

# Title 308 WAC

## LICENSING, DEPARTMENT OF

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

### Chapters

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### Chapter 308-11 WAC REGULATION OF AUCTIONEERS

WAC  
308-11-030 Auctioneer fees.

**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

Title of Fee	Fee
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.]

### Chapter 308-12 WAC ARCHITECTS

WAC	
308-12-010	State board for architects.
308-12-025	Application for examination.
308-12-050	Registration by reciprocity.
308-12-081	The seal.
308-12-111	Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.
308-12-115	Definitions.
308-12-180	Brief adjudicative proceedings.
308-12-190	Records required for the brief adjudicative proceeding.
308-12-320	Renewal of licenses.

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

<p>308-12-210  308-12-220</p>	<p>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 Repealed by 07-05-040, filed 2/15/07, effective 3/18/07.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.</p> <p>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 Repealed by 07-05-040, filed 2/15/07, effective 3/18/07.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.</p>
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**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 308-12-050 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.

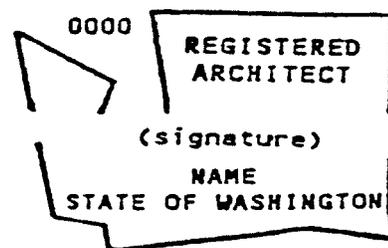
(4) That the board will require an oral interview of any candidate for registration by reciprocity, except that the oral interview may be set aside in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(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 308-12-081 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 308-12-111 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 308-12-180 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 308-12-320 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.]

## Chapter 308-13 WAC

### BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

#### WAC

308-13-020	Qualifications and application for licensure.
308-13-024	Application for examination.
308-13-032	Licensing examination.
308-13-100	Reinstatement of delinquent, suspended, or revoked licenses.
308-13-150	Landscape architect fees and charges.
308-13-170	Retired status certificate of registration.
308-13-180	Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.
308-13-250	Brief adjudicative proceedings.
308-13-260	Records required for the brief adjudicative proceeding.

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

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 308-13-020 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:

(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

(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

June

December

## Cut-off Dates

April 1

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 308-13-100 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. 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 308-13-170 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 308-13-250 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**

308-14-200

Court reporter fees.

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

<b>Title of Fee</b>	<b>Fee</b>
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**

308-15-020	Definitions.
308-15-075	When do I need to use my stamp/seal?
308-15-105	Brief adjudicative proceedings.
308-15-107	Records required for the brief adjudicative proceeding.
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**

308-15-100	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.

**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, 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 308-15-075 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 308-15-105 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 308-15-160 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 corpora-

tion 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 308-18 WAC**

**PRIVATE SECURITY GUARD COMPANIES AND PRIVATE SECURITY GUARDS**

**WAC**

308-18-240	Required records.
308-18-300	Minimum preassignment training and testing requirements.
308-18-305	Minimum postassignment training requirements and training topics.

**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.
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**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.]

**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.]

### Chapter 308-20 WAC

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

##### WAC

308-20-110	Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services.
308-20-550	Posting of required licenses, registrations, permits, notice to consumers, and current inspection form.

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

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.

**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 effectiveness, 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.]

**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.]

### Chapter 308-29 WAC

#### COLLECTION AGENCIES AND REPOSSESSION SERVICES

##### WAC

308-29-090	Brief adjudicative proceedings—When they can be used.
308-29-110	Conduct of brief adjudicative proceedings.
308-29-120	Appeal process for brief adjudicative proceedings.
308-29-130	Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

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

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.
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**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 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 308-47 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.
308-47-070	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.

(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 308-47-070 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
- 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.
308-48-080	Improper use of license.
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.
308-48-200	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.
308-48-550	Continuing education reporting requirement.
308-48-590	Qualification for board approval of continuing education activities.
308-48-780	Crematories—Inspections.
308-48-800	Funeral director/embalmer fees.
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

308-48-110	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.
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**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.

"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 308-48-080 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 308-48-150 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 embalming 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.

(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 308-48-200 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 308-48-550 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 12/9/87. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-550, filed 12/19/84.]

**WAC 308-48-590 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 308-48-780 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

Title of Fee	Fee
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
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 308-48-840 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 profession 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.

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- 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

308-49-168  
308-49-170

Trust fund depository agreement requirements.  
Annual statement requirements.

#### 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.

**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.

[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.]

**Chapter 308-56A WAC**

**CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.**

**WAC**

308-56A-030	Owner name and address—Recorded on the vehicle record—Application for certificate of ownership.
308-56A-115	Vehicles from a state or country other than Washington.
308-56A-140	Department temporary permit.
308-56A-210	Ownership in doubt—Bonded title or three-year registration without title.
308-56A-310	Personal property lien—Chattel.

**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 appropriately 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-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 certificate 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-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-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.]

## **Chapter 308-61 WAC**

### **UNAUTHORIZED AND ABANDONED VEHICLES**

#### **WAC**

308-61-135

Miscellaneous provisions.

308-61-175

Procedures for selling vehicles.

**WAC 308-61-135 Miscellaneous provisions.** (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices must indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101, 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 to be sent by first-class mail within twenty-four hours after the impound must be sent to any lessor or lessee, as well as to the last known registered and legal owner (lien holder) of the vehicle.

(7) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, must be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(8) As the record required in RCW 46.05.150(2) the registered tow truck operator must keep a copy of its twenty-four-hour impound notice to law enforcement.

(9) Information contained in the master log must include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of surplus funds.

Entries on the master log must be made within seventy-two hours following the activity being logged.

[Statutory Authority: RCW 46.55.190, 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 308-61-175 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.]

## Chapter 308-65 WAC

## HULK HAULERS/SCRAP PROCESSORS

## WAC

308-65-080	Hulk hauler—Procedures for acquiring and selling vehicles.
308-65-140	Scrap processor—Procedures for monthly reports.

**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 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 308-65-140 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 processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) of this section, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he/she retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he/she acquires vehicles for salvage from other than wreckers licensed by the department.

[Statutory Authority: RCW 46.79.080, 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.]

**Chapter 308-66 WAC**  
**MOTOR VEHICLE DEALERS AND**  
**MANUFACTURERS**

**WAC**

308-66-110	Definitions.
308-66-120	Dealer's license application.
308-66-177	Trust account.
308-66-210	Statement of change in business structure, ownership interest or control.

**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 308-66-177 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 308-66-210 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.]

## Chapter 308-88 WAC

## RENTAL CAR TAXATION AND LICENSING

## WAC

308-88-020 Application and registration of rental vehicle businesses.

**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 308-90 WAC

## VESSEL DEALER REGISTRATION

## WAC

308-90-120 Trust account.

**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.

(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.]

## Chapter 308-93 WAC

## VESSEL REGISTRATION AND CERTIFICATES OF TITLE

## WAC

308-93-070 Application for certificate of ownership/registration.

308-93-440 Ownership in doubt—Bonded title or three-year registration without title.  
308-93-445 Personal property lien—Chattel.

**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 § 30 and 31. 92-03-075, § 308-93-070, filed 1/14/92, effective 2/14/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

**WAC 308-93-440 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.

(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.]

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

**WAC**

- 308-96A-057 Purple Heart license plates.
- 308-96A-065 Personalized license plates.
- 308-96A-070 Amateur radio operator special license plates.
- 308-96A-099 Use class descriptions.
- 308-96A-180 Registration of rental vehicles.
- 308-96A-560 Special license plates—Criteria for creation or continued issuance.

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

- 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.

**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-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-purchased vehicle) or transfer the plates to a new owner. If the

plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.

**(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-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.
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 <b>not</b> 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.

ABBREVIATION	TRANSLATION	DESCRIPTION
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
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.

ABBREVIATION	TRANSLATION	DESCRIPTION
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 show-

ing 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-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 1/22/07, 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-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 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 in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period. (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.

(3) **Can an organization have more than one special license 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 license plate series may not have more.

An updated design of the current special license plates does not constitute more than one special license plate series. The newest design supersedes the prior design.

[Statutory Authority: RCW 46.01.110. 07-20-110, § 308-96A-560, filed 10/3/07, effective 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.

**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?**

**lege?** 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 reg-

istered 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.]

## Chapter 308-100 WAC

### DRIVERS' LICENSES—SPECIAL PROVISIONS

#### WAC

308-100-040	Examination requirement for commercial driver's license.
308-100-050	Fees.
308-100-180	Third party testing fee.

**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:

- Pretrip inspection;
- Basic controls; and
- 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.

[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 308-100-180 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.]

**Chapter 308-104 WAC  
DRIVERS' LICENSES**

**WAC**

308-104-010	Vision test.
308-104-018	Changing the address of record.
308-104-019	Renewal of driver's license or identicard by electronic commerce—Eligibility.

**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 safety 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 308-104-018 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.]

### 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.]

**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 308-124A WAC

#### REAL ESTATE—LICENSING AND EXAMINATION

##### WAC

308-124A-450 Examination procedures.

**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.]

### Chapter 308-124H WAC

#### REAL ESTATE COURSE SCHOOL AND INSTRUCTOR APPROVAL—EDUCATION OF REAL ESTATE BROKERS AND SALESPERSONS

##### WAC

308-124H-013 Application process for previously approved courses.  
308-124H-025 General requirements for course approval.  
308-124H-039 Changes and updates in approved courses.

**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 current course expiration date, the previous course approval shall remain in effect until action is taken by the director.

[Statutory Authority: RCW 18.85.040 (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-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), con-

sistent 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

(vi) Core curriculum

(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, keyboarding, 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-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.]

**Chapter 308-125 WAC  
REAL ESTATE APPRAISERS**

**WAC**

308-125-090 Continuing education required.

**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.]

**Chapter 308-129 WAC  
SELLERS OF TRAVEL**

**WAC**

308-129-110 Seller of travel registration fees.

**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:

<b>Title of Fee</b>	<b>Fee</b>
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.

[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.]

**Chapter 308-390 WAC  
UNIFORM COMMERCIAL CODE, REVISED  
ARTICLE 9**

(Formerly chapters 308-400 and 308-410 WAC)

**WAC**

308-390-105 Fees.  
308-390-306 Initial financing statement.

**WAC 308-390-105 Fees.** (1) The fee for filing and indexing a UCC record of one or two pages communicated on paper is \$15.00. If there are additional pages, the fee is \$1.00 for each additional page. The fee for filing and indexing a UCC record communicated by a medium authorized by these rules which is other than on paper is \$8.00.

(2) UCC search fee. The fee for processing a UCC search request communicated on paper is \$10.00. The fee for processing a UCC search request communicated by a medium authorized by these rules which is other than on paper is \$0.00.

(3) UCC search with copies. The fee for a UCC search and copies of all relevant records is \$15.00.

[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 308-390-306 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.]