

CHAPTER 23

[House Bill No. 573]

STATUTE LAW COMMITTEE—SESSION LAWS PUBLICATION APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the general fund to the statute law committee the sum of ninety-five thousand four hundred ninety-four dollars (\$95,494), or so much thereof as may be necessary, for the preparation, reproduction, printing and mailing of the session laws of the Washington state legislature.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1977.

Passed the Senate April 27, 1977.

Approved by the Governor May 6, 1977.

Filed in Office of Secretary of State May 6, 1977.

CHAPTER 24

[Senate Bill No. 2315]

REAL ESTATE BROKERS AND SALESMEN—EXAMINATIONS—FEES—  
TEMPORARY PERMITS—BRANCH OFFICES—LAND DEVELOPMENT  
REPRESENTATIVES—REGISTRATION

AN ACT Relating to real estate brokers and salesmen; amending section 18, chapter 235, Laws of 1953 and RCW 18.85.085; amending section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120; amending section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85-.140; amending section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150; amending section 42, chapter 52, Laws of 1957 as amended by section 17, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.190; and adding new sections to chapter 18.85 RCW.

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

Section 1. Section 18, chapter 235, Laws of 1953 and RCW 18.85.085 are each amended to read as follows:

The commission shall have authority to hold educational conferences for the benefit of the industry, and shall conduct examinations of applicants for licenses under this chapter. It shall be charged with the preparation of such examinations and shall administer them at ~~((stated periods))~~ least once a month, with not less than ~~((three))~~ six examinations per year in each of the following six areas of the state ~~((per year))~~: Northwest Washington, southwest Washington, northeast Washington, southeast Washington, north central Washington, and south central Washington.

Sec. 2. Section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120 are each amended to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of (~~fifteen~~) twenty-five dollars if a salesman's license is applied for and of (~~twenty-five~~) forty dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be in duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by registered mail to the office address of the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Sec. 3. Section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. 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 (~~twenty-five~~) forty dollars, every associate real estate broker must pay a license fee of (~~twenty-five~~) forty dollars, and every real estate salesman must pay a license fee of (~~fifteen~~) 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 (~~thirty-five~~) fifty-five dollars for a real estate broker and associate real estate broker and (~~twenty~~) 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 director shall issue to each broker, associate broker, and salesman a license and a pocket identification card in such form and size as he shall prescribe.

Sec. 4. Section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150 are each amended to read as follows:

~~((The director may issue a temporary salesman's permit pending examination, to any applicant who, in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with full responsibility for such temporary salesmen to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licenses are available which in no event shall be longer than six months. The director, however, shall not require any such applicant to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.~~

~~The holder of a temporary permit is required to obtain thirty hours of instruction in real estate within seventy days after his temporary permit is issued. Such instruction may be furnished by his broker or personnel in the office he is licensed to, any prelicense school, community college or other institution providing education. The employing broker and such temporary permit holder shall certify the completion of such instruction within five days thereafter upon forms provided by the director. PROVIDED, That failure to make such certification or falsification thereof shall be ground for disciplinary action under this 1972 amendatory act.))~~

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased broker, the senior qualified salesman in that office or other qualified representative of the deceased, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

Sec. 5. Section 42, chapter 52, Laws of 1957 as amended by section 17, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.190 are each amended to read as follows:

A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of ~~((five))~~ twenty-five dollars for each branch office. The director shall issue a duplicate license for each of the branch offices showing the location of the main office

and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be an associate broker authorized by the designated broker to perform the duties of a branch manager.

A branch office license shall not be required where real estate sales activity is conducted on and, limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract. A real estate broker shall apply for a branch office license if real estate sales activity on the particular subdivision or tract is five days or more per week.

NEW SECTION. Sec. 6. There is added to chapter 18.85 RCW a new section to read as follows:

The director shall issue a land development representative registration for any applicant, upon application made by the employing real estate broker, on a form provided by the department. The minimum requirements for an individual to be registered as a land development representative are that the applicant shall:

- (1) Be eighteen years of age or older;
- (2) Be a resident of the state of Washington; and
- (3) Furnish such proof as the director may require concerning the applicant's honesty, good reputation, and identification including finger prints.

NEW SECTION. Sec. 7. There is added to chapter 18.85 RCW a new section to read as follows:

The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed as set forth in this chapter for licenses. A fee of fifteen dollars shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. No registration may be transferred to another broker, nor may a representative be registered to more than one broker at a time. Upon the termination of employment of any representative the broker shall release and return the registration of that representative to the department.

NEW SECTION. Sec. 8. There is added to chapter 18.85 RCW a new section to read as follows:

(1) The activity of a land development representative registered with a broker under this chapter shall be restricted to land developments as defined in this section and limited to:

- (a) Disseminating information;
  - (b) Contacting prospective purchasers; and
  - (c) Transporting prospective purchasers to the land development site.
- (2) This section shall not be construed to authorize any representative to:
- (a) Engage in the selling of real estate;
  - (b) Negotiate for or bind the broker in any agreement relating to the sale of real estate;
  - (c) Receive or handle funds;
  - (d) Assist in preparation of documentation attendant upon sale of real estate; or
  - (e) Engage in any other conduct or activity specified in any of the definitions under RCW 18.85.010, except as provided by subsection (1) of this section.

(3) The words "land development" as used in this chapter mean land which is divided, for the purpose of disposition, into ten or more parcels on which no residential structure exists at the time it is offered for sale.

NEW SECTION. Sec. 9. There is added to chapter 18.85 RCW a new section to read as follows:

Full responsibility for the activities of the land development representative registered under this chapter shall rest with the employing broker. The director may deny, suspend, or revoke the registration of any representative or the license of the employing broker for any violation of this chapter by the representative.

Passed the Senate May 2, 1977.

Passed the House April 29, 1977.

Approved by the Governor May 11, 1977.

Filed in Office of Secretary of State May 11, 1977.

## CHAPTER 25

[Substitute Senate Bill No. 2063]

### LEGISLATION—FISCAL NOTES

AN ACT Relating to the fiscal impact of legislation; amending section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. The legislature hereby recognizes the necessity of developing a uniform and coordinated procedure for determining the expected fiscal impact of bills and resolutions on state government. The legislature also recognizes that developing such statements of fiscal impact, which shall be known as fiscal notes, requires the designation of a state agency to be principally responsible therefor.

NEW SECTION. Sec. 2. The office of program planning and fiscal management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years.

In establishing the fiscal impact called for pursuant to this chapter, the office of program planning and fiscal management shall coordinate the development of fiscal notes with all state agencies affected.

NEW SECTION. Sec. 3. When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of program planning and fiscal management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

- (1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means, or its successor;