

pursuant to sections 43 or 48 of chapter 26, Laws of 1967 extraordinary session. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act. **Note:** See also section 7, chapter 237, Laws of 1967.

Repeal.

Sec. 2. Sections 21 and 22, chapter 237, Laws of 1967 are each repealed.

Note: See also sections 21 and 22, chapter 237, Laws of 1967.

Passed the Senate April 12, 1967.

Passed the House April 13, 1967.

Approved by the Governor April 22, 1967.

CHAPTER 72.

[Engrossed Substitute Senate Bill No. 23.]

PROPRIETARY SCHOOLS.

AN ACT relating to proprietary schools; providing for registration of proprietary schools and licensing of their agents; prescribing penalties; making an appropriation; and declaring an effective date.

Be it enacted by the Legislature of the State of Washington:

Proprietary schools—
Regulation—
Purpose.

Section 1. The legislature hereby declares that the provisions of this act are enacted in the exercise of the police power of this state for the protection of the health, peace, safety, and general welfare of the people of this state; for the general improvement of educational programs available to the residents of this state; to prevent misrepresentation, fraud, and collusion in offering education programs; to establish higher standards for, and to protect, preserve, foster, improve, and encourage the educational programs offered to the public; and to encourage the residents of Washington to attain a high degree of excellence in the pursuit of education. To these ends, this act shall be liberally construed.

Sec. 2. As used in this act:

Definitions.

(1) "Proprietary school", except as hereinafter in this section provided, means any business enterprise whether operated on a profit or nonprofit basis which maintains a place or places of business either within or without this state and which offers or maintains a course or courses of instruction or study through classroom instruction or by correspondence or both whether such instruction or study is given in a single location or several locations through branches or otherwise, for the purpose of training or preparing persons for a field of endeavor, whether in a business or trade, or in a technical, professional, or industrial occupation.

The definition of "proprietary school" shall not include schools or courses of instruction:

(a) Approved by the state superintendent of public instruction, the state board of education, or the state board for vocational education;

(b) Supported entirely or partly by state or local taxes or federal funds;

(c) Approved as a private school for meeting the compulsory attendance requirements in RCW 28.27.010;

(d) Accredited by the applicable national or regional accrediting agency recognized by either the United States Department of Health, Education and Welfare, Office of Education, or the state superintendent of public instruction, state board of education, or state board for vocational education;

(e) Sponsored by an employer for the training and preparation of its own employees, or by a trade, business, or professional organization recognized by the state board for vocational education for the instruction of members of such organization; or

(f) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the ap-

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prenticeship council under an agreement registered with said council pursuant to chapter 49.04 RCW;

(2) "Director" means the director of the division of professional licensing of the department of motor vehicles.

Registration
required—
Fees—Forms—
Contents.

Sec. 3. No proprietary school may offer a course of instruction within this state without first registering as a proprietary school with the director and paying an annual registration fee of twenty-five dollars before July first of each year to the director. Such registration shall be on forms provided by the director and shall contain: (1) the names of the individual owner, or if the owner is a corporation or partnership, the names of the officers and directors or members thereof; (2) the administrator, business address, and location of the proprietary school; (3) the field or fields of endeavor for which the proprietary school purports to train or prepare persons, and a brief description of the courses offered by the proprietary school.

Cancellation
of enrollment
by student—
Return of
materials—
Refund.

Sec. 4. Any person who enrolls as a student with a proprietary school shall be entitled to cancel his contract of enrollment immediately after the first classroom instruction session by informing the classroom instructor of his election to cancel, or, if a correspondence course, within the next business day after receiving a part of the instructional materials, by sending notice of cancellation by registered mail, return receipt requested, addressed to the proprietary school. Upon such cancellation and return of all instructional materials in undamaged condition the student shall be entitled to a refund of at least ninety percent of the amount which he contracted to pay for the course or courses.

Sec. 5. Each proprietary school shall:

(1) Furnish each student applicant with a brief description of the course or courses of instruction

and schedule of tuition and notify each student of his right to cancel pursuant to section 4 of this act and his right to a certificate pursuant to subsection (5) of this section, prior to enrollment;

Conduct—
Practices.

(2) Adhere to a tuition refund schedule presented in published form prior to enrollment for any student who elects to discontinue training or one excluded therefrom;

(3) Comply with all applicable state and local laws and ordinances, including rules and regulations adopted pursuant thereto;

(4) Refrain from using any false, misleading or deceptive advertising;

(5) Upon satisfactory completion of training or preparation by any student, if he requests a certificate, give a certificate to such student which indicates the course or courses of instruction which have been satisfactorily completed.

Sec. 6. (1) No person shall for remuneration sell any course or courses in this state for any proprietary school, or solicit students therefor in this state, without first obtaining an agent's permit from the director. If the agent represents more than one school, a separate permit shall be obtained for each school represented by him: *Provided*, That if an agent represents a school with more than one location or branches he need only obtain a single permit for such school. Upon approval for a permit the director shall issue a pocket card to the agent, giving his name and address, the name and address of his employing correspondence school and certifying that the person whose name appears on the card is an authorized agent of the school. A permit shall be valid until the subsequent July 1st from the date on which it was issued.

Agent's
permits.

(2) The application for a permit or renewal shall be made on forms to be furnished by the director and shall be accompanied by a fee of ten dollars.

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(3) Any permit applied for pursuant to this section shall be granted or denied within thirty days of the receipt of the application therefor by the director. If the director has not completed his determination with respect to the issuance of a permit pursuant to this section within such thirty-day period, he shall issue a temporary permit to the applicant, which permit shall be sufficient to meet the requirements of this act until such time as such determination is made. An agent's permit shall be issued if the director is satisfied that the applicant does in fact represent the proprietary school for which a permit is requested, that the applicant is of good moral character, and that a previous permit for such person has not been revoked.

(4) Any permit issued may be revoked by the director if the holder of the permit solicits or enrolls students through fraud, deception or misrepresentation or upon a finding that a fact or condition exists which would have warranted the denial of the issuance of the permit, had such fact or condition existed at the time of original application.

(5) The applicant for, or holder of, an agent's permit shall be entitled to an opportunity for an agency hearing with respect to the denial of an application therefor, or the revocation or suspension thereof, by the director, and the applicable provisions of the Administrative Procedure Act found in chapter 34.04 RCW, as it now exists or may hereafter be amended, shall apply with respect thereto.

(6) The issuance of a permit pursuant to this section shall not be deemed to constitute approval of any course or the proprietary school offering or administering the same. Any representation contrary to this paragraph or tending to imply that a permit issued pursuant to this section constitutes such approval shall be misrepresentation within the meaning of this act.

Sec. 7. The director is authorized to adopt rules and regulations for the administration and enforcement of sections 3 and 6 of this act, and describing and forbidding deceptive advertising, and may establish an advisory committee of owners or operators of proprietary schools and of other persons with knowledge in the fields to which this act applies, to advise him in its administration.

Rules and regulations—
Advisory committee.

Sec. 8. (1) It is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the consumer protection act found in chapter 19.86 RCW: (a) for any proprietary school to violate sections 3, 4 or 5 of this act or to offer a course, or courses, of instruction which purports to train or prepare persons for a field of endeavor but which in fact cannot reasonably be expected to satisfactorily train or prepare the average student in such course, or courses, for such field of endeavor; or (b) for any person to violate section 6 of this act.

Unfair acts of practices.

(2) In considering whether a course of instruction could reasonably be expected to train or prepare the average student to qualify for a field of endeavor the following factors shall be considered by the court: (a) the equipment, materials and course content furnished, (b) the qualifications, training and experience of instructors, and (c) the normal and usual requirements of training and experience prevailing in the particular field of endeavor.

Sec. 9. No note, negotiable instrument, or contract relating to payment for a course or courses of instruction shall be enforceable by any proprietary school in the courts of this state, unless said proprietary school and its agents shall have complied with the provisions of this chapter.

Payment—
Notes—
Enforcement.

**Appropriation
to enforce.**

Sec. 10. There is hereby appropriated to the department of motor vehicles from the general fund for the biennium ending June 30, 1969, the sum of five thousand six hundred and eighty dollars, or so much thereof as necessary to carry out the purposes of this act.

Short title.

Sec. 11. This act may be cited as "The Proprietary School Act".

Severability.

Sec. 12. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Effective date.

Sec. 13. This act shall become effective July 1, 1968.

Passed the Senate April 13, 1967.

Passed the House April 12, 1967.

Approved by the Governor April 22, 1967.

CHAPTER 73.

[House Bill No. 281.]

ELECTIONS—NEW RESIDENTS—SPECIAL BALLOT, PRESIDENT AND VICE PRESIDENT.

AN ACT relating to elections; establishing a procedure for new residents to vote a special ballot limited to the offices of president and vice-president; adding a new chapter to chapter 9, Laws of 1965 and to Title 29 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**"New resident"
defined.**

Section 1. As used in this chapter "new resident" means a person qualified to vote for presidential and vice-presidential electors as provided by this chap-