

WSR 21-13-147

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 22, 2021, 1:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-09-072.

Title of Rule and Other Identifying Information: Real estate fee increases, specifically WAC 308-124A-775 Real estate fees and 308-124H-990 Real estate course, school, and instructor approval fees.

Hearing Location(s): On July 28, 2021, at 2:00 p.m. This public hearing will be held on Zoom. Zoom can be accessed via the internet or by calling in. If you are using the call-in number to access the hearing, please email rulescoordinator@dol.wa.gov with your name, phone number, yes or no to testifying. Internet users link <https://dol-wa.zoom.us/j/94976833363?pwd=MlpsQitrWDhCT2RXcXRrdGdpNldWUT09>, Internet Passcode 057347, Call In Number +12532158782, Call In Passcode 057347#.

Date of Intended Adoption: July 29, 2021.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98371, email RulesCoordinator@dol.wa.gov.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email RulesCoordinator@dol.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to raise fees at a level necessary to defray the costs of administering the real estate program. We anticipate this will be difficult for some individuals and businesses within the real estate industry, but it is necessary to ensure the department is able to effectively implement the program. The department intends to raise most of the fees listed in WAC 308-124A-775 and all fees listed in WAC 308-124H-990.

Reasons Supporting Proposal: The department is required to set fees for each professional, occupational, or business licensing program at "a sufficient level to defray the costs of administering [that] program," in accordance with RCW 43.24.086. The real estate program has not had an increase in fees since 2010. The department is increasing fees to continue covering the cost of administering this program, as costs have increased over the years.

Statutory Authority for Adoption: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98506, 360-902-3846; Implementation: JR Richards, 405 Black Lake Boulevard S.W., BLK LK 2, FL 2, 360-664-6608; and Enforcement: Lynn Briscoe, 405 Black Lake Boulevard S.W., BLK LK 2, FL 2, 360-664-6524.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 43.24.086 requires the department to set fees at a sufficient level to defray the costs of administering the real estate program. This is ex-

plicitly dictated by statute (RCW 34.05.310 (4) (e)) and is to adjust fees (RCW 34.05.310 (4) (f)).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

June 22, 2021
Ellis Starrett
Rules Coordinator

OTS-2536.3

AMENDATORY SECTION (Amending WSR 16-05-064, filed 2/12/16, effective 3/14/16)

WAC 308-124A-775 Real estate fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed on or after ((July 1, 2010)) September 1, 2021, and all renewals for existing licenses with expiration date on or after ((July 1, 2010)) September 1, 2021. The fees for an original license and renewal include a ten dollar fee which is assessed for the real estate research center for the real estate broker and the real estate managing broker licenses. The following fees shall be charged by the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$((138.25)) <u>210.00</u>
Reexamination	((138.25)) <u>210.00</u>
Original license	((146.25)) <u>223.00</u>
License renewal	((146.25)) <u>223.00</u>
Late renewal with penalty	((172.75)) <u>263.00</u>
((Duplicate)) License print fee	((26.50)) <u>5.00</u>
Certification	((26.50)) <u>40.00</u>
Name or address change, transfer or license activation	0.00
Real estate managing broker:	
Application/examination	\$((138.25)) <u>210.00</u>
Reexamination	((138.25)) <u>210.00</u>

Title of Fee	Fee
Original license	((210.00)) <u>320.00</u>
License renewal	((210.00)) <u>320.00</u>
Late renewal with penalty	((236.50)) <u>360.00</u>
((Duplicate)) <u>License print fee</u>	((26.50)) <u>5.00</u>
Certification	((26.50)) <u>40.00</u>
Name or address change, transfer or license activation	0.00
Real estate firm and assumed name license:	
Original license	\$((200.00)) <u>304.00</u>
License renewal	((200.00)) <u>304.00</u>
Late renewal with penalty	((226.50)) <u>345.00</u>
Name or address change	0.00
((Duplicate)) <u>License print fee</u>	((26.50)) <u>5.00</u>
Certification	((26.50)) <u>40.00</u>
Real estate branch:	
Original license	\$((189.50)) <u>288.00</u>
License renewal	((189.50)) <u>288.00</u>
Late renewal with penalty	((216.50)) <u>329.00</u>
Certification	((26.50)) <u>40.00</u>
((Duplicate)) <u>License print fee</u>	((26.50)) <u>5.00</u>
Name or address change, transfer or license activation	0.00
Fingerprint processing	per vendor schedule
Subsequent fingerprint processing	per vendor schedule

Fingerprints rejected by the department, Washington state patrol or FBI may necessitate subsequent fingerprint processing fees.

Fingerprint rolling fee per vendor schedule.

[Statutory Authority: RCW 18.85.171 and 18.85.041. WSR 16-05-064, § 308-124A-775, filed 2/12/16, effective 3/14/16. Statutory Authority: RCW 18.85.061 and 18.85.451. WSR 10-15-055, § 308-124A-775, filed 7/15/10, effective 8/15/10. Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124A-775, filed 3/1/10, effective 7/1/10.]

OTS-3118.1

AMENDATORY SECTION (Amending WSR 14-16-054, filed 7/29/14, effective 8/29/14)

WAC 308-124H-990 Real estate course, school, and instructor approval fees. (1) The following fees shall be charged for applications for approval of real estate courses, schools, and instructors. An application fee shall accompany each application. Approval for schools and instructors, if granted, shall be two years from the date of approval. Approval for courses, except for the core course, if granted, shall be four years from the date of approval. Applications submitted and disapproved may be resubmitted at no additional fee.

(2) Application for course content approval - A fee of (~~five dollars~~) seven dollars and sixty cents per clock hour credit being offered, with a minimum fee of (~~fifty~~) seventy-six dollars per core course. A fee of (~~ten dollars~~) fifteen dollars and twenty cents per clock hour credit being offered, with a minimum of one hundred fifty-two dollars per course other than the core course. Except, the application fee for approval of the sixty clock hour course in real estate fundamentals shall be (~~three hundred~~) four hundred fifty-six dollars.

(3) Application for school approval - A fee of (~~two hundred fifty~~) three hundred eighty dollars.

(4) Application for instructor approvals:

(a) Approval to teach a specific course on one occasion - A fee of (~~fifty~~) seventy-six dollars;

(b) Approval to teach as many subject areas as requested at time of initial application - A fee of (~~seventy-five~~) one hundred fourteen dollars. 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 (~~twenty-five~~) thirty-eight dollars 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) of this section and disapproved may be resubmitted at no additional fee.

[Statutory Authority: RCW 18.85.041. WSR 14-16-054, § 308-124H-990, filed 7/29/14, effective 8/29/14. Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124H-990, filed 3/1/10, effective 7/1/10.]