

shall not approve, prior to June 1, 1985, any filings which are under suspension as of February 16, 1984, which are awaiting an order by the commission, or which are filed on or after February 16, 1984, if the filing involuntarily requires any telephone user to pay for all outgoing local telephone calls based on time and/or distance. As to any such filing, the requirements in subsection (1) of this section for the commission to act on that filing within ten months from the date the filing would otherwise go into effect are suspended under this subsection from February 16, 1984, until June 1, 1985. This subsection shall not apply to any service such as land, marine, or air mobile service, or any like service that has traditionally been offered on a measured-service basis.

Passed the House April 12, 1985.

Passed the Senate April 9, 1985.

Approved by the Governor April 25, 1985.

Filed in Office of Secretary of State April 25, 1985.

CHAPTER 162

[Second Substitute House Bill No. 428]

REAL ESTATE LICENSES

AN ACT Relating to real estate licenses; and amending RCW 18.85.090, 18.85.095, 18.85.140, and 18.85.215.

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

Sec. 1. Section 15, chapter 252, Laws of 1941 as last amended by section 8, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.090 are each amended to read as follows:

The commission shall be responsible for the preparation of the examination to be submitted to applicants, and shall make and file with the director a list, which may be signed by a majority of the members of the commission conducting the examination, of all applicants who successfully passed the examination and of those who failed.

Any applicant who fails to pass the examination may apply again.

No applicant shall be permitted to take the examination for a real estate broker's license without first satisfying the director that ~~((he))~~ the applicant:

(1) Has had a minimum of two years of actual experience as a full time real estate salesman in this state or in another state having comparable requirements within the five years previous to applying for said examination or is, in the opinion of the director, otherwise and similarly qualified, or is otherwise qualified, by reason of practical experience in a business allied with or related to real estate;

(2) Is eighteen years of age or older;

(3) Has a high school diploma or its equivalent;

(4) Has furnished proof, as the director may require, that ~~((he))~~ the applicant has completed successfully ninety clock hours of instruction in real estate. Instruction must include one course in brokerage management and one course in real estate law. Each course must be at least thirty clock hours. Courses must be completed within five years prior to applying for the examination.

The requirements of subsections (1) through (4) of this section shall not apply to persons who are licensed as brokers under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked: PROVIDED, That requirements for brokers created by this 1972 amendatory act shall apply to any person who is licensed as a salesman on or before ~~((the effective date of this 1972 amendatory act))~~ May 23, 1972, if such person shall apply to become a broker or associate broker after ~~((this 1972 amendatory act is in effect))~~ May 23, 1972.

Sec. 2. Section 7, chapter 139, Laws of 1972 ex. sess. as amended by section 2, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.095 are each amended to read as follows:

It is hereby established that the minimum requirements for an individual to receive a salesman's license are that the individual:

- (1) Is eighteen years of age or older;
- (2) Is a resident of the state of Washington; ~~((and))~~
- (3) Has passed a salesman's examination; and
- (4) Has successfully completed a thirty clock hour course in real estate fundamentals prior to obtaining a first real estate license.

No licensed salesman shall have his license renewed a second time unless he or she furnishes proof, as the director may require, that he or she has successfully completed an additional thirty clock hours of instruction in real estate courses approved by the director.

Nothing in this section shall apply to persons who are licensed as salesmen under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

**Sec. 3. Section 2, chapter 25, Laws of 1979 and RCW 18.85.140 are each amended to read as follows:*

Before receiving his license every real estate broker must pay a license fee of forty dollars, every associate real estate broker must pay a license fee of forty dollars, and every real estate salesman must pay a license fee of twenty-five dollars. Every license issued under the provisions of this chapter expires on the applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to corporations and partnerships expire December 31st, which date will henceforth be their renewal date. On or before the renewal date an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, the renewal license fee shall be fifty-five dollars for a real estate broker and associate real estate broker and thirty-five dollars for a real estate salesman. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable examinations. If the department fails to receive a license renewal fee within eleven months after the date of expiration, the director shall mail a notice warning of the impending cancellation to the person holding the license.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he shall prescribe.

*Sec. 3 was vetoed, see message at end of chapter.

Sec. 4. Section 8, chapter 370, Laws of 1977 ex. sess. and RCW 18-85.215 are each amended to read as follows:

(1) Any license issued under this chapter and not otherwise revoked shall be deemed "inactive" at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, and failure to renew shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted pursuant thereto. If a holder has an inactive license for more than three years, the holder must show proof of successfully completing a thirty clock hour course in real estate within one year prior to the application for active status.

~~((3))~~ (4) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

Passed the House March 8, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 25, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 25, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one provision, Second Substitute House Bill No. 428, entitled:

"AN ACT Relating to real estate licenses."

This bill requires that sales persons and brokers complete a prescribed number of hours of instruction in order to obtain, renew or reinstate their real estate licenses. In addition, in Section 3 of the bill, the Department of Licensing would be required to mail a warning notice of impending cancellation of a license if the department does not receive the renewal fee from a license holder within eleven months after the license expiration date.

I have vetoed Section 3 of the bill because it is more correctly the license holder's responsibility, and not the department's, to complete a timely renewal of the license. There are already sufficient reminders: renewal notices are mailed to the last known address of the licensee sixty days before the due date; real estate brokers are charged by law to employ only currently licensed persons; real estate auditors check the current status of licensees during audits; each licensee's renewal date is fixed on his or her birthday; and, reminders are published quarterly in the Real Estate News.

With the exception of Section 3, Second Substitute House Bill No. 428 is approved."

CHAPTER 163

[Substitute House Bill No. 958]

STATE PARKS AND RECREATION COMMISSION—PARK LAND TRUST TRANSFERS

AN ACT Relating to island trust land transfers; amending RCW 43.51.270 and 43.51.280; and creating new sections.

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

Sec. 1. Section 1, chapter 210, Laws of 1971 ex. sess. as last amended by section 1, chapter 271, Laws of 1981 and RCW 43.51.270 are each amended to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section; the acquisition of the ((Heart Lake)) property described in subsection (3) of this section, and all reasonable costs of acquisition, described in subsection ((3))(4) of this section; the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsection (2) of this section. Timber on the trust lands