

WSR 23-07-117

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 21, 2023, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-03-101.

Title of Rule and Other Identifying Information: WAC 308-127-160 Fees.

Hearing Location(s): On April 25, 2023, at 10:00 a.m., join Zoom meeting <https://dol-wa.zoom.us/j/81597087616?pwd=RjNLSjVYdDNAMTlqWmZCM3h1b3A2QT09>, Meeting ID 815 9708 7616, Passcode 841414; One-tap mobile +12532050468,,81597087616#,,,,\*841414# US, +12532158782,,81597087616#,,,,\*841414# US (Tacoma); dial by your location +1 253 205 0468 US, +1 253 215 8782 US (Tacoma), Meeting ID 815 9708 7616, Passcode 841414. Find your local number [https://dol-wa.zoom.us/u/kejd7bjWQz](https://dol-wa.zoom.us/j/81597087616?pwd=RjNLSjVYdDNAMTlqWmZCM3h1b3A2QT09). If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-3846. An in-person option is available at Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: April 26, 2023.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by April 25, 2023.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by April 17, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 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.

Reasons Supporting Proposal: Current fees are insufficient to sustain this program. The department is considering fee increases that would go into effect in summer 2023. This is part of a larger fee increase and these fees had been proposed to go into effect fall of 2022.

Statutory Authority for Adoption: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule, and 46.01.110 Rule-making authority.

Statute Being Implemented: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

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: The department is proposing this rule change in order to fund the administration of timeshares licensing [department of licensing], governmental.

Name of Agency Personnel Responsible for Drafting: Lorin Doyle; Implementation: Kathrine McDaniel; and Enforcement: Vanessa Simpson.

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.

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.

Scope of exemption for rule proposal:  
Is fully exempt.

March 21, 2023  
Ellis Starrett  
Rules and Policy Manager

**OTS-3957.1**

AMENDATORY SECTION (Amending WSR 20-06-036, filed 2/27/20, effective 3/29/20)

**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)~~ \$1,040.00
  - 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))~~ 540.00
  - 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
(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:	
	Initial application, including first timeshare company association.	<del>((25.00))</del> 35.00
	Each timeshare company association after the first.	<del>((25.00))</del> 35.00
	Renewal.	<del>((25.00))</del> 35.00 per timeshare company association
(10)	Fees for amendment of registration:	
	For a timely submission of an amendment filing.	25.00
	Late 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 64.36.270 and 43.24.023. WSR 20-06-036, § 308-127-160, filed 2/27/20, effective 3/29/20. Statutory Authority: RCW 64.36.081, 43.24.023, 43.24.086. WSR 04-19-040, § 308-127-160, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 64.36.270, 43.24.023. WSR 04-12-028, § 308-127-160, filed 5/26/04, effective 7/1/04; WSR 04-08-003, § 308-127-160, filed 3/24/04, effective

4/24/04. Statutory Authority: RCW 64.36.081 and 43.24.086. WSR 02-15-169, § 308-127-160, filed 7/23/02, effective 1/1/03. Statutory Authority: RCW 43.24.086. WSR 90-07-023, § 308-127-160, filed 3/14/90, effective 4/14/90.]