicle starts; and

(i) The number of failures to start the vehicle.

[Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.-745. 08-24-059, § 308-107-080, filed 11/26/08, effective 1/1/09.]

**Chapter 308-108 WAC
DRIVER TRAINING SCHOOLS**

WAC

308-108-010	Promulgation—Authority.
308-108-020	Definitions.
308-108-025	Fees.
308-108-070	Background check and fingerprint check.
308-108-080	Instructor's license—Application.
308-108-090	Instructing instructors in the training of drivers.
308-108-100	Place of business—Classroom space.
308-108-110	Traffic safety education vehicles.
308-108-120	Administration.
308-108-130	Inspection and review.
308-108-140	Reporting requirements.
308-108-150	Curriculum schedule.
308-108-160	Behind the wheel instruction and observation.
308-108-170	Ensuring student accomplishment.
308-108-180	Disciplinary action—Public notice of actions taken.

WAC 308-108-010 Promulgation—Authority. Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

[Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-010, filed 7/29/05, effective 8/29/05.]

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions that has had prior approval of the director.

(2) "Branch office" or "branch classroom" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.

(3) "Engage in a course of instruction" means to enroll in, schedule, collect a fee for, or sign an application for an instruction permit in order to attend or take part in a driver training education course.

(4) "Inactive instructor" means an instructor with a valid Washington instructor's license who is no longer employed by or otherwise associated with a licensed driver training school.

(5) "Instructor-trainer" means a currently licensed instructor who is training driving instructors and who has not less than:

(a) One thousand hours of experience in providing traffic safety education in the past year;

(b) Five years of previous experience in providing traffic safety education; or

(c) One thousand hours or five years experience in the field of traffic safety and proof of training acceptable to the director in how to teach and train others, and not less than three hundred hours of previous experience in training others.

(6) "Records" means all documents, papers and reports required to own a driver training school, including but not limited to:

(a) Vehicle registration, title, insurance policy, and maintenance information;

(b) Business financial documents, such as franchise agreements, corporate documents, bank records, partnership agreements, lease agreements, and purchase and sale agreements; and

(c) Student classroom and behind-the-wheel instruction reports.

(7) "Student" means any person attending a driver training education course who is at least fifteen years of age.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-020, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-020, filed 7/29/05, effective 8/29/05.]

WAC 308-108-025 Fees. The following fees shall be charged by the driver services division, department of licensing:

Title of Fee	Fee
Driver training school license original application	\$500.00
Driver training school license renewal application	250.00
Driver training school license transfer	500.00
Branch office or branch classroom original application	250.00
Branch office or branch classroom renewal application	125.00
Instructor's license original application	75.00
Instructor's license renewal application	50.00
Duplicate license	10.00
Knowledge and/or skill examination	25.00

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-025, filed 12/18/06, effective 1/18/07.]

WAC 308-108-070 Background check and fingerprint check. An instructor, owner, or other person affiliated with a school who has contact with students must complete a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation, including a fingerprint check, as required by RCW 46.82.325(1).

(1) An applicant for an instructor's license must complete the check at the time of initial application or, for a currently licensed instructor who has not completed such check within the past five years, at the time of the next application for a license renewal.

(2) An owner must complete the check at the time of initial application for a driver training school license or, for an owner of a currently licensed school who has not completed such check within the past five years, at the time of the next application for a license renewal.

(3) A person affiliated with a school who has contact with students must complete the check at the time of initial affiliation with the school or, for a person who is currently affiliated with a school who has not completed such check within the past five years, within the sixty-days prior to the next application for a license renewal for the school. A person who must complete the check under this subsection at the time of initial affiliation with a school may begin duties fol-

lowing the department's notice that it has received an acceptable local criminal background check through the Washington state patrol criminal identification system, pending the outcome of the fingerprint check using the fingerprint card.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-070, filed 12/18/06, effective 1/18/07.]

WAC 308-108-080 Instructor's license—Application. (1) To ensure that an applicant or instructor meets the conditions set out in RCW 46.82.330 (2)(a), the department shall review the complete abstract of driving record for all instructor's license applicants and licensed instructors. For this purpose:

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the seven-year period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or 46.61.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding five years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the five-year period immediately preceding the time of application.

(2) The instructor's license applicant must submit satisfactory evidence of completion of a course of instruction as approved by the director in the training of drivers at time of initial application.

(3) For instructor's licenses that expire on or after July 1, 2007, each application for renewal of an instructor's license must be accompanied by proof of no less than eight hours of continuing professional development as approved by the director.

(4) Application for initial or renewal of an instructor's license is not complete until the applicant passes any examination requirement for licensure under RCW 46.82.320(1) or 46.82.330 (2)(e).

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-080, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-080, filed 7/29/05, effective 8/29/05.]

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The course of instruction approved by the director in the training of drivers required under RCW

46.82.330 (2)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) To ensure the quality of the training given, the instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Be not less than one hundred hours in total length and consist of:

(i) Not less than fifty hours of instruction in behind the wheel teaching methods;

(ii) Not less than ten hours of supervised practice in behind the wheel teaching of driving techniques;

(iii) Not less than forty hours total of instruction that includes all of the following areas:

(A) Education and special education;

(B) Driver education teacher, instructor, or trainer skills training;

(C) Classroom teaching techniques;

(D) Communication skills;

(E) Teaching the concepts of driving and traffic safety to others;

(F) Educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(G) Developing instructional materials and activities that aid student learning and performance;

(H) Defining and describing the nature of the driving task on public highways;

(I) Establishing and maintaining classroom organization;

(J) Managing enrollment, student scheduling, student records, and required reports; and

(K) Planning a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) The department must approve an instructor training course curriculum before use by an instructor-trainer.

(4) Any revision to an approved instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department no less than thirty days prior to its use.

(5) The department may consider other instructional methods, instruction providers, or academic instruction in lieu of those listed in subsection (2) of this section.

(6) Before an instructor training course is given, the instructor-trainer or owner must submit a list of the dates, times, and locations for the training, the names of the persons to be trained, and the name of the instructor-trainer who will be providing training.

(7) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

[Statutory Authority: RCW 46.82.290. 07-01-070, § 308-108-090, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-090, filed 7/29/05, effective 8/29/05.]

WAC 308-108-100 Place of business—Classroom space. (1) The place of business of a driver training school:

(a) Shall not 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. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is suspended or revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Shall meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-100, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-100, filed 7/29/05, effective 8/29/05. Statutory Authority: RCW 46.01.110. 91-01-063, § 308-108-100, filed 12/14/90, effective 1/14/91.]

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a twenty-piece Occupational Safety and Health Act (OSHA) approved first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations and annual vehicle safety inspection report.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-110, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-110, filed 7/29/05, effective 8/29/05.]

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be

posted in a conspicuous place at the location where instruction takes place. The school license must be posted before engaging students in a course of instruction.

(2) Each driver training school shall adopt and provide for its customers a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats;

(d) The minimum and maximum course duration;

(e) Refusing to allow a student to attend a driver training education course before the age of fifteen years;

(f) Refusing to enroll new students in a driver education course after the first three classes have been completed; and

(g) Information about Washington's intermediate licensing requirements, restrictions, and penalties.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session of classroom and behind the wheel instruction;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Classroom and behind the wheel performance evaluation results;

(e) The name and signature of the instructor who provided each session of classroom and behind the wheel instruction; and

(f) That both the student and parent received intermediate license requirements, restriction, and penalty information.

(4) Student records must be maintained by a driver training school for the past five years from the date instruction has ended.

(5) Driver training school records that must be maintained by a driver training school for the past five years, include but are not limited to:

(a) The school's written curriculum guide;

(b) Insurance policies;

(c) Collision or injury reports;

(d) Traffic safety education vehicle registration records; and

(e) Records of any traffic violations committed by an instructor employed by the school.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

(7) The driving school owner must notify the department within thirty days of closing the school and submit all unused traffic safety certificates and student course completion reports to the department.

(8) Class size must not exceed city fire code requirements for the classroom.

(9) Traffic safety education classroom hours shall not overlap between two or more classes.

(10) Failure to renew a school license before it expires will put all related branch office or branch classroom licenses into an inactive status.

(11) Student records are subject to department audit and inspection anytime after ninety days of the school's initial licensing, or as soon as practicable for the department.

(12) Branch office or classroom locations must display an official license issued by the department in a conspicuous place.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-120, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-120, filed 7/29/05, effective 8/29/05.]

WAC 308-108-130 Inspection and review. (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be housed and immediately available for inspection at a driver training school's primary place of business. Branch office records may be housed at the primary place of business, however, such records must be made available for inspection at the branch location within twenty-four hours following a request for review by the department.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-130, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-130, filed 7/29/05, effective 8/29/05.]

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within ten days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department by the seventh day of each month, a report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Not less than annually, forward to the department a vehicle inspection report as required under WAC 308-108-110 (1)(b) for all traffic safety education vehicles in use by the school.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-140, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-140, filed 7/29/05, effective 8/29/05.]

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year. In order to be approved by the director, a curriculum schedule must satisfy or include the following requirements:

(1) Classroom and behind the wheel instruction that is complementary. This means that classroom instruction is integrated in a timely manner with behind the wheel instruction;

(2) Having students under age eighteen complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction during any single day;

(3) For students under the age of eighteen to meet the traffic safety education requirement of RCW 46.20.100, instruction that:

(a) Includes not less than thirty hours of classroom instruction; and

(b) Meets the behind the wheel instruction and observation requirements of WAC 308-108-160;

(4) Classroom and behind the wheel instruction in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length;

(5) Student enrollment in and attendance of classes no later than the third class session after the start date of the course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course;

(6) Arrangements for any missed classroom sessions to be made up within the maximum twenty-six week length of the course. All assignments and instruction must be equivalent to the instruction given during the missed sessions;

(7) Distributing to students instructional material developed by the department and the federally designated organ procurement organization for Washington state relating to organ and tissue donation awareness education; and

(8) Review and approval of the local school curriculum by the department as part of the initial application for a school license. To help ensure that minimum standards of instruction are met, the local school curriculum must include but is not limited to the following:

(a) Comprehensive elements of classroom and behind the wheel instruction as defined by the department;

(b) Comprehensive written and behind the wheel examinations, to include:

(i) Written examinations as submitted to and approved by the department; and

(ii) Behind the wheel examination criteria as approved by the department;

(c) A flow chart that indicates how the classroom and behind the wheel instruction are integrated; and

(d) Information on the state of Washington's intermediate license requirements, restrictions, violations, and sanctions for violation of these requirements.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-150, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-150, filed 7/29/05, effective 8/29/05.]

WAC 308-108-160 Behind the wheel instruction and observation. (1) Instruction provided to students under the age of eighteen must include:

(a) Behind the wheel instruction consisting of:

(i) Not less than six hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

(ii) Five or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

(b) One or more hours of additional in-vehicle driver observation.

(2) Behind the wheel instruction must be documented on a form provided or approved by the department, including the time the instruction was conducted, the signature of the instructor, and initials of the student.

[Statutory Authority: RCW 46.82.290. 07-01-070, § 308-108-160, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-160, filed 7/29/05, effective 8/29/05.]

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) In order to receive a traffic safety education certificate, all students under the age of eighteen must satisfactorily complete all portions of the course of instruction included in the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

(4) Each driver training school must assess the needs and progress of students and give appropriate direction for additional driving experience and/or parent guided practice.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-170, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-170, filed 7/29/05, effective 8/29/05.]

WAC 308-108-180 Disciplinary action—Public notice of actions taken. (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed

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for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-180, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-180, filed 7/29/05, effective 8/29/05.]

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.

(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 federally or state-guaranteed education loan or service-conditional scholarship; and

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

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

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

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

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

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

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

(a) The previously issued final order or agreement;

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

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

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

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

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

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

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

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

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

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

(4) No witnesses may appear to testify.

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(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

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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.
308-124A-040	Unsuccessful broker applicants—Loss of waiver privilege.
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308-124A-200	Corporate or copartnership applicants for licenses—Proof required.
308-124A-205	Corporate license renewal—Proof required.
308-124A-410	Application for broker license examination—Two years sales experience.
308-124A-420	Application for broker license examination, other qualification or related experience.
308-124A-422	Application for broker license examination—Clock hour requirements.
308-124A-425	Substitution of clock hours.
308-124A-430	Grading of examinations.
308-124A-440	Reexamination.
308-124A-450	Examination procedures.
308-124A-460	Real estate brokers and salespersons and land development representative fees.
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.
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.

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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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit a completed examination application together with any 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the exam-

ination, 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit the verified examination application and any supporting documents 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 any supporting documents to the testing service approved by the department.

(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(1), 04-08-012, § 308-124A-025, filed 3/25/04, effective 4/25/04. 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. 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 at the test site the verified examination application and any supporting documents required by the department.

(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), 04-07-153, § 308-124A-110, filed 3/23/04, effective 4/23/04; 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 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. (1) 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.

(a) All terminations shall be by written notice by the salesperson or associate broker to the designated broker or the broker's authorized representative; or by the designated broker to the salesperson or associate broker.

(b) All notices of 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.

(c) 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.

(d) 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.

(e) The termination date shall be the postmark date or date the license is hand delivered to the department.

(2) 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.

(a) No license transfers shall be permitted unless the license is surrendered or the affidavit of lost license is completed and filed with the department.

(b) 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.

(c) 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(1), 08-14-034, § 308-124A-130, filed 6/23/08, effective 7/24/08. 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) Postsecondary 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) To pass the real estate salesperson examination a minimum scaled score of 70 is required on each portion. 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 laws and regulations related to real estate licensing.

(2) To pass the real estate broker examination a minimum scaled score of 75 is required on each portion. 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 laws and regulations related to real estate licensing, and the closing/settlement process.

(2009 Ed.)

(3) A passing score for a portion of an examination shall be valid for a period not to exceed six months from the date of testing.

[Statutory Authority: RCW 18.85.040(1). 06-12-034, § 308-124A-430, filed 5/31/06, effective 7/1/06. 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. 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(1). 04-08-012, § 308-124A-440, filed 3/25/04, effective 4/25/04. 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. 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:

(a) Talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor.

(b) Attempting to communicate or record any information.

(c) Using unauthorized materials during any portion of the examination.

(d) Removing test materials and/or notes from the testing room.

(e) Disruptive behavior.

(3) Applicants who participate in any activity listed in subsection (2) of this section 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.

(4) Any applicant who was removed from the testing site for any of the reasons listed in subsection (2) of this section will be required to submit a letter to the department requesting permission to retest and stating the circumstances of the event. After receipt of the applicant's letter, the department will review the proctor's report and the applicant's letter and may deny testing for up to one year.

[Statutory Authority: RCW 18.85.040(1). 07-13-062, § 308-124A-450, filed 6/18/07, effective 7/19/07. 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 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	0.00
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	0.00
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	0.00
The following fee shall be charged annually for land development representatives:	
Land development representative:	
Registration	26.50

[Statutory Authority: RCW 18.85.040(1), 05-12-057, § 308-124A-460, filed 5/26/05, effective 6/26/05. 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:

[Title 308 WAC—p. 348]

(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

(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 curriculum 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.

(2009 Ed.)

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.

[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.

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[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.]

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.

If a real estate licensee actively licensed in another jurisdiction, whose headquarter office is located in that other jurisdiction, has obtained a Washington real estate license through a license recognition agreement, that licensee may maintain required Washington real estate transaction records in their out-of-state jurisdiction and with the out-of-state broker to whom they are licensed, providing it is allowed for in the license recognition agreement.

[Statutory Authority: RCW 18.85.040(1). 03-14-019, § 308-124B-150, filed 6/20/03, effective 7/21/03; 02-03-054, § 308-124B-150, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and the 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.
308-124C-050	Home inspector referrals.

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. (1) Accuracy. All required real estate records shall be accurate, posted and kept up to date.

(2) Location. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office, except physical records of transactions may be stored at one remote facility within the state of Washington. Only transactions that have been closed for at least one year can be maintained at the remote facility. Transactions stored at a different location must be available upon demand of the department and maintained in a manner to be readily retrievable. A listing of all transactions must be maintained at the broker's licensed office for all the transactions stored at the remote facility. All records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

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(3) Alternative storage. Records may be stored on permanent storage media, such as optical disk or microfilm, provided the retrieval process does not permit modification of the documents. Retrieval must be possible at the broker's licensed location and allow for viewing and printing the document in its original form. The permanent media storage shall be nonerasable and prevent changes to the stored documents or records. The broker must maintain equipment at their licensed location in good repair to allow viewing and printing upon demand by the department. The storage media must be indexed to allow for immediate retrieval of all documents.

(4) Responsibility for records. 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.

(5) Change of broker. 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(1). 04-07-151, § 308-124C-030, filed 3/23/04, effective 4/23/04. 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.]

WAC 308-124C-050 Home inspector referrals. Each licensed designated broker will establish a written office policy that includes a procedure for referring home inspectors to buyers or sellers. The policy will address the consumer's right to freely pick a home inspector of the buyer's or seller's

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choice and prevent any collusion between the home inspector and a real estate licensee.

If a licensee refers a home inspector to a buyer or seller with whom they have or have had a relationship including, but not limited to, a business or familial relationship, then full disclosure of the relations must be provided in writing prior to the buyer or seller using the services of the home inspector.

[Statutory Authority: RCW 18.85.040(1) and 18.85.035. 09-02-026, § 308-124C-050, filed 12/30/08, effective 1/30/09.]

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 deliv-

ered to the purchaser immediately following the purchaser's signing.

(2) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(3) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(4) A legible copy of the agreement to purchase shall be retained in each participating real estate broker's files.

(5) Sales transactions may be closed in the office of the real estate broker if so provided in the agreement, provided that no escrow, service, closing or any other fee except sales commission is charged to the purchaser or seller by the broker. An escrow agent's certificate of registration is required to close real estate transactions for compensation.

(6) The real estate broker shall furnish or cause to be furnished to each buyer and to each seller in every real estate or business opportunity transaction wherein the licensee acts as broker, at the time the transaction is closed, a complete detailed closing statement as it applies to the buyer and a complete detailed closing statement as it applies to the seller. The broker shall retain a copy of all closing statements of the respective buyers or sellers wherein the licensee acts as broker for all transactions even though funds are not handled by the broker and closing is done elsewhere for inspection by any authorized representative of the director.

(7) The closing statements of all real estate or business opportunity transactions in which a real estate broker participates shall show the date of closing, the total purchase price of the property, an itemization of all adjustments, money, or things of value received or paid showing to whom each item is credited and/or to whom each item is debited. The dates of the adjustments shall be shown, together with the names of the payees, makers and assignees of all notes paid or made or assumed.

(8) The net proceeds of sale on all real estate transactions closed by the real estate broker are to be paid direct to the seller unless otherwise provided by written agreement.

(9) Where an agreement for the sale of real estate has been negotiated involving the services of more than one broker, and funds are to be deposited by the purchaser prior to the closing of the transaction, the broker first receiving such funds shall retain custody thereof and be accountable therefor, until such fund are distributed in accordance with written instructions signed by all parties to the transaction.

[Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.]

WAC 308-124D-030 Expeditious performance. A real estate licensee shall perform all acts required of the licensee by a real estate agreement as expeditiously as possible. Intentional or negligent delays in such performance shall be considered detrimental to the public interest in violation of RCW 18.85.230(23).

[Statutory Authority: RCW 18.85.040(1). 04-07-152, § 308-124D-030, filed 3/23/04, effective 4/23/04; 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 agree-

ment 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 salespersons, 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.

(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, famil-

ial 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.

(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 nontrust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, a broker shall deliver the deposit to the party designated to hold the funds. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement, unless parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040(1), 03-21-019, § 308-124E-013, filed 10/6/03, effective 11/6/03. 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

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- 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-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-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-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-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-033 Updating of course materials in the event of a statute or rule change. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-033, filed 12/7/88.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
- 308-124H-035 Real estate fundamentals course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-035, filed 4/20/90, effective 8/1/90; 88-24-059 (Order PM 811), § 308-124H-035, filed 12/7/88; 86-11-011 (Order PM 595), § 308-124H-035, filed 5/12/86, effective 10/1/86.] Repealed by 95-03-012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.
- 308-124H-036 Real estate brokerage management course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-036, filed 4/20/90, effective 8/1/90; 86-11-011 (Order PM 595), § 308-124H-036, filed 5/12/86, effective 10/1/86.] Repealed by 95-03-012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.
- 308-124H-037 Real estate law course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-037, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040. 86-16-055 (Order PM 606), § 308-124H-037, filed 8/1/86, effective 10/1/86.] Repealed by 95-03-

012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.

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-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-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-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-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-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-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.

[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.]

[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 for a previously approved course in the course content or in the original course approval application or WAC 308-124H-025 affecting the topic areas or criteria for approval, the course will be approved upon receipt of a course renewal application and payment of the required fee for one renewal cycle only.

(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 cur-

rent course expiration date, the previous course approval shall remain in effect until action is taken by the director.

[Statutory Authority: RCW 18.85.040 (1) and (4), 07-20-001, § 308-124H-013, filed 9/20/07, effective 10/21/07. 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:
 - (a) Department prescribed curricula:
 - (i) Fundamentals
 - (ii) Practices
 - (A) Residential
 - (B) Commercial
 - (iii) Real estate law
 - (iv) Brokerage management
 - (v) Business management
 - (A) Residential
 - (B) Commercial
 - (C) Property management
 - (b) Open curricula:
 - (i) Legal aspects
 - (ii) Taxation
 - (iii) Appraisal
 - (iv) Evaluating real estate and business opportunities
 - (v) Property management and leasing
 - (vi) Construction and land development
 - (vii) Ethics and standards of practice
 - (viii) Real estate closing practices

- (ix) Current trends and issues
- (x) Principles/essentials
- (xi) Finance
- (xii) Hazardous waste and other environmental issues
- (xiii) Commercial
- (xiv) Real estate sales and marketing
- (xv) Instructor development
- (xvi) Consumer protection
- (xvii) Cross cultural communication
- (xviii) Advanced management practices
- (xix) 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:
 - (a) Mechanical office and business skills, such as, key-boarding, speed-reading, memory improvement, grammar, and report writing;
 - (b) Standardized software programs such as word processing, e-mail, spreadsheets or data bases; an example: A course using spreadsheet program to demonstrate investment analysis would be acceptable, but a course teaching how to use a spreadsheet would not be acceptable;
 - (c) Orientation courses for licensees, such as those offered by trade associations;
 - (d) Personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business;
 - (e) Courses that are designed or developed to serve other professions, unless each component of the curriculum and content specifically shows how a real estate licensee can utilize the information in the practice of real estate;
 - (f) Personal finance, etiquette, or motivational type courses;
 - (g) Courses that are designed to promote or offer to sell specific products or services to real estate licensees such as warranty programs, client/customer data base systems, software programs or other devices. Services or products can be offered during nonclock hour time, such as breaks or lunch time. Letterhead, logos, company names or other similar markings by itself, on course material are not considered promotional;
 - (h) 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) and (4), 07-20-002, § 308-124H-025, filed 9/20/07, effective 10/21/07. 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 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;

(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;

(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;

(11) Demonstrate how the provider determined the number of clock hours requested in the distance education delivery method approval application; and

(12) Provide with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under WAC 308-124H-245(4).

[Statutory Authority: RCW 18.85.040(1), 03-14-020, § 308-124H-029, filed 6/20/03, effective 7/21/03; 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.]

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.

(2009 Ed.)

[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. Course materials shall also be updated no later than thirty days after changes in procedures or other revisions to the practice of real estate which affect the validity or accuracy of the course material or instruction.

(2) 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 (1) and (4), 07-20-003, § 308-124H-039, filed 9/20/07, effective 10/21/07. 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.

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(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, 308-124H-026, and 308-124H-029;
- (7) If a course or prescribed core curriculum was approved through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-061, filed 6/20/03, effective 7/21/03; 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

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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;

(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.

(2009 Ed.)

[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.]

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

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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 prospective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., 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.]

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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, 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

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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-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;

(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.

(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 mat-

ter/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;

(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 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;

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- (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 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.

[Title 308 WAC—p. 367]

[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) and the Uniform Standards of Professional Appraisal Practice (USPAP).

(2) "Appraisal foundation" means a private association of appraiser professional organizations. The appraisal foundation develops appraisal standards which the regulatory agencies must use as minimum standards for federally related transactions and it develops qualification criteria for appraisers.

(3) "Appraisal subcommittee" means a committee created by Title XI. It monitors all activities related to the implementation of Title XI.

(4) "Appraisal standards board" means a board established by the appraisal foundation for the purpose of develop-

ing, publishing, interpreting and amending the *Uniform Standards of Professional Appraisal Practice*.

(5) "The *Uniform Standards of Professional Appraisal Practice* (USPAP)" means the current edition of the publication in force of the appraisal standards board (ASB) of the appraisal foundation. USPAP is the applicable standard for all appraisal practice in the state of Washington regulated under the provisions of chapter 18.140 RCW.

(6) "Appraiser qualifications board" means a board of the appraisal foundation for the purpose of developing, publishing, interpreting and amending the real property appraiser qualification criteria.

(7) "Real property appraiser qualification criteria" means the minimum criteria establishing the minimum education, experience and examination requirements for real property appraisers to obtain a state certification as established by the appraiser qualifications board (AQB) of the appraisal foundation under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989, and any additional qualifying criteria established by the director in accordance with chapter 18.140 RCW.

(8) "Classroom hour" means fifty minutes out of each sixty minute hour.

(9) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand hours in real estate appraisal.

(10) "Required core curriculum" means a set of appraiser subject matter areas (known as "modules") that require a specified number of educational hours at each credential level as established by the appraiser qualifications board.

(11) "Module" means an appraisal subject matter area (and required hours of coverage) as identified in the required core curriculum.

(12) "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.

(13) "Significant professional appraisal assistance" shall include but not be limited to the work contributed or performed toward the completion of an appraisal report by either a trainee, state-licensed, or state-certified appraiser, while under the direct supervision of a certified residential appraiser or certified general appraiser as required by the department as qualifying appraisal experience for licensing. Significant professional appraisal assistance shall consist of identifying and analyzing the scope of work, collection of data, analyzing data to derive an opinion of value, or writing the appraisal report in accordance with the *Uniform Standards of Professional Appraisal Practice*.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 08-17-016, § 308-125-010, filed 8/8/08, effective 9/8/08; 06-06-069, § 308-125-010, filed 2/28/06, effective 4/1/06. 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) At the time of filing with the department, an application for a state license or certification, the applicant shall possess the requisite hours of verifiable real estate appraisal experience. Experience shall be acquired within the requisite time. Qualifying experience shall consist of significant professional appraisal assistance under the supervision of a certified appraiser within the boundaries of the state of Washington except as referenced in WAC 308-125-...

(3) An application and 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), (7), (8), and (15). 06-06-069, § 308-125-020, filed 2/28/06, effective 4/1/06. 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 308-125-025 Application process to register as a real estate appraiser trainee. (1) Anyone who is not a licensed or certified appraiser or a registered appraiser trainee cannot provide assistance that includes analytical work and exercising discernment or discretion that leads to an appraisal conclusion.

(2) As a prerequisite to registration as a registered appraiser trainee, the applicant shall present evidence satisfactory to the director of successful completion of the appraiser qualifications board module of qualifying core curriculum of approved qualifying education modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent fifteen hours.

(3) Application for registration as a trainee from persons who have had either a real estate license or real estate appraiser license suspended or revoked shall not be accepted by the department until after the time period of the suspension or revocation has expired.

(4) An applicant for registration as a trainee shall present a completed registration form together with the appropriate fee and copies of core curriculum course completion certificates to the director prior to issuance of the approved trainee registration certificate.

(5) Registration as a trainee may be denied for unprofessional conduct as provided in RCW 18.235.130.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 08-17-016, § 308-125-025, filed 8/8/08, effective 9/8/08; 06-06-069, § 308-125-025, filed 2/28/06, effective 4/1/06.]

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 eighty classroom hours of qualifying education as 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 eighty classroom hours of course work: Provided, That effective November 1, 2007, the required number of classroom hours is three hundred in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.
- (d) General appraiser market analysis and highest and best use, thirty hours.
- (e) Statistics, modeling and finance, fifteen hours.
- (f) General appraiser sales comparison approach, thirty hours.
- (g) General appraiser site valuation and cost approach, thirty hours.
- (h) General appraiser income approach, sixty hours.
- (i) General appraiser report writing and case studies, thirty hours.
- (j) Appraisal subject matter electives, thirty hours.

(2) 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 five hundred hours of nonresidential appraisal experience.

(4) Effective January 1, 2008, applicants for the certified general license must possess a bachelor's degree or higher in any field of study or, in lieu of the required degree, thirty semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro or macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;

(f) Introduction to computers: Word processing/spread-sheets;

(g) Business or real estate law; and

(h) Two elective courses in accounting, geography, agricultural economics, business management, or real estate; as approved by the appraiser qualifications board and the director, in addition to the required qualifying core curriculum requirements.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-030, filed 2/28/06, effective 4/1/06. 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 qualifying education as 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: Provided, That effective January 1, 2007, the required number of classroom hours is two hundred in the following core modules:

(a) Basic appraisal principles, thirty hours.

(b) Basic appraisal procedures, thirty hours.

(c) The National USPAP course or equivalent, fifteen hours.

(d) Residential market analysis and highest and best use, fifteen hours.

(e) Residential appraiser site valuation and cost approach, fifteen hours.

(f) Residential sales comparison and income approaches, thirty hours.

(g) Residential appraiser report writing and case studies, fifteen hours.

(h) Statistics, modeling and finance, fifteen hours.

(i) Advanced residential applications and case studies, fifteen hours.

(j) Appraisal subject matter electives, twenty hours.

(2) 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) Effective January 1, 2008, certified residential real estate appraiser applicants must possess an associate's degree

or higher in any field of study or, in lieu of the required degree, twenty-one semester credit hours covering the following subject matter courses:

(a) English composition;

(b) Principles of economics (micro or macro);

(c) Finance;

(d) Algebra, geometry or, higher mathematics;

(e) Statistics;

(f) Introduction to computers: Word processing/spread-sheets; and

(g) Business or real estate law;

as approved by the appraiser qualifications board and the director, in addition to the required core curriculum.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-040, filed 2/28/06, effective 4/1/06. 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 ninety classroom hours of courses in qualifying education as 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, 2007, the required number of classroom hours is one hundred fifty in the following core modules:

(a) Basic appraisal principles, thirty hours.

(b) Basic appraisal procedures, thirty hours.

(c) The National USPAP course or equivalent, fifteen hours.

(d) Residential market analysis and highest and best use, fifteen hours.

(e) Residential appraiser site valuation and cost approach, fifteen hours.

(f) Residential sales comparison and income approaches, thirty hours.

(g) Residential appraiser report writing and case studies, fifteen hours.

(2) 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.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-045, filed 2/28/06, effective 4/1/06. 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) 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;
- (c) Be directly related to real estate appraising;
- (d) Be approved by the director as identified in the appraiser program's publication *Approved Courses, Real Estate Appraisers*; or
- (e) Be approved by the appraiser qualifications board and approved by the director.

(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; or

(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; or

(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.

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

(5) An application shall be submitted for approval not less than ninety days preceding the course start date. Course approval expiration shall be three years from the date of approval, except for the Uniform Standards of Professional Appraisal Practice courses or seminars having a definite date.

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(6) All courses approved by the appraiser qualifications board will continue to be accepted by the department as approved courses until the expiration date.

(7) Appraisal course providers who have received the appraiser qualifications board's course approval are not required to submit course material or content materials to the department for approval. The course provider shall submit a secondary provider course content approval application to the department.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-050, filed 2/28/06, effective 4/1/06. 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 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) 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.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-065, filed 2/28/06, effective 4/1/06. 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 within five years of application is required for the state licensed and certified residential appraiser. Certified general applicants must accumulate three thousand hours within a minimum of thirty months and a maximum of seven years. However, no more than one thousand five hundred hours may be credited in any consecutive twelve months for any of the licensing categories.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice in effect at the time the appraisal is completed.

(a) Reports shall be in writing.

(b) An appraisal work file must be available to the director to substantiate work performed.

(3) The department may request appraiser work files to verify, confirm, or compare entries made on the experience

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log. Failure to provide work files to the department upon its request may disqualify the reports as qualifying experience.

(4) An applicant for certification or license shall certify, under penalty of perjury, the completion of the required experience.

(5) Appraisal work qualifying for appraisal experience includes, but is not limited to, the following: Fee and staff appraisal, ad valorem tax appraisal, appraisal review, appraisal analysis, appraisal consulting, highest and best use analysis, feasibility analysis/study.

(6) The department may require a supervisory appraiser to certify, under penalty of perjury, the applicant's work experience.

(7) The department may request written reports or work files to verify an applicant's experience.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-070, filed 2/28/06, effective 4/1/06. 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.]

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 - exterior form report	6 hours
(b) Single family residential - form report	12 hours
(c) Multifamily residential - form report	20 hours
(d) Residential lot 1 acre or less	8 hours
(e) Land tract less than or equal to 40 acres	16 hours
(f) Short plats	20 hours
(g) Land tract 41-160 acres	24 hours
(h) Land tract 161-640+ acres	36 hours
(i) Subdivisions	60 hours
(j) Commercial/industrial land	25 hours
(k) Commercial - form report	40 hours
(l) Commercial - narrative report	80 hours
(m) Regional mall/high rise office bldg./Hotel	120 hours
(n) Appraisal review (single family) (not applicable to trainees)	12 hours
(o) Appraisal review (commercial) (not applicable to trainees)	40 hours
(p) Feasibility study	80 hours
(q) Appraisal consulting (nonresidential)	40 hours
(r) 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)	24 hours
(b) Vacant (large land tract)	32 hours
(c) Single family residential	42 hours
(d) Multifamily residential	60 hours
(e) Agricultural (improved)	72 hours

(f) Industrial (improved)	72 hours
(g) Commercial (improved)	72 hours
(h) Very complex damages or benefits	120 hours
(i) Special purpose improved	54 hours

(3) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain 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)	40 hours
(f) Industrial (improved)	40 hours
(g) Commercial (improved)	40 hours
(h) Very complex damages or benefits	50 hours
(i) Special purpose improved	40 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), (7), (8), and (15). 06-06-069, § 308-125-075, filed 2/28/06, effective 4/1/06. 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.]

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-eight 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. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate or license will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent.

(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.

(5) Up to one-half of 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. Credit for instructing any given course or seminar can only be awarded once, with the exception of the Uniform Standards of Professional Appraisal Practice, USPAP, 7-hour update.

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

- (a) Ad valorem taxation.
- (b) Arbitrations, dispute resolution.
- (c) Business courses related to practice of real estate appraisal and consulting.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice, USPAP.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing, brokerage, timesharing.
- (h) Property development, partial interests.
- (i) Real estate appraisal (valuations/evaluations).
- (j) Real estate financing and investment.
- (k) Real estate law, easements and legal interests.

(l) Real estate litigation, damages and condemnation.

(m) Real estate related computer applications.

(n) Real estate securities and syndication.

(o) Real property exchange.

(p) Appraisal and consulting report writing.

(q) Such other presentations approved by the director.

(7) The director may approve continuing education credit for attendance at one real estate appraiser commission meeting of no more than seven hours.

(8) The director may defer completion of continuing education for licensees or certificate holders returning from military service active duty and place the license or certificate in an active status for a period of one hundred eighty days pending completion of education. If the licensee or certificate holder fails to comply with the continuing education requirement within said one hundred eighty days, the license or certificate will revert to an expired status.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15), 07-23-079, § 308-125-090, filed 11/19/07, effective 1/1/08; 06-06-069, § 308-125-090, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(8), 03-14-091, § 308-125-090, filed 6/30/03, effective 7/31/03; 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 308-125-095 Responsibilities of the appraiser supervisor. (1) A certified real estate appraiser licensed by the state of Washington may supervise trainees in accordance with the following provisions:

(a) Not more than three real estate appraiser trainees may be supervised in accordance with the appraiser qualifications board standards unless written authorization by the department is granted to exceed that number of trainees at any one time.

(b) Supervision of trainees in the process of appraising real property shall occur within the boundaries of the state of Washington and comply with jurisdictional and established agreements with other states. If a trainee is supervised by a certified appraiser who is licensed in both the state of Washington and with another state or has a temporary license in another state; and the trainee is registered as a trainee in that other state by either temporary permit, license, or registration, then the appraisal assignments shall qualify as work experience on the experience log.

(c) Authorization to exceed supervision of three trainees may be granted by the director upon approval of a written request and under the provisions of subsection (2) of this section.

(d) A registered real estate appraiser trainee may assist in the completion of an appraisal report, including determination of an opinion of value and may sign the appraisal report, provided that he/she is actively and personally supervised by a state-certified real estate appraiser, and provided that the appraisal report is reviewed and signed by the state-certified real estate appraiser; and provided the state-certified appraiser accepts total responsibility for the appraisal report.

(e) The certified appraiser shall:

(i) Personally inspect with the trainee, at a minimum, the interior of twenty-five subject properties.

(ii) Personally review and verify each appraisal report prepared by the trainee as entered on the trainee experience log as qualifying work experience prior to the log being submitted to the department by the supervised trainee.

(iii) Personally review and verify each appraisal report prepared by a state licensed or certified residential appraiser as entered on the qualifying work experience log prior to the log being submitted to the department by the licensee.

(iv) Comply with all USPAP requirements.

(v) Maintain a separate "properties inspected with trainee" log for each supervised trainee. This log must be made available to the department upon request and is to be submitted with trainee's application for license or certification.

(vi) Register with the department as a supervisory appraiser and include the names of the registered real estate appraiser trainees being supervised. Registration must be five business days prior to the start of supervision. The supervisory appraiser shall notify the department when they are no longer a supervisory appraiser of a trainee, with such notice including the name, address, and registration number of the registered trainee.

(2) Authorization may be granted by the director to a certified appraiser to exceed the number of trainees allowed to be supervised providing:

(a) The certified appraiser has more than five years certified experience.

(b) The certified appraiser shall make a written application to the department requesting to supervise not more than three trainees with less than one year experience; and three trainees with more than one year experience; and five trainees with greater than two years experience. The total number of supervised trainees shall not exceed eight for all experience levels at any one time.

(c) The certified appraiser shall prepare and maintain trainee progress reports and make them available to the department until such time as the trainee becomes certified or licensed or after two years has lapsed since supervising the trainee.

(d) The certified appraiser shall provide to the department a mentoring plan for consideration prior to the department authorizing supervision of more than three trainees.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 08-17-016, § 308-125-095, filed 8/8/08, effective 9/8/08; 06-06-069, § 308-125-095, filed 2/28/06, effective 4/1/06.]

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 Business location and/or physical address and mailing address. It is the responsibility of each applicant state-certified and licensed real estate appraiser, and registered real estate appraiser trainee to notify the department of a change of business location and/or physical and mailing address for receiving certified mail and service documents. Change of address notification shall be made within ten days of the change of address. If appraisal work files are stored at another location from the appraiser's place of business then such location shall be reported to the director upon request.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-110, filed 2/28/06, effective 4/1/06. 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	106.00**
(3) Reexamination	106.00**
(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
(12) Trainee registration	100.00
(13) Trainee registration renewal	100.00

* 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 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-120, filed 2/28/06, effective 4/1/06. 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.

[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

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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. 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 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation in effect on the date of the appraisal report. 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 required to comply with the Uniform Standards of Professional Appraisal Practice, Standard

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3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-200, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030 (1) and (13). 05-05-097, § 308-125-200, filed 2/16/05, effective 3/19/05. Statutory Authority: RCW 18.140.030(1) and 18.235.030(1). 04-04-052, § 308-125-200, filed 1/30/04, effective 3/1/04. 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 or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last. 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), (7), (8), and (15). 06-06-069, § 308-125-210, filed 2/28/06, effective 4/1/06. 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 commission meets at the call of the director. Regular meetings are scheduled in February, May, August and November on the third Friday. Department requirements may necessitate altering scheduled meetings in accordance with RCW 42.30.075. Special meetings are in accordance with RCW 42.30.080.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-225, filed 2/28/06, effective 4/1/06. 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

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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.

(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 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;

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(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 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:

(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.]

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WAC 308-127-140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of approval for 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 64.36.270, 43.24.023. 04-08-003, § 308-127-140, filed 3/24/04, effective 4/24/04. 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. | \$1000.00 |
| Each additional project in program. | 200.00 |
| Each apartment unit in program. | 10.00 |
| The first unit of personal property in the timeshare program. | 500.00 |
| Each additional unit of personal property in the timeshare program. | 100.00 |
| Businesses of listing or brokering resale intervals. | 500.00 |
| (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. | 500.00 |
| Late renewal fee for timeshare program. | 2000.00 |
| Each additional project to a maximum of five projects. | 200.00 |
| Each apartment unit - to maximum of twenty-five apartment units. | 10.00 |
| (4) Consolidation fees: | |
| Each additional project added. | 200.00 |
| Each additional apartment unit. | 10.00 |
| The first additional unit of personal property being consolidated. | 250.00 |
| Each additional unit of personal property added in one consolidation. | 100.00 |

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- (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. 25.00
 - 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. 25.00
 - Renewal. 25.00
 - Transfer. 25.00
- (10) Fees for amendment of registration:
 - For a timely submission of an amendment filing. 25.00
 - 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, 43.24.023, 43.24.086. 04-19-040, § 308-127-160, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 64.36.270, 43.24.023. 04-12-028, § 308-127-160, filed 5/26/04, effective 7/1/04; 04-08-003, § 308-127-160, filed 3/24/04, effective 4/24/04. 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 application 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.

(2) When a timeshare salesperson ceases to be employed by a timeshare promoter the salesperson's registration shall be terminated. Written notice of this termination shall be given by the promoter to the director. 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 cease employment of the applicant as a timeshare salesperson.

[Statutory Authority: RCW 64.36.270, 43.24.023, 04-08-003, § 308-127-225, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-225, filed 3/14/90, effective 4/14/90.]

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 autho-

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

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a timeshare project, timeshare promoter or timeshare salesperson in this state and the department proposes to deny the application;

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c), 97-10-051, § 308-127-310, filed 5/1/97, effective 6/1/97.]

WAC 308-127-320 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

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

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

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

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

(a) The previously issued final order or agreement;

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

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-320, filed 5/1/97, effective 6/1/97.]

WAC 308-127-330 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

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

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

(4) No witnesses may appear to testify.

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-330, filed 5/1/97, effective 6/1/97.]

Chapter 308-129 WAC SELLERS OF TRAVEL

WAC

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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).
308-129-335 Application of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06.

(2009 Ed.)

Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.

308-129-340 Preliminary record in brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.

308-129-350 Conduct of brief adjudicative proceedings. [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.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.

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.

(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) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(2) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(3) 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).

(4) Applicants who certify under penalty of perjury that they do not hold for more than five business days any nonexempt 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).

(5) 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

(6) 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 and 43.24.023. 03-03-055, § 308-129-100, filed 1/13/03, effective 2/13/03. 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	\$202.00
Registration renewal	202.00
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.

[Title 308 WAC—p. 382]

[Statutory Authority: RCW 19.138.170 and 43.24.086. 07-16-036, § 308-129-110, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 19.138.170, 43.24.023, 43.24.086. 04-19-039, § 308-129-110, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 19.138.170, 43.24.023. 04-12-027, § 308-129-110, filed 5/26/04, effective 7/1/04. 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 nonexempt funds and records procedure. Any seller of travel shall distribute nonexempt 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.

(2009 Ed.)

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-310, filed 7/2/96, effective 8/2/96.]

Chapter 308-200A WAC

DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS

WAC

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(2009 Ed.)

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APPLICABILITY OF THIS CHAPTER

- 308-200A-900 Applicability of this chapter.
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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.]

[Title 308 WAC—p. 384]

WAC 308-200A-100 Summary of information which may be required of a private applicant. (1) There are three areas of these rules where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and
- (c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these rules.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 197-10-365 and in section 308-200A-365 of this chapter, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage.

(3) Threshold determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and final EIS preparation. An EIS may be prepared by the applicant under the direction of the responsible official, if the responsible official requires and so notifies the applicant in writing. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. (See WAC 308-200A-420.)

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-100, filed 8/3/78. Formerly WAC 308-200-100.]

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.

(2009 Ed.)

[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 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.]

(2009 Ed.)

WAC 308-200A-203 Determination of lead agency—Procedures. The department adopts by reference the text of WAC 197-10-203, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-203, filed 8/3/78. Formerly WAC 308-200-203.]

WAC 308-200A-205 Lead agency designation—Governmental proposals. The department adopts by reference the text of WAC 197-10-205, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-205, filed 8/3/78. Formerly WAC 308-200-205.]

WAC 308-200A-210 Lead agency designation—Proposals involving both private and public construction activity. The department adopts by reference the text of WAC 197-10-210, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-210, filed 8/3/78. Formerly WAC 308-200-210.]

WAC 308-200A-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. The department adopts by reference the text of WAC 197-10-215, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-215, filed 8/3/78. Formerly WAC 308-200-215.]

WAC 308-200A-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. The department adopts by reference the text of WAC 197-10-220, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-220, filed 8/3/78. Formerly WAC 308-200-220.]

WAC 308-200A-225 Lead agency designation—Private projects requiring licenses from more than one state agency. The department adopts by reference the text of WAC 197-10-225, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-225, filed 8/3/78. Formerly WAC 308-200-225.]

WAC 308-200A-230 Lead agency designation—Specific proposals. The department adopts by reference the text of WAC 197-10-230, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-230, filed 8/3/78. Formerly WAC 308-200-230.]

WAC 308-200A-235 Local agency transfer of lead agency status to a state agency. The department adopts by reference the text of WAC 197-10-235, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-235, filed 8/3/78. Formerly WAC 308-200-235.]

WAC 308-200A-240 Agreements as to lead agency status. The department adopts by reference the text of WAC 197-10-240, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-240, filed 8/3/78. Formerly WAC 308-200-240.]

[Title 308 WAC—p. 385]

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.]

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WAC 308-200A-340 Threshold determination procedures—Negative declarations. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.]

WAC 308-200A-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. The department adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.]

WAC 308-200A-350 Affirmative threshold determination. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.]

WAC 308-200A-355 Form of declaration of significance/nonsignificance. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.]

WAC 308-200A-360 Threshold determination criteria—Application of environmental checklist. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.]

WAC 308-200A-365 Environmental checklist. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.]

WAC 308-200A-370 Withdrawal of affirmative threshold determination. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.]

WAC 308-200A-375 Withdrawal of negative threshold determination. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.]

WAC 308-200A-390 Effect of threshold determination by lead agency. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.]

DRAFT EIS PREPARATION AND CONTENTS

WAC 308-200A-400 Duty to begin preparation of a draft EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.]

WAC 308-200A-405 Purpose and function of a draft EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.]

WAC 308-200A-410 Predraft consultation procedures. The department adopts by reference the text of WAC 197-10-410, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.]

WAC 308-200A-420 Preparation of EIS by persons outside the lead agency. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.]

WAC 308-200A-425 Organization and style of a draft EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.]

WAC 308-200A-440 Contents of a draft EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]

WAC 308-200A-442 Special considerations regarding contents of an EIS on a nonproject action. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.]

WAC 308-200A-444 List of elements of the environment. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.]

WAC 308-200A-446 Draft EIS—Optional additional elements—Limitation. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to any EIS, the following elements:

- (1) Social factors,
- (2) Cultural concerns, and
- (3) Economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.]

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

WAC 308-200A-450 Public awareness of availability of draft EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.]

WAC 308-200A-455 Circulation of the draft EIS—Review period. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.]

WAC 308-200A-460 Specific agencies to which draft EIS shall be sent. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.]

WAC 308-200A-465 Agencies possessing environmental expertise. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.]

WAC 308-200A-470 Cost to the public for reproduction of environmental documents. The department adopts by reference the text of WAC 197-10-470, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.]

WAC 308-200A-480 Public hearing on a proposal—When required. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.]

WAC 308-200A-485 Notice of public hearing on environmental impact of the proposal. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.]

WAC 308-200A-490 Public hearing on the proposal—Use of environmental documents. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.]

WAC 308-200A-495 Preparation of amended or new draft EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.]

RESPONSIBILITIES OF CONSULTED AGENCIES

WAC 308-200A-500 Responsibilities of consulted agencies—Local agencies. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.]

WAC 308-200A-510 Responsibilities of consulted agencies—State agencies with jurisdiction. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.]

WAC 308-200A-520 Responsibilities of consulted agencies—State agencies with environmental expertise. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.]

WAC 308-200A-530 Responsibilities of consulted agencies—When predraft consultation has occurred. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.]

WAC 308-200A-535 Cost of performance of consulted agency responsibilities. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.]

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

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the text of WAC 197-10-550, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-550, filed 8/3/78. Formerly WAC 308-200-550.]

WAC 308-200A-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-570, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-570, filed 8/3/78. Formerly WAC 308-200-570.]

WAC 308-200A-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-580, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-580, filed 8/3/78. Formerly WAC 308-200-580.]

WAC 308-200A-600 Circulation of the final EIS. The department adopts by reference the text of WAC 197-10-600, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-600, filed 8/3/78. Formerly WAC 308-200-600.]

USE OF OTHER EIS'S

WAC 308-200A-650 Effect of an adequate final EIS prepared pursuant to NEPA. The department adopts by reference the text of WAC 197-10-650, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-650, filed 8/3/78. Formerly WAC 308-200-650.]

WAC 308-200A-652 Supplementation by a lead agency of an inadequate final NEPA EIS. The department adopts by reference the text of WAC 197-10-652, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-652, filed 8/3/78. Formerly WAC 308-200-652.]

WAC 308-200A-660 Use of previously prepared EIS for a different proposed action. The department adopts by reference the text of WAC 197-10-660, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-660, filed 8/3/78. Formerly WAC 308-200-660.]

WAC 308-200A-690 Use of lead agency's EIS by other acting agencies for the same proposal. The department adopts by reference the text of WAC 197-10-690, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-690, filed 8/3/78. Formerly WAC 308-200-690.]

WAC 308-200A-695 Draft and final supplements to a revised EIS. The department adopts by reference the text of WAC 197-10-695, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-695, filed 8/3/78. Formerly WAC 308-200-695.]

EFFECT OF EIS PROCEDURES ON AGENCY ACTIVITIES

WAC 308-200A-700 No action for seven days after publication of the final EIS. The department adopts by reference the text of WAC 197-10-700, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-700, filed 8/3/78. Formerly WAC 308-200-700.]

WAC 308-200A-710 EIS combined with existing planning and review processes. The department adopts by reference the text of WAC 197-10-710, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-710, filed 8/3/78. Formerly WAC 308-200-710.]

WAC 308-200A-820 Designation of responsible official. By the terms of WAC 308-200A-175 and 197-10-175, action upon only two licenses issued by the department of licensing is not exempt from compliance with SEPA. These licenses are motor vehicle wrecker licenses and camping club promotional permits. For the former, the responsible official shall be the administrator of the dealer and manufacturer control division. For the latter, the responsible official shall be the administrator of the securities division.

The responsible official shall carry out the duties and functions of the department when it is acting as the lead agency under this chapter.

Should any action of the department, other than action on one of the two aforesaid licenses, be deemed nonexempt from the provisions of SEPA, the responsible official shall be the deputy director of the department of licensing, unless another official shall be so designated by departmental regulation.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-820, filed 8/3/78. Formerly WAC 308-200-820.]

WAC 308-200A-831 Responsibility of agencies—SEPA public information. The department adopts by reference the text of WAC 197-10-831, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-831, filed 8/3/78.]

WAC 308-200A-840 Application of agency rules to ongoing actions. The department adopts by reference the text of WAC 197-10-840, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-840, filed 8/3/78. Formerly WAC 308-200-840.]

WAC 308-200A-860 Fees to cover the costs of SEPA compliance. The department adopts by reference the text of WAC 197-10-860, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-860, filed 8/3/78. Formerly WAC 308-200-860.]

APPLICABILITY OF THIS CHAPTER

WAC 308-200A-900 Applicability of this chapter. This chapter integrates the policies and procedures of the

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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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308-300-210	Declaration of purpose and authority.
308-300-215	Master license service (MLS) state grant program.
308-300-220	Definitions.
308-300-230	Required registration of trade name.
308-300-240	Cancellation.
308-300-250	Forms.
308-300-260	Records—Transfer from counties to department.
308-300-270	Searches.
308-300-280	Fees and refunds.
308-300-290	Cross-referencing and public access.

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.]
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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 individual licenses approved for a business covered under this chapter.
- (12) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery

operation in a new location, or seeking to continue an existing grocery operation.

(13) "Station" means any of the department's driver license examining stations located throughout the state.

(14) "Standard industrial classification (SIC)" is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards.

(15) "Supplemental license" means a license which is part of the master license issued after a master license has been issued to a business covered by this chapter.

(16) "Unique identifier" is a designation assigned to each master license by which the person licenses [licensed], and the individual licenses issued, may be identified.

[Order 476-DOL, § 308-300-020, filed 12/30/77.]

WAC 308-300-030 Licenses which are included on the master license. The following registrations, licenses and permits as required for those businesses in WAC 308-300-040 shall be included within this chapter:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor and Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor and Industries
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery and Bakery Distributor's License	Dept. of Agriculture
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.]

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.

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(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

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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:

- (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 requirements.

[Statutory Authority: RCW 19.02.030(3). 05-05-029, § 308-300-110, filed 2/10/05, effective 3/13/05. 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.]

WAC 308-300-120 Assignment of renewal schedules.

(1) The department shall assign to each business a common expiration date for all licenses covered by this chapter, with subsequent renewals to be made at yearly intervals thereafter. This section supersedes existing renewal schedules currently operative for all individual licenses required by businesses covered under the act.

(2) Each business shall be assigned a master license expiration date on the following schedule. Fees for such licenses will be charged at the full annual rate, except as set forth in WAC 308-300-170(2):

- (a) New applicants; last day of the month of receipt of the application.
- (b) Existing business brought into the system; distributed evenly on a monthly basis throughout the year.
- (c) New branches; expiration date will be adjusted as required to conform to a common date simultaneous to the majority of the applicant's business branches.
- (d) Supplemental license(s); will expire on the same date as the master.

(3) The department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the department.

[Order 476-DOL, § 308-300-120, filed 12/30/77.]

WAC 308-300-130 Renewal notices and procedures.

Renewal notices indicating fees to be paid for the licenses then held by the licensee will be mailed to the licensee approximately 45 days prior to license expiration. Applications for renewals shall be made by current licensees by providing the information requested and 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 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

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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 308-300-215 Master license service (MLS) state grant program. (1) The department's master license service (MLS) will provide information about the grant program, established in RCW 19.02.310, to Washington cities, towns, other state agencies and counties, at least once each calendar year, beginning in 2006.

(a) The MLS state grant program will begin in 2006. Applications will be accepted beginning January 3, 2006. Subject to the ongoing availability of funds, applicants will be notified about the department's decision on their completed application within sixty days. The department may fund all or portions of eligible grant applications.

(b) Prospective grant applicants may contact MLS staff for assistance with completion of the grant application, to include assistance by way of telephone or in-person contact.

(c) Applications and further information may be obtained from the Grants Coordinator, Master License Service, P.O. Box 9034, Olympia, WA 98507-9034.

(2) Eligible activities and expenses for grant funds can include, but are not limited to, reasonable expenses for: Information technology hardware and software, consultants and temporary staff.

(3) Two types of grants may be awarded: Phased grants, such as eighty percent initially and twenty percent upon completion, or reimbursement grants, in which payments are tied to deliverables or milestones.

(4) Before grant funds are provided, an agreement will be signed by the grantee and MLS that includes provisions for managing the grant, expenditure tracking and performance reporting.

(5) In determining the readiness of a prospective state agency or local government partner applicant to obtain a grant, the MLS may consider factors such as:

(a) Identified limitations or obstacles to becoming partnered with MLS;

(b) Flexibility within the entity's internal infrastructure;

(c) The scope of the project for which the grant funds are requested;

(d) The prospective partner's budget, including in-kind commitments and estimated transition costs;

(e) Project management experience;

(f) The cost/benefit ratio for a city partnership with MLS. The cost/benefit ratio shall be determined by estimating the cost for a city applicant to become a feasible partner with MLS; and

(g) Proposed performance measures.

(6) The department may convene an objective review panel to evaluate grant applications.

[Statutory Authority: RCW 19.02.030. 06-05-037, § 308-300-215, filed 2/9/06, effective 3/12/06.]

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.

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(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 department 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;
- (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.]

(2009 Ed.)

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 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 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.

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[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.
308-320-070	Changes and fees.
308-320-080	Business records.
308-320-090	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:

(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.

(2009 Ed.)

[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.

(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 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.
308-330-300	RCW sections adopted—Certificates of ownership and registrations.
308-330-305	RCW sections adopted—Vehicle licenses.
308-330-307	RCW sections adopted—Driver licenses and identification cards.
308-330-309	RCW sections adopted—Uniform Commercial Driver's License Act.
308-330-310	RCW sections adopted—Financial responsibility.
308-330-312	RCW sections adopted—Mandatory liability insurance.
308-330-314	RCW sections adopted—Vehicle inspection.
308-330-316	RCW sections adopted—Vehicle lighting and other equipment.
308-330-320	RCW sections adopted—Size, weight, load.
308-330-322	RCW sections adopted—Transportation of hazardous materials.
308-330-325	RCW sections adopted—Accidents, reports.
308-330-327	RCW sections adopted—Hulk haulers and scrap processors.
308-330-330	RCW sections adopted—Motor vehicle wreckers.
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.
308-330-370	Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition.
308-330-400	Provisions of chapter refer to vehicles upon highway—Exception.
308-330-403	Required obedience to traffic ordinance.
308-330-406	RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators.
308-330-408	RCW sections adopted—Traffic laws, signs, signals, markings.
308-330-409	Traffic control devices required—Stopping, standing, and parking.
308-330-412	Crossing new pavement and markings.
308-330-415	RCW sections adopted—Right of way.
308-330-421	RCW sections adopted—Turning, starting and stopping.
308-330-423	RCW sections adopted—Speed restrictions.
308-330-425	RCW sections adopted—Reckless driving, vehicular homicide and assault.
308-330-430	Obedience to angle-parking signs or markings.
308-330-433	Parking not to obstruct traffic.
308-330-436	Parking for certain purposes unlawful.
308-330-439	Standing in passenger loading zone.
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.
- 308-330-460 Right of way for parking.
- 308-330-462 RCW sections adopted—Stopping, standing, and parking.
- 308-330-464 RCW sections adopted—Operation and restrictions.
- 308-330-466 Funeral processions.
- 308-330-469 When permits required for parades and processions.
- 308-330-472 Interfering with processions.
- 308-330-475 Boarding or alighting from vehicles.
- 308-330-478 Unlawful riding.
- 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles.
- 308-330-500 Bicycle license required.
- 308-330-505 Bicycle license application.
- 308-330-510 Issuance of bicycle license.
- 308-330-515 Attachment of bicycle license plate or decal.
- 308-330-520 Inspection of bicycles.
- 308-330-525 Renewal of bicycle license.
- 308-330-530 Bicycle transfer of ownership.
- 308-330-535 Bicycle rental agencies.
- 308-330-540 Bicycle dealers.
- 308-330-545 Bicycles—Obedience to traffic control devices.
- 308-330-550 Bicycles—Parking.
- 308-330-555 Bicycles—Riding on sidewalks.
- 308-330-560 Bicycles—Penalties.
- 308-330-565 Unclaimed bicycles.
- 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.
- 308-330-650 Parking meters—Application of proceeds.
- 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 amend-

ments 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 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, 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.]

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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 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

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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, 46.09.085, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-197, filed 8/27/04, effective 9/27/04; 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.]

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

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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 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, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.316, 46.16.350, 46.16.381, 46.16.385, 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, 04-18-061, § 308-330-305, filed 8/27/04, effective 9/27/04; 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 identification cards. 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, 46.25.055, 46.25.057, 46.25.110, 46.25.120, and 46.25.170.

[Statutory Authority: RCW 46.90.010, 04-18-061, § 308-330-309, filed 8/27/04, effective 9/27/04; 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 through 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, 46.37.630, 46.37.640, 46.37.650, and 46.37.660.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-316, filed 8/27/04, effective 9/27/04; 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, 46.44.020, 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 46.44.190.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-320, filed 8/27/04, effective 9/27/04; 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.]

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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.]

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 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 Wash-

ington (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, 46.61.419, 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. 04-18-061, § 308-330-423, filed 8/27/04, effective 9/27/04; 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.]

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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.

(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 engi-

neer 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.

[Title 308 WAC—p. 408]

[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.]

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, 46.61.725, 46.61.730, and 46.61.740.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-464, filed 8/27/04, effective 9/27/04; 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.]

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

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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 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 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.

[Title 308 WAC—p. 410]

[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 parking 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.

(2009 Ed.)

[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 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.

(2009 Ed.)

(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.

(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, 46.63.075, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, 46.63.151, and 46.63.160.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-700, filed 8/27/04, effective 9/27/04; 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 46.64.055.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-705, filed 8/27/04, effective 9/27/04; 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.

[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, 47.36.141, 47.36.180, 47.36.200, 47.36.210, 47.36.220, 47.36.230, and 47.36.250.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-800, filed 8/27/04, effective 9/27/04; 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.]

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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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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-390-200	Acceptance and refusal of records. [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.] Repealed by 04-15-100, filed 7/19/04, effective 8/19/04. Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW.
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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) "Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

(3) "Address" means a name or other identifying information, either a street address, route number (may include box) or a P.O. Box number plus the city and state or country.

(4) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(5) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(6) "Certified search" is a certified record of information maintained by the filing office.

(7) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(8) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(9) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(10) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(11) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(12) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(13) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(14) "Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

(15) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(16) "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.

(17) "On-line services" means the interactive internet application for filing and search functions.

(18) "Organization" means a legal person who is not an individual.

(19) "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.

(20) "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.

(21) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(22) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(23) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(24) "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.

(25) "UCC web site" means the series of related internet web pages provided for on-line filing and search functions.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-101, filed 7/19/04, effective 8/19/04. 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 between 8:30 a.m. and 4:30 p.m., Monday through Friday except state holidays. 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: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-102, filed 7/19/04, effective 8/19/04. 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

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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 International Association of Commercial Administrators or any successor organization and/or the filing office shall be accepted.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-104, filed 7/19/04, effective 8/19/04. 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 record is:

FILINGS	DELIVERY MODE	FEE INCLUDING SURCHARGE
Financing Statement	electronic	\$11.00
Financing Statement Amendment	electronic	\$11.00
Correction Statement	electronic	\$11.00
UCC1 Financing Statement (1 or 2 pages)	mail	\$23.00
UCC3 Financing Statement Amendment (1 or 2 pages)	mail	\$23.00
UCC5 Correction Statement (1 or 2 pages)	mail	\$23.00
Attachment (third and subsequent pages)	mail	\$1.00 each page

(2) UCC search fee. The fee for processing a UCC search request is:

SEARCHES	DELIVERY MODE	FEE
Search by debtor name	electronic	No charge
Search by file number	electronic	No charge
Debtor name search with copies	electronic	\$15.00
Search held to reflect the filing	electronic	\$10.00/debtor name
UCC11 Search response	mail	\$10.00
UCC11 Search response with copies	mail	\$15.00

SEARCHES	DELIVERY MODE	FEE
Search held to reflect the filing (UCC1 box 7)	mail	\$10.00/debtor name

[Statutory Authority: RCW 62A.9A-526, 2008 c 290, and chapters 60.11, 60.13, 60.68 RCW, RCW 43.24.086. 08-14-062, § 308-390-105, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW, RCW 43.24.086. 07-23-030, § 308-390-105, filed 11/9/07, effective 2/11/08. Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-105, filed 7/19/04, effective 8/19/04. 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.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-108, filed 7/19/04, effective 8/19/04. 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.]

(2009 Ed.)

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 308-390-201 Multiple names. (1) To file multiple debtor and secured party names on a paper submittal, a filer must provide the additional names in designated boxes on approved addenda forms only. The approved addenda forms are UCC1Ad, UCC1Ap, and UCC3Ap. Addenda forms are approved as provided in WAC 308-390-104. The number of paper submittal addenda pages that may be attached is limited as set forth in subsection (2) of this section.

(2) The number and type of paper submittal addenda forms that may be filed and indexed is limited to the following combinations:

(a) UCC1 plus one addendum (UCC1Ad) form and/or one or two additional party (UCC1Ap) forms. This combination permits a maximum of nine debtor and six secured party names to be indexed.

(b) UCC3 plus one or two additional party (UCC3Ap) forms. This combination permits a maximum of seven debtor or five secured party names to be indexed.

(3) Debtor and secured party names appearing in the incorrect boxes or on paper submittal attachments or addenda in excess of that stated in subsection (2) of this section will be accepted but not added to the index.

(4) To file and index more names than provided on the allowable number of paper submittal addenda pages, a filer may file using the Washington UCC electronic filing function on the internet. Electronic filing permits an unlimited number of names to be filed and added to the index.

[Statutory Authority: RCW 62A.9A-526. 04-19-034, § 308-390-201, filed 9/9/04, effective 10/12/04. 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.

(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.

[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 indexed. The filer shall be responsible for verifying that the information was indexed 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.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-203, filed 7/19/04, effective 8/19/04. 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 as defined in WAC 308-390-101 is given in the address field.

(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 will file the UCC record with the filing date and time the UCC record was originally tendered for filing. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken.

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The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-204, filed 7/19/04, effective 8/19/04. 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 active financing statements. The rules in this section describe the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-300, filed 7/19/04, effective 8/19/04. 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.

(2009 Ed.)

[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.]

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: 254 characters.
- (b) Middle name: 254 characters.
- (c) Last name: 254 characters.
- (d) Suffix: 10 characters.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-302, filed 7/19/04, effective 8/19/04. 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.

(2009 Ed.)

[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.]

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 the 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 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: RCW 62A.9A-526. 07-23-031, § 308-390-306, filed 11/9/07, effective 12/10/07. 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

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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.

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(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.]

(2009 Ed.)

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 web site. 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 web site 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 web site.

(3) Search request procedures. A certified search naming a particular debtor may be obtained via the UCC web site. 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 web site.

[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 office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of corrected document, the filing officer shall proceed as follows. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-401, filed 7/19/04, effective 8/19/04. 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.]

(2009 Ed.)

WAC 308-390-402 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, formal 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 and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-500, filed 7/19/04, effective 8/19/04. 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:

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(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accents are disregarded.

(4) Certain words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded. Those words and abbreviations are published on the *Washington State List of Ending Noise Words*.

(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: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-502, filed 7/19/04, effective 8/19/04. 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 of UCC records identified on the primary search response.

(3) The request may ask for records of lien notices only.

(4) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(5) 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: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-503, filed 7/19/04, effective 8/19/04. 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 unexpired 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 web site. 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 Processor lien or preparer. (1) A producer or commercial fisherman may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed pursuant to RCW 60.13-040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed pursuant to RCW 60.13.040 evidencing the processor lien or preparer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(4) Fee. The fees are the same as provided in WAC 308-390-105.

(5) Duration. As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-390-202.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-390-504.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-602, filed 7/19/04, effective 8/19/04. 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

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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

308-420-020	Definitions.
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308-420-040	Material events that are amendments requiring notice and a filing fee.
308-420-050	Exemptions from registration—Noncommercial resale contract offerings.
308-420-060	Statement of record—Filings and information required upon application for registration of start up camping resort projects and contract offerings.
308-420-070	The public offering statement—Form, content, and preparation.
308-420-090	The public offering statement—Delivery to prospective purchasers.
308-420-100	Purchaser cancellations of contracts—Prompt refund of funds and consideration.
308-420-110	Financial statements and information.
308-420-120	Written disclaimer of endorsement.
308-420-140	Receipt of written disclosures.
308-420-150	Depository.
308-420-160	Operation of impound condition.
308-420-170	Release of impounds.
308-420-180	Fee for impound.
308-420-190	Renewals.
308-420-200	Salesperson registrations.
308-420-210	Request for withdrawal of camping resort property.
308-420-220	Advertisements.
308-420-230	Rainchecks.
308-420-240	Fees and charges.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-420-010	Organization. [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.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.
308-420-080	Signing of application and the permit. [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.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.
308-420-130	Notice of termination of sales. [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.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.

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) "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.

(9) "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.

(10) "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.

(11) "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.

(12) "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 19.105.530(1), 43.24.023, 03-03-054, § 308-420-020, filed 1/13/03, effective 2/13/03. 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.

(1) 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.

(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 any one calendar year 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 19.105.530(1), 43.24.023, 03-03-054, § 308-420-050, filed 1/13/03, effective 2/13/03. 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.

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(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.

(i) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(ii) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant or any of the applicant's affiliates as a party.

(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 thirty days of application, covering all of the acreages, park sites, and areas on which facilities are located.

(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) Applications for and contracts of affiliation with any outside exchange or reciprocal-use entity.

(k) 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) Performance bonds, letters of credit, surety or guaranty agreements affecting the project or the program.

(iv) Trust or escrow arrangements affecting the project.

(v) Covenants or declarations affecting camping resort properties.

(vi) Agreements for the usage of amenities or facilities owned by persons other than operator.

(l) 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 19.105.530(1), 43.24.023. 03-03-054, § 308-420-060, filed 1/13/03, effective 2/13/03. 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) 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.

(4) 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.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-070, filed 1/13/03, effective 2/13/03. 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 308-420-090 The public offering statement—Delivery to prospective purchasers. (1) The operator or its agents shall provide all prospective purchasers with the agency-registered 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) Any person who requests of an operator or its agents, a public offering statement, shall be provided the public offering statement, whether or not such person has received a solicitation.

(3) 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.

(4) No fee may be charged for the initial copy 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 19.105.530(1), 43.24.023. 03-03-054, § 308-420-090, filed 1/13/03, effective 2/13/03. 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 per-

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son'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 including the public offering statement.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-100, filed 1/13/03, effective 2/13/03. 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 fund-

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ing 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 308-420-140 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-

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sentation, a signed statement evidencing receipt 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 19.105.530(1), 43.24.023. 03-03-054, § 308-420-140, filed 1/13/03, effective 2/13/03. 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.]

WAC 308-420-190 Renewals. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made 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 will be required to be submitted once every four years beginning from the original registration approval date or at any other time the department deems necessary to determine the financial stability of the company.

(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 expiration, shall mean that the registration has 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 19.105.530(1), 43.24.023, 03-03-054, § 308-420-190, filed 1/13/03, effective 2/13/03. 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 an 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) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(b) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(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 amend-

ment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

No later than twenty business days, upon being named a defendant or a party in any administrative, civil or criminal proceeding, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

(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 visible to the public 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 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.

(c) 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. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-200, filed 1/13/03, effective 2/13/03. 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 written approval 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 ninety 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 19.105.530(1), 43.24.023, 03-03-054, § 308-420-210, filed 1/13/03, effective 2/13/03. 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 deter-

mine 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, listing all rainchecks outstanding as of the last day of the preceding month and indicating deliveries of any previously reported rainchecked items.

(2) 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 19.105.530(1), 43.24.023. 03-03-054, § 308-420-230, filed 1/13/03, effective 2/13/03. 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
	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.]

WAC 308-420-250 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a camping resort, camping resort operator or camping resort salesperson in this state and the department proposes to deny the application;

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-250, filed 5/1/97, effective 6/1/97.]

WAC 308-420-260 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

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

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

(c) All correspondence between the applicant for registration or renewal and the agency regarding the application.

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

(a) The previously issued final order or agreement;

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

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-260, filed 5/1/97, effective 6/1/97.]

WAC 308-420-270 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

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

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

(4) No witnesses may appear to testify.

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

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

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-270, filed 5/1/97, effective 6/1/97.]