

Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

308-13	Board of registration for landscape architects.	308-390-104
308-14	Court reporters.	
308-20	Cosmetology—Barber—Manicurist—Esthetician rules.	
308-48	Funeral directors and embalmers.	
308-56A	Certificates of title—Motor vehicles, etc.	
308-59	Transportation benefit district administration.	
308-63	Wreckers.	
308-72	Motor vehicle fuel tax.	
308-77	Special fuel tax rules and regulations.	
308-78	Aircraft fuel tax.	
308-96A	Vehicle licenses.	
308-100	Drivers' licenses—Special provisions.	
308-104	Drivers' licenses.	
308-107	Ignition interlock driver's license.	
308-108	Driver training schools.	308-390-107
308-124A	Real estate—Licensing and examination.	
308-125	Real estate appraisers.	
308-391	Uniform Commercial Code, Article 9.	
308-408	Definitions.	
308-408A	Licensing.	
308-408B	Education.	308-390-108
308-408C	Standards of practice.	

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

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

308-390-100	General provisions. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-100, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-109
308-390-101	Definitions. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-101, 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, § 308-390-101, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-201
308-390-102	Means to deliver UCC records and time of filing. [Statutory Authority: RCW 62A.9A-526, and chapters 60.68, 60.13, 9A.82 RCW. 09-07-063, § 308-390-102, filed 3/12/09, effective 4/12/09. Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-102, 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, § 308-390-102, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-202
308-390-103	Search request delivery. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-103, filed 4/27/01, effective 7/1/01.]	308-390-203

Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Forms. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-104, 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, § 308-390-104, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Fees. [Statutory Authority: RCW 62A.9A-526, 2008 c 290, and chapters 60.11, 60.13, 60.68 RCW, RCW 43.24.086. 08-14-062, § 308-390-105, filed 6/25/08, effective 7/26/08. 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.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Expedited services. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-106, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Methods of payment. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-107, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Overpayment and underpayment policies. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-108, 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, § 308-390-108, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Bulk records. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-109, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Multiple names. [Statutory Authority: RCW 62A.9A-526. 04-19-034, § 308-390-201, filed 9/9/04, effective 10/12/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-201, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Deadline for filing a continuation statement. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-202, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Acknowledgment. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-203, 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, § 308-390-203, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

308-390-204	Grounds for refusal. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-204, 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, § 308-390-204, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-300	UCC information management system. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-300, 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, § 308-390-300, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-310 Status of parties upon filing a termination. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-310, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-301	Primary data elements. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-301, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-311 Correction statement. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-311, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-302	Names of debtors who are individuals. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-302, 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, § 308-390-302, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-312 Procedure upon lapse. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-312, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-303	Names of debtors that are organizations. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-303, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-313 XML records. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-313, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-304	Estates. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-304, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-314 EDI documents. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-314, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-305	Trusts. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-305, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-315 Direct on-line (non-XML) filing and search procedures. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-315, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-306	Initial financing statement. [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.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-400 Filing and data entry procedures. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-400, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-307	Amendment. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-307, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-401 Errors of the filing officer. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-401, 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, § 308-390-401, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-308	Assignment of powers of secured party of record. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-308, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.	308-390-402 Notice of bankruptcy. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-402, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
308-390-309	Status of parties upon filing a continuation. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-309, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed	308-390-403 Data entry of names. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-403, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
		308-390-500 Search requests and reports. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-500, 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, § 308-390-500, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

- 308-390-501 Search requests. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-501, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-502 Rules applied to search requests. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-502, 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, § 308-390-502, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-503 Optional information. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-503, 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, § 308-390-503, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-504 Search responses. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-504, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-505 Transition. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-505, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-600 Other lien notices. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-600, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-601 Agricultural liens. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-601, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-602 Processor lien or preparer. [Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-602, 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, § 308-390-602, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.
- 308-390-603 Notice of liens in favor of a governmental body. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-603, filed 4/27/01, effective 7/1/01.] Repealed by 09-12-067, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. Later promulgation, see chapter 308-391 WAC.

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-150 Landscape architect fees and charges.

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected:

Title of Fee	Fee
Application fee	\$250.00
Reexamination administration fee	250.00
Renewal (2 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial registration (2 years)	450.00
Reciprocity application fee	450.00
Replacement wall certificate	20.00

[Statutory Authority: RCW 18.96.080, 18.96.090, 18.96.100, 18.96.110, 43.24.086. 09-15-124, § 308-13-150, filed 7/17/09, effective 8/17/09. 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.]

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:

Title of Fee	Fee
Certification	
Application	\$150.00
Renewal	125.00
Late renewal penalty	125.00
Verification	25.00
Duplicate	15.00

[Statutory Authority: RCW 43.24.086 and 18.145.050. 09-22-051, § 308-14-200, filed 10/29/09, effective 12/1/09; 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 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN RULES

WAC

308-20-210 Fees.

WAC 308-20-210 Fees. In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
License application	\$25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Certification	25.00
Instructor:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Certification	25.00
Manicurist:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate	15.00
Certification	25.00
Esthetician:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate	15.00
Certification	25.00
Barber:	
License Application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Certification	25.00
School:	
License application	300.00
Renewal (one-year license)	300.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
License application	110.00
Renewal (one-year license)	110.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile unit:	
License application	110.00
Renewal (one-year license)	110.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services:	
License application	110.00
Renewal (one-year license)	110.00

Title of Fee	Fee
Late renewal penalty	50.00
Duplicate license	15.00

[Statutory Authority: RCW 43.24.086 and 18.16.030. 09-24-062, § 308-20-210, filed 11/25/09, effective 1/1/10; 06-02-048, § 308-20-210, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.-023. 03-14-046, § 308-20-210, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.086. 03-06-054, § 308-20-210, filed 2/28/03, effective 4/1/03. Statutory Authority: RCW 18.16.030, 43.24.086, and 43.135.055. 02-09-040, § 308-20-210, filed 4/12/02, effective 1/1/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-210, filed 7/17/92, effective 8/17/92. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-210, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-210, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

Chapter 308-48 WAC

FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-010	Definitions.
308-48-015	Retired status certificate of registration.
308-48-141	Application for examination and reciprocity.
308-48-142	Licensing examination.
308-48-800	Funeral director/embalmer fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-190	Examination fee. [Statutory Authority: RCW 18.39.-175. 83-04-020 (Order PL 419), § 308-48-190, filed 1/26/83; Order PL-249, § 308-48-190, filed 5/21/76.] Repealed by 09-17-116, filed 8/18/09, effective 9/18/09. Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 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 and be in service at a specific location and involved in the execution of the daily activities of the business.

"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. 09-06-043, § 308-48-010, filed 2/25/09, effective 3/28/09; 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 308-48-015 Retired status certificate of registration. Any individual who has been issued a license, in accordance with chapter 18.39 RCW, as a funeral director and/or embalmer having reached at least the age of sixty-two and having discontinued active practice may be eligible to

obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees and continuing education are waived. For the purpose of this provision, active practice has the same meaning as funeral director and/or embalmer under RCW 18.39.010 (1) and (2).

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application form, as provided by the board, and pay the required application fee. The retired status would become effective upon the filing of a complete application.

(2) Privileges. In addition to the waiver of the renewal fee and continuing education, a retired registrant is permitted to:

- (a) Retain and display the board-issued wall certificate of registration;
- (b) Use the title funeral director and/or embalmer, provided that it is supplemented by the term "retired";
- (c) Offer consultant services relative to funeral directing and embalming;
- (d) Provide references for persons seeking licensure under 18.39 RCW;
- (e) Serve as a volunteer in an instructional capacity on funeral directing and/or embalming topics; and
- (f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to funeral directing and/or embalming work performed by the registrant prior to being granted a retired registration.

(3) Restrictions. A retired registrant is not permitted to: Perform any duties of a funeral director and/or embalmer on a full-time, part-time or occasional basis.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active practice as a funeral director and/or embalmer. At that time, the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired certificate of registration if his/her license(s) has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.39 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-two, shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 09-06-043, § 308-48-015, filed 2/25/09, effective 3/28/09.]

WAC 308-48-141 Application for examination and reciprocity. (1) Applicants for initial licensing as a funeral director or embalmer must submit:

- (a) An application on a form prescribed by the board.
 - (b) Official sealed college transcripts.
 - (c) Official national board or other state board examination scores.
 - (d) A nonrefundable application fee as defined in WAC 308-48-800.
- (2) Applicants seeking reciprocity must submit:
- (a) An application on a form prescribed by the board.

(b) Official verification of out-of-state licensure from the out-of-state licensing board.

(c) Official sealed college transcripts, if licensed in another state for a period of less than five years.

(d) A nonrefundable application fee as defined in WAC 308-48-800.

[Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW. 09-17-116, § 308-48-141, filed 8/18/09, effective 9/18/09.]

WAC 308-48-142 Licensing examination. (1) The board adopts the national examination and grading procedure of the International Conference of Funeral Service Examining Boards (ICFSEB).

(2) All applicants must pass a state law examination. In addition, applicants for funeral director licensing are required to pass an examination in funeral arts. Applicants for embalmer licensing must pass an examination in funeral sciences.

(3) Examination fees must be paid to and collected by the ICFSEB directly.

[Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW. 09-17-116, § 308-48-142, filed 8/18/09, effective 9/18/09.]

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 application	\$100.00
Renewal	140.00
Late renewal penalty	35.00
Duplicate	25.00
Embalmer intern:	
Intern application	125.00
Application for examination	100.00
Intern renewal	90.00
Duplicate	25.00
Funeral director:	
State examination application	100.00
Renewal	140.00
Late renewal penalty	35.00
Duplicate	25.00
Funeral director intern:	
Intern application	125.00
Application for examination	100.00
Intern renewal	90.00
Duplicate	25.00
Funeral establishment:	
Original application	400.00
Renewal	300.00
Branch registration	350.00
Branch renewal	300.00
Preneed application	250.00
Preneed renewal:	200.00
Crematory endorsement registration	210.00
Crematory endorsement renewal	6.50
Charge per cremation performed during previous calendar year.	
Academic intern	No fee

Title of Fee	Fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00
Retired status certificate	No fee

[Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW. 09-17-116, § 308-48-800, filed 8/18/09, effective 9/18/09. 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.]

Chapter 308-56A WAC

CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC

308-56A-040	Name and address—Change of address.
308-56A-160	Model year—How determined.
308-56A-420	Delivery of vehicle on dealer temporary permit.
308-56A-460	Destroyed or wrecked vehicle—Reporting—Rebuilt.
308-56A-500	Definitions.

WAC 308-56A-040 Name and address—Change of address. (1) If the registered owner's address changes, does the owner need to notify the department?

Yes.

(2) What information do registered owners need to provide to the department if their address changes?

The owner must provide to the department:

- The registered owner's name (natural person or business) as it appears on the vehicle record(s);
- The license plate number or vehicle identification number (VIN) of each vehicle; and
- The street address for the primary residence and a separate mailing address if different from the primary residence address as defined in WAC 308-56A-030(2). The address must include a five digit zip code or the nine digit zip code if known.

(3) Who may file an address change or correction?

- The registered owner of the vehicle; or
- A public official, governmental agency, or taxing authority when proof of disputed residence is established; or
- A contractor who verifies or supplies correct addresses obtained from a public official or governmental agency.

This section does not relieve the registered owner of the responsibility to notify the department of an address change.

(4) Are there exceptions to the requirement to provide a primary residence street address on the department's change of address form?

Yes. Registered owners must meet one of the exceptions in WAC 308-56A-030(4) and complete and sign a form developed by the department indicating which exception they meet.

(5) Does the address need to conform to United States Postal Service (USPS) standards?

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(6) When is the registered owner required to certify the truth of the address information provided?

The registered owner is required to complete and sign a declaration under penalty of perjury if the department receives notice that there may be an error in the address information provided for the vehicle record. These records will be flagged to require the declaration be submitted before any transactions can be processed on that record.

(7) What is the penalty if the applicant or registered owner provides false address information when changing an address?

A person providing false address information is guilty of a gross misdemeanor punishable by a fine of five hundred twenty-nine dollars.

(8) Is my residence address subject to public disclosure?

The department of licensing complies with statutory standards for disclosure set out in chapter 46.12 RCW and the Driver's Privacy Protection Act set out in 18 U.S.C. Secs. 2721-2725.

[Statutory Authority: RCW 46.01.110. 09-24-038, § 308-56A-040, filed 11/24/09, effective 12/25/09. Statutory Authority: RCW 46.16.010. 05-23-135, § 308-56A-040, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110. 04-07-168, § 308-56A-040, filed 3/23/04, effective 4/23/04; 03-05-081, § 308-56A-040, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-040, filed 12/7/98, effective 1/7/99; 92-15-024, § 308-56A-040, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-160 Model year—How determined.

(1) How is a model year assigned to a vehicle? The model year for a vehicle is the model year assigned by the manufacturer. If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, a street rod, or assembled vehicle, the following criteria will be used to establish the model year:

(a) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer must be used.

(b) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(c) The model year for assembled vehicles will be determined at the time of inspection based on the date of manufacture of the vehicle that the newly assembled vehicle most closely resembles.

(2) Are there standards for assigning model years that manufacturers must follow? Manufacturers must adopt standards for assigning model years based on the date of manufacture as outlined in 46 CFR. Manufacturers must designate the model year on the manufacturer's certificate of origin (MCO), manufacturer's statement of origin (MSO) or similar documents.

(3) How are model years assigned to vehicles that are incomplete? Manufacturers of chassis or incomplete vehicles sold to manufacturers who issue separate MCOs/MSOs need not assign model year to the chassis or incomplete vehi-

cle. The final stage manufacturer of these vehicles must assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year will be used on the certificates of ownership and registration.

(4) For purposes of this section the following terms will have the meanings indicated:

(a) "Manufacture" means to produce or assemble vehicles or vehicle equipment in the customs territory of the United States or to import.

(b) "Manufacturer" means:

(i) A person engaged in the business of manufacturing vehicle or vehicle equipment, including predecessor or successor of the person to the extent provided under regulations prescribed by the Secretary of Transportation in 49 CFR; and

(ii) If more than one person is the manufacturer of a vehicle, the person specified under regulations prescribed by the Secretary of Transportation in 49 CFR.

(c) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

- (i) Frame and chassis structure;
- (ii) Power train;
- (iii) Steering system;
- (iv) Suspension system; and
- (v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(d) "Model" means a name that a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(e) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

[Statutory Authority: RCW 46.01.110. 10-02-034, § 308-56A-160, filed 12/30/09, effective 1/30/10. Statutory Authority: RCW 46.01.110, 46.12-040, 46.16.216. 03-12-006, § 308-56A-160, filed 5/22/03, effective 6/22/03; 99-12-031, § 308-56A-160, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-160, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-56A-160, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-160, filed 6/30/93, effective 7/31/93.]

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. How do I deliver a vehicle using a dealer temporary permit?

(1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing an electronic dealer temporary permit or a hard copy dealer temporary permit.

Note: Effective July 1, 2011, an electronic dealer permit (e-permit) will replace a hard copy dealer permit. A hard copy dealer temporary permit will only be issued after July 1, 2011, in the instance of "system unavailability" (for example: An issue with auctions that go on-site and cannot access the internet) and an electronic permit cannot be issued.

(2) The application for title portion of the permit form must be properly and completely filled out by the sell-

ing/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the purchaser/lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

(3) The dealer must collect all fees required for titling and registration of a vehicle.

(4)(a) For e-permit, the permit printed by the system must display the expiration date and e-permit number. The date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser/lessee.

(b) For hard copy permits, the dealer must detach the hard copy of the dealer permit and must record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser/lessee.

(5) The application copies must be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary permit is authorized; the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date the vehicle is physically delivered to the purchaser/lessee. The date that the selling or leasing dealer physically delivers the vehicle to the purchaser/lessee will start the forty-five day interval of an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The electronic or hard copy dealer temporary permit, temporary vehicle registration, and a purchase order identifying the vehicle and the date that the vehicle was physically delivered to the purchaser/lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The electronic or hard copy dealer temporary permit must be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing behind the vehicle.

(8) The electronic or hard copy dealer temporary permit is valid for not more than forty-five calendar days starting with the date that the vehicle is physically delivered to the purchaser/lessee.

(9) The electronic or hard copy dealer temporary permit will not be issued:

- (a) For a dealer inventoried vehicle that has not been sold or a dealer or dealer-employee operated vehicle;
- (b) As a demonstration permit;
- (c) For a vehicle processed as a courtesy delivery.

(10) Fees paid for an electronic or hard copy dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer.

(11) The dealer must maintain a record of each dealer temporary permit acquisition and distribution including the following:

- (a) Date and location of purchase of each permit and the permit number;

(b) Identification of vehicles delivered on temporary permits;

(c) Dates of vehicle sales, leases and deliveries.

[Statutory Authority: RCW 46.01.110. 09-16-017, § 308-56A-420, filed 7/24/09, effective 8/24/09. Statutory Authority: RCW 46.70.160. 05-14-092, § 308-56A-420, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 46.70.160 and 46.70.110. 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160. 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

WAC 308-56A-460 Destroyed or wrecked vehicle—Reporting—Rebuilt. (1) **What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.12.005;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

(2) **How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?**

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's on-line reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form (TD 420-074).

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED," and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 is also required.

(3) **What is the current market value threshold amount?** The current market value threshold amount is six thousand seven hundred ninety dollars.

(4) **How is the market value threshold amount determined?** Using the current market value threshold amount described in RCW 46.12.005 each year the department will add the increased value if the increase is equal to or greater than fifty dollars.

(5) **What if the "market value threshold amount" is not provided as required?** If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.005 has been met. The certificate of ownership will be branded according to WAC 308-56A-530.

(6) **What documentation is required to obtain a certificate of ownership after a vehicle is destroyed?** After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of ownership:

(a) Application for certificate of ownership as described in RCW 46.12.030;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holders are not required since liens are presumed to have been satisfied at the time of settlement of the claim.

(d) Odometer disclosure statement, if applicable.

(7) **What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle?** Except as permitted by RCW 46.70.101 (1)(b)(viii), before a dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a vehicle inspection by the Washington state patrol; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(8) **Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle?** Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16.233, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

(9) **Will the certificate of ownership or registration certificate indicate "WA REBUILT"?** Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

[Statutory Authority: RCW 46.12.005 and 46.01.110. 09-19-113, § 308-56A-460, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.01.110. 04-08-080, § 308-56A-460, filed 4/6/04, effective 5/7/04; 02-19-016, § 308-56A-460, filed 9/9/02, effective 10/10/02; 01-20-010, § 308-56A-460, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110 and 46.12.070. 00-06-025, § 308-56A-460, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110. 92-15-024, § 308-56A-460, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-56A-460, filed 1/29/91, effective 3/1/91; Order MV 208, § 308-56A-460, filed 7/31/74.]

WAC 308-56A-500 Definitions. The following definitions apply to terms used in chapters 46.12 and 46.16 RCW and chapter 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership is unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

(4) "Brands" means a permanent notation on the electric vehicle record which prints on the certificate of ownership and vehicle registration certificate that records a circumstance or condition involving a vehicle.

(5) "Brands incident date" is the date that a brand was first applied to a vehicle. For states/jurisdictions participating in the National Motor Vehicle Title Information System (NMVTIS), it's the date the brand was first reported. For all states or jurisdictions, it is established by using the date the current title was issued. Brands on Washington records prior to the effective date of this rule will reflect a brand incident date equal to the date the last Washington certificate of ownership was issued.

(6) "Certificate of ownership" (also referred to as "certificate of title" or "title") is a legal document indicating proof of ownership and will establish a fact or sustain a judgment unless contradictory evidence is produced. A certificate of ownership may be a document other than a title when a title document is not issued by a jurisdiction. For example, for Canadian vehicles, the certificate of ownership is the registration.

(7) "Comment" means an indication on the certificate of ownership, vehicle title or registration application or vehicle registration certificate that relates to tax liability, type of

ownership, title transaction type or a previous condition of the vehicle.

(8) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

(9) "Current license plate registration" means the current registration or one that has been expired less than one year.

(10) "Department" means the same as described in RCW 46.04.162.

(11) "Department temporary permit" is a permit issued temporarily in lieu of permanent registration and license plates when required documentation is unavailable.

(12) "Electronic/electronically filing" is a method to transmit information to the department that may include, but is not limited to, the use of the internet or facsimile.

(13) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

(14) "Impossible to affix" as used in RCW 46.12.240, means that there is nothing made by the manufacturer for the originally manufactured vehicle which would allow the license plate to be affixed to the vehicle in the manner prescribed in RCW 46.12.240.

(15) "Joint tenancy with rights of survivorship" (JTWROS) means two or more people who own a vehicle in joint tenancy with the right to own individually if one of them dies.

(16) "Jurisdiction code" means an abbreviation used by the department that indicates state, province, district, or country.

(17) "Legal owner" means the same as described in RCW 46.04.270.

(18) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(19) "Market value threshold amount" is the amount assigned to vehicles which includes a motor vehicle amount as defined in RCW 46.12.005 is required.

(20) "Natural person" means a human being.

(21) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(22) "A declaration under penalty of perjury" means a statement signed by the applicant to the effect - "I declare under penalty of perjury under the laws of the state of Washington that the information I have provided on this form is true and correct." Anyone who knowingly makes a false statement may be guilty of a crime under state law.

(23) "Person" means the same as described in RCW 46.04.405.

(24) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

(25) "Registered owner" means the same as described in RCW 46.04.460.

(26) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(27) "Security interest holders" means in this instance, the same as "lien holder" as defined in subsection (18) of this section.

(28) "Secured party" means in this instance the same as "lien holder" as defined in subsection (18) of this section.

(29) "Standard brand" is a brand found on the brands list maintained by the National Motor Vehicle Title Information System (NMVTIS) program.

(30) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

(31) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

(32) "Unique brand" means a brand issued by a state that is not participating in the National Motor Vehicle Title Information System (NMVTIS) program and does not appear on the brands list maintained by NMVTIS.

(33) "Vehicle seller's report of sale" is a document or electronic record transaction 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 of ownership has occurred.

(34) A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(35) "Washington vehicle licensing office" means an office that is operated by the department or an agent or sub-agent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

[Statutory Authority: RCW 46.12.005 and 46.01.110. 09-19-113, § 308-56A-500, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-56A-500, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.16.010. 05-23-135, § 308-56A-500, filed 11/22/05, effective 1/3/06. Statutory Authority: RCW 46.01.110. 05-07-152, § 308-56A-500, filed 3/23/05, effective 5/15/05; 04-08-081, § 308-56A-500, filed 4/6/04, effective 5/7/04; 02-19-016, § 308-56A-500, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 65.20.110. 00-13-083, § 308-56A-500, filed 6/20/00, effective 7/21/00; 00-06-004, § 308-56A-500, filed 2/18/00, effective 3/20/00; 90-11-091, § 308-56A-500, filed 5/18/90, effective 6/18/90.]

Chapter 308-59 WAC

TRANSPORTATION BENEFIT DISTRICT ADMINISTRATION

WAC

308-59-505	Assessing transportation benefit district fees.
308-59-510	Vehicle fee—Transportation benefit district—Exemptions.

WAC 308-59-505 Assessing transportation benefit district fees. All owners of qualified vehicles may be charged a transportation benefit district vehicle fee in accordance with RCW 82.80.140 with reference to vehicles registered under RCW 46.16.0621 and 46.16.070.

[Statutory Authority: RCW 46.01.110. 09-24-039, § 308-59-505, filed 11/24/09, effective 12/25/09.]

WAC 308-59-510 Vehicle fee—Transportation benefit district—Exemptions. The following vehicles are exempt from transportation benefit district vehicle fees imposed under chapter 82.80 RCW:

(1) Vehicles with tax code 95 (vehicles taxed as personal property, such as mobile homes);

(2) Vehicles with the following use classes:

(a) C/G (converter gear);

(b) CMB (combination nonpowered);

(c) CMP (campers);

(d) COM (commercial nonpowered);

(e) EX (exempt);

(f) FAR (farm);

(g) FCB (farm combination);

(h) FED (federally owned);

(i) FEX (farm exempt);

(j) H/C (horseless carriage);

(k) H/D (house moving dolly);

(l) LOG (if nonpowered and used exclusively for hauling logs under RCW 46.16.085);

(m) MOB (mobile home);

(n) PED (moped);

(o) ORV (off road vehicle);

(p) RES (restored and collector vehicles);

(q) SCH (private school);

(r) SNO (snowmobile);

(s) SNX (exempt snowmobile);

(t) TLR (personal use single axle and less than two thousand pounds scale weight); or

(u) TOW (tow trucks);

(3) Vehicles registered under WAC 308-96A-050, (non-resident members of the armed forces);

(4) Vehicles registered under WAC 308-96A-400, (Indian tribes and tribal members);

(5) Vehicles registered under WAC 308-96A-046, (disabled American veterans or former prisoner of war);

(6) Vehicles registered under WAC 308-96A-180, (rental cars);

(7) Passenger motor vehicles registered under WAC 308-96A-175 and 308-96A-176, (ride-sharing and transportation needs ride-sharing vehicles);

(8) Vehicles registered under WAC 308-96A-062, (Transfer or destruction of honorary consul special license plates); and

(9) Vehicles registered under RCW 46.16.305, (Medal of Honor recipients).

[Statutory Authority: RCW 46.01.110. 09-24-039, § 308-59-510, filed 11/24/09, effective 12/25/09.]

**Chapter 308-63 WAC
WRECKERS**

WAC

308-63-010	Definitions—General.
308-63-020	Bill of sale.
308-63-040	Wreckers—Application for license.
308-63-050	Expiration of motor vehicle wrecker's license.
308-63-060	Vehicle wrecker—Special plates.
308-63-070	Wreckers—General procedures and requirements.
308-63-080	Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts.
308-63-090	Vehicle wrecker—Records and procedures for monthly reports.
308-63-100	Vehicle wrecker—Must furnish bill of sale for parts.
308-63-110	Vehicle wrecker—Selling used vehicles.
308-63-120	Statement of change in business structure, ownership interest or control.
308-63-130	Termination of business.
308-63-140	Sale, transfer or other disposition of noncorporate licensee.
308-63-160	Incorporation of licensee while licensed.

WAC 308-63-010 Definitions—General. (1) Department - means the department of licensing of the state of Washington.

(2) Director - means the director of the department of licensing.

(3) Destroy - means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Market value threshold amount is the amount assigned to vehicles which includes a motor vehicle having a designation that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged. For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 and WAC 308-56A-500 is also required.

(5) Acquire - means the physical custody together with proof of ownership as provided under WAC 308-63-080.

(6) Custody - means the possession of a vehicle that the wrecker owns but for which ownership documents required in WAC 308-63-080 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

(7) Obscure - means to screen the wrecker activity from public view.

(8) Segregated area - means an area within the wrecking yard, which must be designated by a physical barrier. The physical barrier may be portable, made of substantial posts and connected by rope, chain, cable, or of other equally strong construction.

[Statutory Authority: RCW 46.12.005 and 46.01.110. 09-19-113, § 308-63-010, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-010, filed 3/27/09, effective 4/27/09; 01-03-141, § 308-63-010, filed 1/24/01, effective 2/24/01. Statutory Authority: RCW 46.55-190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-010, filed 4/6/93, effective 5/7/93.]

WAC 308-63-020 Bill of sale. May I acquire a vehicle on a bill of sale?

(1) Bill of sale for acquiring vehicles. A bill of sale must include the names and addresses of the seller and purchaser; a description of the vehicle being purchased, including the make, model and identification or serial number; the date of purchase; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has surrendered the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

May I acquire a vehicle part on a bill of sale?

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale must be maintained on acquired parts for a period of three years.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-020, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-020, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-020, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-020, filed 4/6/93, effective 5/7/93.]

WAC 308-63-040 Wreckers—Application for license. How must I apply for a vehicle wrecker license?

An original or renewal application for a wrecker license must be filed with the director on the form provided by the department for this purpose. The application must be endorsed by the chief of police of any city with a population over five thousand; otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that the applicant's vehicle(s) are properly identified in accordance with WAC 308-63-070(5).

Each application must specify the number of vehicles owned, leased, rented or otherwise operated by the applicant for towing or transportation of vehicles on public roadways in the conduct of the business. Each endorsement must identify the vehicle by make, model, year or other adequate description, and identification number.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-040, filed 3/27/09, effective 4/27/09; 01-03-141, § 308-63-040, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-040, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-040, filed 4/6/93, effective 5/7/93.]

WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire? (1) A vehicle wrecker's license will expire twelve consecutive months from the date of issuance.

(2) Vehicle wrecker license plates will expire on the same date as the expiration of the license.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-050, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-050, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-050, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-050, filed 4/6/93, effective 5/7/93.]

WAC 308-63-060 Vehicle wrecker—Special plates. How do I use the special vehicle wrecker license plates? All vehicles used for towing or transporting vehicles or vehicle parts by a vehicle wrecker on the highways of this state in the conduct of the business must bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles or vehicle parts in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or vehicle parts, the applicant must so inform the department and may obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or vehicle parts must display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-060, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-060, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-060, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-060, filed 4/6/93, effective 5/7/93.]

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers must comply with all rules set forth in this chapter and the requirements of chapter 46.80 RCW relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker must be conducted entirely within the established place of business. A physical barrier must designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it must be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence must be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers must be kept in good repair.

(d) Reasonable consideration will be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

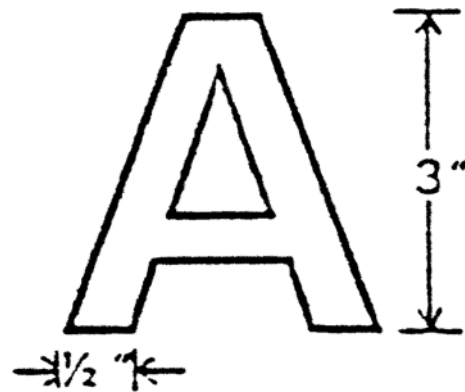
(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same license. The vehicle wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the depart-

ment. Each wrecking or storage yard must comply with local zoning regulations, chapter 46.80 RCW, and the requirements of this chapter. Duplicate vehicle wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department must be notified within ten days of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate issued by the department to a licensed wrecker must be displayed conspicuously at each business address and must be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or vehicle parts which are operated on the highways of this state must display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information must be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and must be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard must be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker must destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. A catalytic converter is a major component part. Under RCW 46.80.010(5) the term "engines, short blocks, transmissions and drive axles" will not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" will mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140, 09-08-065, § 308-63-070, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-070, filed 6/30/05, effective 7/31/05; 01-03-141, § 308-63-070, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-070, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-63-070, filed 4/6/93, effective 5/7/93.]

WAC 308-63-080 Vehicle wrecker—Procedures for acquiring vehicles and vehicle parts. What ownership documents may I use to acquire vehicles or vehicle parts?

The vehicle wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-56A-460(2).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55.230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

(9) A bill of sale from another licensed vehicle wrecker.

(10) Bill of sale from a salvage pool auction.

[Statutory Authority: RCW 46.80.140, 09-08-065, § 308-63-080, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-080, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-080, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-63-080, filed 4/6/93, effective 5/7/93.]

WAC 308-63-090 Vehicle wrecker—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report?

(1) **Wrecker books and files.** The wrecker must maintain books and files that contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of ownership number if registered in a title state, or registration number if a nontitling state; or description of the document used in lieu of title, such as an affidavit of sale, a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount prior to the vehicle being wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460. If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met prior to the vehicle being wrecked.

What is "market value threshold amount?" The current market value threshold amount is six thousand seven hundred ninety dollars. For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 and WAC 308-56A-500 is also required.

How is the market value threshold amount determined? Using the current market value threshold amount described in RCW 46.12.005 each year the department will add the increased value if the increase is equal to or greater than fifty dollars.

If the value is less than fifty dollars the department will track the increased value amount each year until the amount is equal to or greater than fifty dollars.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors must be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker must retain a copy of the invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The information must be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **The vehicle wrecker must furnish written reports.** By the tenth of the month following the month of acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that the vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, under WAC 308-63-070(8), will not be reported. The report must be made in duplicate. The original must be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report must contain information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of ownership or other adequate evidence of ownership and registration certificates. Records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records must be kept for three years from the date of purchase and made available for inspection.

(3) **Identity of vehicles in yard.** A yard number must identify all vehicles placed in the wrecking yard. The number must be assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number

of the vehicle must be remarked in another location on the vehicle.

[Statutory Authority: RCW 46.12.005 and 46.01.110. 09-19-113, § 308-63-090, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-090, filed 3/27/09, effective 4/27/09. Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-63-090, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 46.80.140. 05-14-093, § 308-63-090, filed 6/30/05, effective 7/31/05. Statutory Authority: Chapter 46.55 RCW. 02-19-036, § 308-63-090, filed 9/10/02, effective 10/11/02. Statutory Authority: RCW 46.80.140. 00-13-019, § 308-63-090, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-090, filed 4/6/93, effective 5/7/93.]

WAC 308-63-100 Vehicle wrecker—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No vehicle wrecker may sell a vehicle part unless the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No vehicle wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The vehicle wrecker must retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-100, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-100, filed 6/30/05, effective 7/31/05; 01-03-141, § 308-63-100, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-100, filed 4/6/93, effective 5/7/93.]

WAC 308-63-110 Vehicle wrecker—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license? (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition must be kept inside the wrecking yard and must be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section means a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable does not include a requirement to be currently licensed.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-110, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-110, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-110, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-110, filed 4/6/93, effective 5/7/93.]

WAC 308-63-120 Statement of change in business structure, ownership interest or control. When must I report a change? Any person, firm, association, corporation or trust licensed under chapter 46.80 RCW must, within ten days following any change in its business or ownership structure, file a statement with the department, describing with particularity the change in its business structure or the change in ownership interest.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-120, filed 3/27/09, effective 4/27/09; 00-13-019, § 308-63-120, filed 6/12/00, effective

7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-120, filed 4/6/93, effective 5/7/93.]

WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my vehicle wrecker license? A vehicle wrecker who terminates business must, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-130, filed 3/27/09, effective 4/27/09; 05-14-093, § 308-63-130, filed 6/30/05, effective 7/31/05; 00-13-019, § 308-63-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-130, filed 4/6/93, effective 5/7/93.]

WAC 308-63-140 Sale, transfer or other disposition of noncorporate licensee. What must I do if there is a change of ownership in my noncorporate license? Upon the sale, transfer or other disposition of an ownership interest in a noncorporate licensee:

- (1) A new bond or rider to the bond revealing the change in ownership must be filed with the department.
- (2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.
- (3) The former owner must surrender to the department the special license plates. The new owners or transferees must purchase new plates in their own name.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-140, filed 3/27/09, effective 4/27/09; 00-13-019, § 308-63-140, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-140, filed 4/6/93, effective 5/7/93.]

WAC 308-63-160 Incorporation of licensee while licensed. If my business is not a corporation, what do I do if I incorporate? A licensee which incorporates while licensed:

- (1) Must file an application for an appropriate license.
- (2) Must file a new bond with the department.
- (3) The firm may request the preincorporation license number upon application.

[Statutory Authority: RCW 46.80.140. 09-08-065, § 308-63-160, filed 3/27/09, effective 4/27/09; 00-13-019, § 308-63-160, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-160, filed 4/6/93, effective 5/7/93.]

Chapter 308-72 WAC MOTOR VEHICLE FUEL TAX

WAC

308-72-50901	Waiving of bond requirement.
308-72-720	Dishonored checks.
308-72-800	Definitions.
308-72-805	Payment due dates for motor vehicle fuel taxes not paid by electronic funds.
308-72-810	Collateral requirements in lieu of surety bonds.
308-72-815	Cancellation, suspension, or revocation of motor vehicle fuel licenses.
308-72-820	Sales to qualified foreign diplomatic and consular missions.
308-72-835	Tax exempt losses.
308-72-840	Delinquent account notification process.
308-72-850	Records.
308-72-860	Investigatory power.
308-72-865	Invoices issued by licensees.
308-72-870	Minimum payment or refund.
308-72-880	Filing of refund claims for nonlicensees.

308-72-890	Invoice requirements for refunds to nonlicensees.
308-72-895	Refund records.
308-72-905	Power take-off (PTO) use.
308-72-910	On-board computers or recording devices.
308-72-915	Special rules and requirements for fuel tax refunds.
308-72-920	Use tax for refunds.
308-72-925	Mitigation of penalties and interest.

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

308-72-830	Tax exempt sales. [Statutory Authority: RCW 82.36-.435. 01-22-072, § 308-72-830, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-076, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435.
308-72-845	Refund for bad debt loss (other than a motor fuel supplier). [Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-845, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-076, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435.
308-72-855	IFTA records. [Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-855, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-076, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435.
308-72-885	Interest assessment on refund claims. [Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-885, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-076, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435.
308-72-900	Refunds to dealer delivering fuel exclusively for marine use. [Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-900, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-076, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435.

WAC 308-72-50901 Waiving of bond requirement.

(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes, if the department determines that the licensed distributor has sufficient financial assets to cover any Washington state fuel tax liability, including penalties and interest.

(2) **What is considered a financial asset?**

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability; or

(b) United States dollars, bonds, or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?**

(a) By filing a notarized statement with the department stating that your lines of credit with your financial institutions and your fuel suppliers is at a sufficient amount to include product cost and state fuel taxes. You must list the name of the financial institutions, the account numbers and dollar value of your lines of credit, and the names of your fuel suppliers. You must authorize the department to access this information with your financial institutions and suppliers; or

(b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department as security for performance under chapter 82.36 RCW; and

(c) Providing the department with satisfactory documentation indicating that the suppliers will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the lines of credit.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.36 RCW and 308-72 WAC.

(5) **What if I no longer maintain a line of credit or financial asset?** You must provide a surety bond to the

department in the amount required by chapter 82.36 RCW, with a coverage beginning on or before the date the line of credit or financial asset became insufficient.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-50901, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435 and 82.38.-260. 02-02-010, § 308-72-50901, filed 12/20/01, effective 1/20/02.]

WAC 308-72-720 Dishonored checks. (1) **What will happen if my check is dishonored?** The department will take collection action to recover any amounts owing and require all subsequent payments to be made in guaranteed funds, such as cash, cashier's check, or money order.

(2) **Are there any additional fees charged for a dishonored check?** Yes, a handling fee will be charged by the department for each dishonored check.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-720, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). 00-08-032, § 308-72-720, filed 3/28/00, effective 4/28/00.]

WAC 308-72-800 Definitions. (1) "Gasoline" means finished gasoline and gasoline blendstocks as defined in Code of Federal Regulations (CFR) 48.481. Finished gasoline means all products (including gasohol) that are commonly or commercially known or sold as gasoline and are suitable for use as motor fuel. The product must have an octane rating of 75 or more.

(2) "Export" means to obtain motor vehicle fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the motor vehicle fuel tax, motor vehicle fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in that state, province, or country of destination.

(3) "Motor vehicle fuel" means any product sold as gasoline and fuel ethanol. The blending of any products or chemicals with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles will be considered a motor vehicle fuel subject to the provisions of chapter 82.36 RCW.

(4) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of motor vehicle fuel.

(5) "Net gallons" a standard gallon unit of petroleum of 231 cubic inches at 60 degrees Fahrenheit (U.S. petroleum gallon).

(6) "Ethanol" means an anhydrous denatured aliphatic alcohol intended for gasoline blending.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-800, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-800, filed 11/1/01, effective 12/2/01.]

WAC 308-72-805 Payment due dates for motor vehicle fuel taxes not paid by electronic funds. What if my payment due date falls on a Saturday, Sunday or state legal holiday? Payment is due on the next state business day. For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-805, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-805, filed 11/1/01, effective 12/2/01.]

WAC 308-72-810 Collateral requirements in lieu of surety bonds. (1) What other forms of collateral will the department accept in lieu of a surety bond? The department will accept certificates of deposit in United States dollars in any of the following forms:

(a) Automatically renewable certificates of deposit insured by the federal deposit insurance corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(b) Certificates of deposit or share account issued by a savings and loan association insured by the federal savings and loan insurance corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(c) Certificates of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington credit union share guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(d) Cash deposits, however interest will not accrue.

(2) Do I earn interest on my certificates of deposit? Yes, the assignment forms will contain the provision that interest earned will be payable to the depositor.

(3) How is an assignment canceled? Assignments may only be canceled upon written authorization of the department.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-810, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-810, filed 11/1/01, effective 12/2/01.]

WAC 308-72-815 Cancellation, suspension, or revocation of motor vehicle fuel licenses. What happens when my license is canceled, suspended, or revoked? The department will notify all motor vehicle fuel licensees of the change in license status.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-815, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-815, filed 11/1/01, effective 12/2/01.]

WAC 308-72-820 Sales to qualified foreign diplomatic and consular missions. Are cash sales to qualified foreign diplomatic and consular missions tax exempt? No, only credit card purchases are exempt.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-820, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-820, filed 11/1/01, effective 12/2/01.]

WAC 308-72-835 Tax exempt losses. (1) What is acceptable proof of loss for a credit or refund of fuel tax paid?

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedures used in the determination of the quantity of fuel lost; or

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate fuel losses; and

(c) A bill of lading or other shipping documents; and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(2) Are deductions for losses from bulk storage allowed? Yes, motor vehicle fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system may be considered a tax exempt loss.

(3) How long do I retain my evidence substantiating my loss? Five years from date of claim.

(4) May I claim a deduction for stolen fuel? No.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-835, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-835, filed 11/1/01, effective 12/2/01.]

WAC 308-72-840 Delinquent account notification process. (1) What happens when a licensed distributor does not pay fuel taxes to the licensed supplier on time? The supplier must notify the department in writing no later than twenty calendar days from the date the fuel tax was due. If the twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(2) What will the department do when notified of the distributor's failure to pay? Suspend the distributor's license and notify all suppliers.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-840, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-840, filed 11/1/01, effective 12/2/01.]

WAC 308-72-850 Records. What motor vehicle fuel records must be kept? Every person licensed or required to be licensed must maintain a complete monthly stock summary of the gallons of motor vehicle fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary must be supported by:

(1) Physical inventories of bulk storage plants taken at the close of each calendar month.

(2) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(3) A record of fuel receipts, invoices, bills of lading, transfer documents, yield reports and other documents relative to the acquisition of fuel.

(4) A record of fuel disbursements, invoices, bills of lading and other documents relative to the disbursements of fuel.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-850, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-850, filed 11/1/01, effective 12/2/01.]

WAC 308-72-860 Investigatory power. What power does the department have for investigations? For the purpose of any investigation or proceeding under this chapter, the director or any designated officer may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry to be produced for inspection and copying.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-860, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-860, filed 11/1/01, effective 12/2/01.]

WAC 308-72-865 Invoices issued by licensees. (1)

When is an invoice issued? Every licensee must issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice is required to support a refund claim.

(2) What information is required on an invoice?

- (a) The name and address of the seller;
- (b) The name, address, and motor vehicle fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery, month, day, and year;
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definition keys are provided to the department;

(e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definition keys are provided to the department;

(f) In the case of a delivery into a federally recognized Indian reservation or onto Indian country, the invoice must identify the state, U.S. possession, or Canadian Province in which the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold in net or gross gallons;

(j) The price per gallon and total amount charged; and

(k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) What happens if a purchaser's invoice is lost or destroyed? The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-865, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-865, filed 11/1/01, effective 12/2/01.]

WAC 308-72-870 Minimum payment or refund. (1)

What is the minimum payment or refund for licensed accounts? Ten dollars or less will not be owed or refunded.

(2) What is the minimum refund for unlicensed refund claims? Claims for less than twenty dollars will not be refunded.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-870, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-870, filed 11/1/01, effective 12/2/01.]

WAC 308-72-880 Filing of refund claims for nonlicensees. (1) How do I apply for a refund?

Contact the department for a refund permit application and instructions.

(2) What time period can I file for a refund? You must file within thirteen months of the fuel purchase date.

The department will use the postmark date to determine the thirteen-month time frame. We will not accept multiple refund claims for the same month. For example, if you have made a claim for purchases in June you cannot claim additional purchases for June on another claim form.

(3) What do I need to send with my refund claim?

You must send in your fuel purchase invoices, schedules, and other documents listed on the refund claim form. If electronic invoices were issued, you must provide paper copies.

(4) How do I account for my inventory? Any fuel on hand, by physical measurement, at the end of the claim period should be reported as ending inventory. This figure should be reported as the beginning inventory on your next claim form.

(5) What does a licensed distributor send with their refund claim? Summary schedules must be provided and the department may request invoices.

(6) The following can sign a refund claim form:

(a) Individuals - permit holder;

(b) Partnership - any one of the partners;

(c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices have a different name than what is on the claim form? No.

(8) Can I request that my refund be assigned to another person? Yes, if we receive a letter stating whom you would like the claim assigned to.

(9) How long will it take until I receive my refund? Within thirty business days after we receive a properly completed claim.

(10) How long do I maintain my refund records? Keep them for five years after submitting your claim.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-880, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-880, filed 11/1/01, effective 12/2/01.]

WAC 308-72-890 Invoice requirements for refunds to nonlicensees. (1) What is a valid invoice?

A separate invoice must be issued for each fuel purchase. A single invoice may list multiple deliveries of fuel purchases made during a calendar month.

(2) The following information must be included on the invoice:

(a) The name and address of the seller;

(b) The type of fuel and number of gallons purchased;

(c) Complete date of sale including month, day, and year;

(d) Price per gallon; and

(e) Total amount of sale.

(3) The department will not accept invoices with altered, corrected or erased information.

(4) What happens if the seller issues an electronic invoice? A paper copy must be submitted with your refund claim.

(5) What happens if I get an incorrect invoice? The seller must issue a new invoice marked "correction" and reference the original.

(6) What happens if I lose or destroy my invoice? The seller may issue a copy. The copies must be plainly marked "copy" or "duplicate."

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-890, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-890, filed 11/1/01, effective 12/2/01.]

WAC 308-72-895 Refund records. What records do I need to keep to claim a refund of fuel taxes?

- All fuel receipts;
- The gallons of fuel used in each piece of equipment, both refundable and nonrefundable;
- Fuel inventory in bulk storage;
- Detailed fuel records for all withdrawals from bulk storage;
- Fuel purchased in small containers (ten gallon or less) for nonhighway use must show the type of equipment being used; i.e., boats, tractors, power saws, etc.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-895, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-895, filed 11/1/01, effective 12/2/01.]

WAC 308-72-905 Power take-off (PTO) use. (1) What is PTO use? It is fuel used in a motor vehicle engine to operate auxiliary equipment. The fuel must be supplied from the propulsion tank of the motor vehicle.

(2) What is not considered auxiliary equipment? Equipment such as air conditioning, power steering, generator, etc., that is considered an integral part of the operation of the vehicle.

(3) What formula does the department use in determining PTO usage? The tax exemption is calculated as a percentage of the total Washington taxable fuel:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

(4) What if my fuel consumption is greater than the percentages indicated above? If you can provide satisfactory documentation and records to show that the fuel consumed by the PTO is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) What documents must accompany the refund claims? All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington PTO and power pumping credits must accompany each claim for refund.

(6) What records do I need to keep? All individual vehicle mileage and fuel records that reflect total mileage, total fuel, Washington taxable mileage, and Washington taxable fuel by vehicle.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-905, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-905, filed 11/1/01, effective 12/2/01.]

WAC 308-72-910 On-board computers or recording devices. Can I use on-board computers or recording devices to record mileage? Yes, with prior approval by the department.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-910, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-910, filed 11/1/01, effective 12/2/01.]

WAC 308-72-915 Special rules and requirements for fuel tax refunds. Can I claim a refund for motor vehicle fuel used in my unlicensed off road vehicles, all terrain vehicles and snowmobiles? Yes, only if the motor vehicle fuel is used for nonrecreational purposes such as farming, logging, and construction. Off-road vehicles, all terrain vehicles and snowmobiles are defined in RCW 46.09.020, 46.10.010 (3) and (2).

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-915, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-915, filed 11/1/01, effective 12/2/01.]

WAC 308-72-920 Use tax for refunds. (1) Is use tax deducted from my refund claim? Yes, unless you are exempt from the use tax in chapter 82.12 RCW.

- (2) How is use tax computed?** You can choose to:
- Calculate the use tax amount using the actual use tax rates and actual cost per gallon; or
 - Have the department calculate the use tax amount using an average use tax rate and price per gallon.

Either method chosen must be used for each refund claim submitted during the calendar year, unless there has been a change in the department's estimated average fuel cost during that period.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-920, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-920, filed 11/1/01, effective 12/2/01.]

WAC 308-72-925 Mitigation of penalties and interest. (1) What fee, penalty or interest may be mitigated or

reduced? The department may mitigate fees, penalties or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage; or
- Assessments.

(2) **How will the department make the decision?** The department may review records, account history, or other information.

[Statutory Authority: RCW 82.36.435. 09-07-076, § 308-72-925, filed 3/16/09, effective 4/16/09; 01-22-072, § 308-72-925, filed 11/1/01, effective 12/2/01.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

308-77-005	Definitions.
308-77-015	Incidental use or exemptions.
308-77-025	Special fuel permits.
308-77-035	Cancellation, suspension, or revocation of special fuel licenses.
308-77-04401	Waiving of bond requirements.
308-77-075	Payment due dates for special fuel taxes not paid by electronic funds.
308-77-085	Minimum payment or refund.
308-77-099	Invoices issued by licensees.
308-77-103	Mitigation of penalties and interest.
308-77-104	Filing of refund claims for nonlicensees.
308-77-106	Use tax for refunds.
308-77-109	Invoice requirements for refund to nonlicensees and IFTA licensees.
308-77-112	Power take-off (PTO) use.
308-77-114	Unauthorized use of dyed diesel.
308-77-116	Records.
308-77-155	On board computers or recording devices.
308-77-240	Refund records.
308-77-265	Tax exempt losses.
308-77-280	Natural gas, propane decal as evidence of payment of annual license fees.
308-77-290	Dishonored checks.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-77-092	Refund for bad debt loss (other than a special fuel supplier). [Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-092, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.260.
308-77-093	Delinquent account notification process. [Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-093, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.260.
308-77-097	IFTA recordkeeping requirements. [Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-097, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.260.
308-77-101	Tax exempt sales. [Statutory Authority: RCW 82.38.-260. 01-22-073, § 308-77-101, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.260.
308-77-107	Interest assessment on refund claims. [Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-107, filed 11/1/01, effective 12/2/01.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.260.
308-77-170	Metric measurement. [Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-170, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-170, filed 8/1/79.] Repealed by 09-07-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.38.-260.

WAC 308-77-005 Definitions. (1) "Special fuel" as defined in RCW 82.38.020(23) includes diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by chapter 82.36 RCW.

(2) "Biodiesel" a nonpetroleum-based diesel fuel consisting of short chain alkyl (methyl or ethyl) esters, made by transesterification of vegetable oil or animal fat (tallow), which can be used alone, or blended with conventional petrodiesel in unmodified diesel-engine vehicles.

(3) "Publicly owned firefighting equipment" means equipment owned and used for firefighting by any agency or political subdivision of the state of Washington and will include fire engines, aid cars, ambulances, and vehicles used to transport firefighting personnel.

(4) "Export" means to obtain special fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the special fuel tax, special fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in the state, province, or country of destination.

(5) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of special fuel.

(6) "Net gallons" a standard gallon unit of petroleum of 231 cubic inches at 60 degrees Fahrenheit (U.S. petroleum gallon).

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-005, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-005, filed 11/1/01, effective 12/2/01.]

WAC 308-77-015 Incidental use or exemptions. (1) **When is the incidental operation of a nonlicensed vehicle exempt the special fuel tax?** Fuel is exempt the special fuel tax if the vehicle is not licensed or required to be licensed under chapter 46.16 or 46.87 RCW and is operated between two pieces of private property for a distance not exceeding fifteen miles. The movement of the vehicle must be incidental to the primary use of the vehicle.

(2) **When is off highway fuel use taxable?** If fuel is used in a continuous trip, which is partly on and partly off the highway, the tax applies to all the fuel used when the total distance traveled off the highway does not exceed one mile.

A continuous trip involves the use of a highway for the transportation of persons or property from one place to another; or, in a round trip, from the origin to the destination and return to the origin.

(3) **Are cash sales to qualified foreign diplomats and consular missions tax exempt?** No, only credit card purchases are exempt.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-015, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-015, filed 11/1/01, effective 12/2/01.]

WAC 308-77-025 Special fuel permits. When is a special fuel permit required? If you are not an International Fuel Tax Agreement (IFTA) licensee, you must purchase a

special fuel permit when entering this state if the commercial vehicle being operated has:

- (1) Two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds; or
- (2) Three or more axles regardless of weight; or
- (3) Is a combination of vehicles, when the combined gross vehicle weight or registered gross vehicle weight exceeds twenty-six thousand pounds.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-025, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-025, filed 11/1/01, effective 12/2/01.]

WAC 308-77-035 Cancellation, suspension, or revocation of special fuel licenses. What happens when my license is canceled, suspended, or revoked? The department will notify all special fuel licensees, except for IFTA, of the change in license status.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-035, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-035, filed 11/1/01, effective 12/2/01.]

WAC 308-77-04401 Waiving of bond requirements.

(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes, if the department determines that the licensed distributor has sufficient financial assets to cover any Washington state fuel tax liability, including penalties and interest.

(2) **What is considered a financial asset?**

- (a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability; or
- (b) United States dollars, bonds, or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?**

- (a) By filing a notarized statement with the department stating that your lines of credit with your financial institutions and your fuel suppliers is at a sufficient amount to include product cost and state fuel taxes. You must list the name of the financial institutions, the account numbers and dollar value of your lines of credit, and the names of your fuel suppliers. You must authorize the department to access this information with your financial institutions and suppliers; or
- (b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department as security for performance under chapter 82.38 RCW; and
- (c) Providing the department with satisfactory documentation indicating that the suppliers will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the lines of credit.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.38 RCW and 308-77 WAC.

(5) **What if I no longer maintain a line of credit or financial asset?** You must provide a surety bond to the department in the amount required by chapter 82.38 RCW, with a coverage beginning on or before the date the line of credit or financial asset became insufficient.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-04401, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435 and 82.38.260. 02-02-010, § 308-77-04401, filed 12/20/01, effective 1/20/02.]

WAC 308-77-075 Payment due dates for special fuel taxes not paid by electronic funds. What if my payment due date falls on a Saturday, Sunday, or state legal holiday? Payment is due on the next state business day. For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-075, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-075, filed 11/1/01, effective 12/2/01.]

WAC 308-77-085 Minimum payment or refund. (1) What is the minimum payment or refund for licensed accounts? Ten dollars or less will not be owed or refunded.

(2) **What is the minimum refund for unlicensed refund claims?** Claims for less than twenty dollars will not be refunded.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-085, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-085, filed 11/1/01, effective 12/2/01.]

WAC 308-77-099 Invoices issued by licensees. (1) When is an invoice issued? Every licensee must issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice is required to support a refund claim.

(2) **What information is required on an invoice?**

- (a) The name and address of the seller;
- (b) The name, address, and special fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery month, day, and year;
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definition keys are provided to the department;
- (e) The physical address of the fuel delivery or exchange, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definition keys are provided to the department;
- (f) In the case of a delivery into a federally recognized Indian reservation or onto Indian country, the invoice must identify the state, U.S. possession, or Canadian Province in which the delivery took place;
- (g) Name of carrier transporting fuel;
- (h) Name of product sold;
- (i) The number of U.S. gallons of product sold in net or gross gallons;
- (j) The price per gallon and total amount charged; and
- (k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) **What happens if a purchaser's invoice is lost or destroyed?** The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to

the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-099, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-099, filed 11/1/01, effective 12/2/01.]

WAC 308-77-103 Mitigation of penalties and interest. (1) **What fee, penalty or interest may be mitigated or reduced?** The department may mitigate fees, penalties, dyed special fuel penalties, or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage;
- License reinstatement fees;
- Assessments; or
- Unlawful use of dyed special fuel.

(2) **How will the department make the decision?** The department may review records, account history, or other information.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-103, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-103, filed 11/1/01, effective 12/2/01.]

WAC 308-77-104 Filing of refund claims for nonlicensees. (1) **How do I apply for a refund?** Contact the department for a refund permit application and instructions.

(2) **What time period can I file for a refund claim?** You must file within thirteen months of the fuel purchase date. The department will use the postmark date to determine the thirteen-month time frame. We will not accept multiple refund claims for the same month. For example, if you have made a claim for purchases in June you cannot claim additional purchases for June on another claim form.

(3) **What do I need to send with my refund claim?** You must send in your fuel purchase invoices, schedules, and other documents listed on the refund claim form. If electronic invoices were issued, you must provide paper copies.

(4) **How do I account for my inventory?** Any fuel on hand by physical measurement at the end of the claim period, should be reported as ending inventory. This figure should be reported as the beginning inventory on your next claim form.

(5) **What does a licensed distributor send with their refund claim?** Summary schedules must be provided and the department may request invoices.

(6) **The following can sign a refund claim form:**

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) **Can invoices have a different name than what is on the claim form?** No.

(8) **Can I request that my refund be assigned to another person?** Yes, if we receive a letter stating whom you would like the claim assigned to.

(9) **How long will it take until I receive my refund?** Within thirty business days after we receive a properly completed claim.

(10) **How long do I maintain my refund records?** Keep them for five years after submitting your claim.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-104, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-104, filed 11/1/01, effective 12/2/01.]

WAC 308-77-106 Use tax for refunds. (1) **Is use tax deducted from my refund claim?** Yes, unless you are exempt from the use tax in chapter 82.12 RCW.

(2) **How is use tax computed?** You can choose to:

- Calculate the use tax amount using the actual use tax rates and actual cost per gallon; or
- Have the department calculate the use tax amount using an average use tax rate and price per gallon.

Either method chosen must be used for each refund claim submitted during the calendar year, unless there has been a change in the department's estimated average fuel cost during that period.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-106, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-106, filed 11/1/01, effective 12/2/01.]

WAC 308-77-109 Invoice requirements for refund to nonlicensees and IFTA licensees. (1) **What is a valid invoice?** A separate invoice must be issued for each fuel purchase. A single invoice may list multiple deliveries of fuel purchases made during a calendar month.

(2) **The following information must be included on the invoice:**

- (a) Name and address of the seller;
- (b) The type of fuel and number of gallons purchased;
- (c) Complete date of sale including month, day, and year;
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **The department will not accept invoices with altered, corrected, or erased information.**

(4) **What happens if the seller issues an electronic invoice?** A paper copy must be submitted with your refund claim.

(5) **What happens if I get an incorrect invoice?** The seller must issue a new invoice marked "correction" and reference the original.

(6) **What happens if I lose or destroy my invoice?** The seller may issue a copy. The copies must be plainly marked "copy" or "duplicate."

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-109, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-109, filed 11/1/01, effective 12/2/01.]

WAC 308-77-112 Power take-off (PTO) use. (1) **What is PTO use?** It is fuel used in a motor vehicle engine to operate auxiliary equipment. The fuel must be supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment such as air conditioning, power steering, generator, etc., that is considered an integral part of the operation of the vehicle.

(3) **What formula does the department use in determining PTO usage?** The tax exemption is calculated as a percentage of the total Washington taxable fuel:

Cement mixer	25%
Fire trucks (private)	25%

Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

(4) **What if my fuel consumption is greater than the percentages indicated above?** If you can provide satisfactory documentation and records to show that the fuel consumed by the PTO is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington PTO and power pumping credits must accompany each claim for refund.

[Statutory Authority: RCW 82.38.260, 09-07-075, § 308-77-112, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-112, filed 11/1/01, effective 12/2/01.]

WAC 308-77-114 Unauthorized use of dyed diesel.

(1) **Is there any dye concentration in diesel fuel that the department cannot assess penalties for unlawful use?** No. The department may assess on any dye concentration found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

(2) **Who can be assessed a penalty for unlawful use of dyed diesel?**

- (a) The operator of the vehicle;
- (b) The registered owners of the vehicle;
- (c) Any person responsible for the operation, maintenance, or fueling of the vehicle.

[2010 WAC Supp—page 22]

(3) **If dyed diesel is discovered in the fuel supply tanks of a vehicle, when must the fuel be removed?** Dyed diesel fuel must be removed from the vehicles within twenty-four hours from the time of discovery. Detection of dyed diesel in the same vehicles after the twenty-four-hour period will be considered as a separate violation.

(4) **Will I be assessed dyed diesel penalties on the fuel in bulk storage tanks?** Yes, if any dyed diesel fuel from the bulk storage tanks has been used for unlawful purposes.

(5) **How is the dyed diesel fuel in a bulk storage tank assessed?** The assessment is based on the capacity or estimated quantity of dyed diesel fuel in the bulk storage tanks without regard to how this fuel will be used.

(6) **What if I refuse the department or authorized representative access to inspect the vehicles or bulk storage tanks?** The penalty in RCW 82.38.170(13) will be calculated on the capacity of the bulk storage tanks and the number of vehicles subject to the refusal.

[Statutory Authority: RCW 82.38.260, 09-07-075, § 308-77-114, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-114, filed 11/1/01, effective 12/2/01.]

WAC 308-77-116 Records. (1) **What special fuel records must be kept?** Every person licensed or required to be licensed must maintain a complete monthly stock summary of the gallons of special fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary must be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month.

(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(c) A record of fuel receipts, invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.

(d) A record of fuel disbursements, invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) **If I am a licensed dyed fuel user or someone who is required to be licensed, do I keep the same records?** Yes.

[Statutory Authority: RCW 82.38.260, 09-07-075, § 308-77-116, filed 3/16/09, effective 4/16/09; 01-22-073, § 308-77-116, filed 11/1/01, effective 12/2/01.]

WAC 308-77-155 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, with prior approval by the department.

[Statutory Authority: RCW 82.38.260, 09-07-075, § 308-77-155, filed 3/16/09, effective 4/16/09. Statutory Authority: Chapters 46.87 and 82.38 RCW, 00-16-045, § 308-77-155, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.37.170, 94-11-029, § 308-77-155, filed 5/9/94, effective 6/9/94.]

WAC 308-77-240 Refund records. What records do I need to keep to claim a refund of fuel taxes?

- All special fuel receipts;
- The gallons of fuel used in each piece of equipment, both refundable and nonrefundable;
- Fuel inventory in bulk storage;

- Detailed fuel records for all withdrawals from bulk storage;
- Fuel purchased in small containers (ten gallons or less) for nonhighway use must show the type of equipment being used, i.e., boats, tractors, power saws, etc.

Each claimant must also keep on highway and off highway mileage records for each licensed vehicle.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-240, filed 3/16/09, effective 4/16/09. Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-240, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-240, filed 8/1/79; Order 114 MV, § 308-77-240, filed 11/26/71.]

WAC 308-77-265 Tax exempt losses. (1) What is acceptable proof of loss for a credit or refund of fuel tax paid?

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedures used in the determination of the quantity of fuel lost; or

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate fuel loss; and

(c) A bill of lading or other shipping documents; and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(2) Are deductions for losses from bulk storage allowed? Yes, special fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system may be considered a tax exempt loss.

(3) How long do I retain my evidence substantiating my loss? Five years from date of claim.

(4) May I claim a deduction for stolen fuel? No.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-265, filed 3/16/09, effective 4/16/09. Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-265, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-265, filed 8/1/79; Order MV-137, § 308-77-265, filed 6/1/72.]

WAC 308-77-280 Natural gas, propane decal as evidence of payment of annual license fees. (1) Do I pay fuel tax when I purchase natural gas or liquefied petroleum gas (propane) for my licensed vehicle? No, once you have licensed your vehicle as being powered by natural gas or propane, you will pay an annual license fee in lieu of the fuel tax.

(2) What proof is required to purchase natural gas or propane for my vehicle? A decal will be issued that must be displayed on your vehicle that allows the purchase of natural gas or propane. This decal must be displayed in plain view on the vehicle near the fuel supply tank.

(3) What if my vehicle operates with both motor fuel gasoline and natural gas or propane? You will pay fuel tax on the gasoline as well as purchasing a decal.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-280, filed 3/16/09, effective 4/16/09. Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-280, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.38.260. 81-14-048 (Order DOL 630), § 308-77-280, filed 6/30/81.]

WAC 308-77-290 Dishonored checks. (1) What will happen if my check is dishonored? The department will take collection action to recover any amounts owing and require all subsequent payments to be made in guaranteed funds, such as cash, cashier's check, or money order.

(2) Are there any additional fees charged for a dishonored check? Yes, a handling fee will be charged by the department for each dishonored check.

[Statutory Authority: RCW 82.38.260. 09-07-075, § 308-77-290, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). 00-08-032, § 308-77-290, filed 3/28/00, effective 4/28/00.]

**Chapter 308-78 WAC
AIRCRAFT FUEL TAX**

WAC

308-78-010	Definitions.
308-78-020	Bond requirements and collection.
308-78-030	Required reports.
308-78-035	Minimum payment or refund.
308-78-040	Tax exempt sales by licensed distributors.
308-78-045	Tax exempt use and circumstances.
308-78-046	Tax exempt losses.
308-78-070	Records.
308-78-075	Invoices issued by licensees.
308-78-080	Filing of refund claims for nonlicensees.
308-78-090	Mitigation of penalties and interest.
308-78-100	Dishonored checks.

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

308-78-050	Supporting documents for tax exempt transactions. [Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-050, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.] Repealed by 09-07-077, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.040.
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WAC 308-78-010 Definitions. (1) "User" means any person other than a distributor who is certified to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(2) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

(3) "Emergency medical air transport entities" means entities that own or lease, and operate aircraft used solely for air ambulance services.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-010, filed 3/16/09, effective 4/16/09; 04-06-001, § 308-78-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 90-13-039 (Order PFT 90-05), § 308-78-010, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.42.030. 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308-78-020 Bond requirements and collection. (1) Are bonds required for aircraft fuel distributors? Yes, every aircraft fuel distributor must be bonded as provided in chapter 82.36 RCW and chapter 82.42 RCW.

(2) **Can the department collect on bonds for unpaid aircraft fuel taxes?** Yes, the department may execute bonds on file under the provisions of chapters 82.36 and 82.42 RCW for unpaid aircraft fuel taxes.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-020, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-020, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-020, filed 9/20/99, effective 10/21/99; 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Required reports. (1) What reports are required by the department for aircraft fuel tax and when are they due? Every licensed distributor of aircraft fuel will submit signed tax returns and schedules to the department, on or before the 25th day of each month, or as required by the department. Forms will be furnished or approved by the department.

(2) **What if the payment due date falls on a Saturday, Sunday, or state legal holiday?** Payment is due by the state business day immediately preceding the due date. For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.

(3) **Is a report due if I have no activity for the month?** Yes, a report must be filed with the department for each calendar month.

(4) **Can tax return information be made available to other government agencies?** Yes, the department routinely furnishes copies of schedules to government agencies or foreign jurisdictions.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-030, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-030, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-030, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-030, filed 6/14/90, effective 7/15/90; 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-035 Minimum payment or refund. (1) What is the minimum payment or refund for licensed accounts? Ten dollars or less will not be owed or refunded.

(2) **What is the minimum refund for unlicensed refund claims?** Claims for less than twenty dollars will not be refunded.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-035, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-035, filed 4/4/01, effective 5/5/01.]

WAC 308-78-040 Tax exempt sales by licensed distributors. When may a licensed distributor sell aircraft fuel without collecting the aircraft fuel tax? When delivery is made by the distributor to any of the following:

- (1) A destination outside the state;
- (2) United States or foreign government agencies;
- (3) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under the Federal Aviation Regulations, and local service commuters;
- (4) Another licensed distributor;
- (5) To a purchaser who delivers the fuel for export under RCW 82.42.030 or 82.42.070; or

- (6) Into the bulk storage tank of a certified user.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-040, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-040, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-040, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-040, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use and circumstances. (1) What are the conditions under which a refund of aircraft fuel tax can be claimed?

(a) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under the Federal Aviation Administration Regulations, and local service commuters.

(b) Testing and experimental purposes in the manufacture or remanufacture of aircraft and for flight operations or experimental testing following manufacture, repair prior to delivery to a customer, or experimental testing of another aircraft.

(c) Aircraft crew training in Washington state for certified air carriers.

(d) When applying pesticides, herbicides, or other agricultural chemicals under conditions defined in RCW 82.42.020.

(e) Exportation of fuel from this state for use outside this state under the same conditions as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(f) Use of fuel in nonhighway equipment, other than aircraft, as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(g) Sales to the United States or foreign government agencies by a distributor who has paid the aircraft fuel tax. The distributor will file an exemption certificate provided by the department. This certificate will contain an assignment to the distributor of the purchaser's right to a refund.

(h) Users of aircraft fuel placed into helicopters or the wing tanks of aircraft that are used solely for air ambulance services are eligible for a refund of the aircraft fuel tax. Aircraft fuel consumed during training activities directly related to providing air ambulance services is considered to be exempt from the aircraft fuel tax.

(2) **What records must be kept when claiming an exemption of aircraft fuel tax?** Each person must keep records of each flight or series of flights for which tax exempt use is claimed. Records will include:

- (a) Flight or block time of each flight or series of flights;
- (b) Type of aircraft;
- (c) Purpose of each flight or series of flights;
- (d) Dates; and
- (e) Gallons consumed for each flight or series of flights.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-045, filed 3/16/09, effective 4/16/09; 04-06-001, § 308-78-045, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-045, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-045, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-046 Tax exempt losses. (1) What is acceptable proof of loss for a credit or refund of fuel tax paid?

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedures used in the determination of the quantity of fuel lost; or

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate fuel loss; and

(c) A bill of lading or other shipping documents; and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(2) Are deductions for losses from bulk storage allowed? Yes, aircraft fuel that has been proven lost or destroyed prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system may be considered a tax exempt loss.

(3) How long do I retain my evidence substantiating my loss? Five years from date of claim.

(4) May I claim a deduction from stolen fuel? No.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-046, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-046, filed 4/4/01, effective 5/5/01.]

WAC 308-78-070 Records. (1) What aircraft fuel records must be kept? Every person licensed or required to be licensed must maintain a complete monthly stock summary of the gallons of aircraft fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary must be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month.

(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(c) A record of fuel receipts, invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.

(d) A record of fuel disbursements, invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) How long must I retain my records? Records will be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment, and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-070, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-070, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-070, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-070, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-075 Invoices issued by licensees. (1) When is an invoice issued? Every licensee must issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice is required to support a refund claim.

(2) What information is required on an invoice?

(a) The name and address of the seller;

(b) The name, address, and aircraft fuel tax number, if applicable, of the purchaser for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;

(c) The date of delivery, month, day, and year;

(d) The location of the point of shipment. Alphanumeric codes are not allowed;

(e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are not allowed;

(f) In the case of a delivery onto a federally recognized Indian reservation or into Indian country, the invoice must identify the state, U.S. possession, or Canadian Province in which the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold in net or gross gallons;

(j) The price per gallon and the total amount charged; and

(k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) What happens if a purchaser's invoice is lost or destroyed? The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-075, filed 4/4/01, effective 5/5/01.]

WAC 308-78-080 Filing of refund claims for nonlicensees. (1) How do I apply for a refund for aircraft fuel? Contact the department for a refund permit application and instructions.

(2) What time period can I file for a refund? You must file within thirteen months of the fuel purchase date. The department will use the postmark date to determine the thirteen-month time frame. We will not accept multiple refund claims for the same month. For example, if you have made a claim for purchases in June you cannot claim additional purchases for June on another claim form.

(3) What do I need to send with my refund claim? You must send in your fuel purchase invoices, schedules, and other documents listed on the refund claim form. If electronic invoices were issued, you must provide paper copies.

(4) How do I account for my inventory? Any fuel on hand, by physical measurement, at the end of the claim period should be reported as ending inventory. This figure should be reported as the beginning inventory on your next claim form.

(5) What does a licensed distributor send with their refund claim? Summary schedules must be provided and the department may request invoices.

(6) The following can sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices have a different name than what is on the claim form? No.

(8) Can I request that my refund be assigned to another person? Yes, if we receive a letter stating whom you would like the claim assigned to.

(9) How long will it take until I receive my refund? Within thirty business days after we receive a properly completed claim.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-080, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-080, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-080, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

WAC 308-78-090 Mitigation of penalties and interest. (1) What fee, penalty or interest may be mitigated or reduced? The department may mitigate fees, penalties, or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage; or
- Assessments.

(2) How will the department make the decision? The department may review records, account history, or other information.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-090, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-090, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. 99-19-097, § 308-78-090, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 82.42.040 and 82.42.100. 92-01-015, § 308-78-090, filed 12/6/91, effective 1/6/92.]

WAC 308-78-100 Dishonored checks. (1) What will happen if my check is dishonored? The department will take collection action to recover any amounts owing and require all subsequent payments to be made in guaranteed funds, such as cash, cashier's check, or money order.

(2) Are there any additional fees charged for a dishonored check? Yes, a handling fee will be charged by the department for each dishonored check.

[Statutory Authority: RCW 82.42.040. 09-07-077, § 308-78-100, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2), 00-08-032, § 308-78-100, filed 3/28/00, effective 4/28/00.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-073	Antique vehicle—Horseless carriage license plate.
308-96A-300	Changing assigned registration year.
308-96A-570	Invalid or fraudulent DOT numbers—Cancellation of registrations.

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) What is a horseless carriage license plate? A horseless carriage license plate is a single license

plate issued to a qualified motor vehicle owned by a collector as defined in RCW 46.04.125. It must be displayed on the rear of the vehicle for which it was issued.

(2) What vehicles qualify for a horseless carriage license plate? Any motor vehicle which is:

- (a) At least forty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle under RCW 46.16.307.

(3) May I transfer my horseless carriage license plate to another antique vehicle? No. Horseless carriage license plates are not transferrable to any other motor vehicle.

(4) What additional fees are required to obtain a horseless carriage license plate? In addition to all other license fees required by law, the applicant must pay a fee of thirty-five dollars for a horseless carriage license plate.

(5) Are horseless carriage license plates subject to periodic replacement? No, the horseless carriage license plates are exempt from the vehicle license plate replacement schedule and are valid for the life of the vehicle.

[Statutory Authority: RCW 46.16.305 and 46.01.110. 09-06-030, § 308-96A-073, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276. 02-16-071, § 308-96A-073, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-073, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-073, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-073, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-073, filed 1/29/91, effective 3/1/91.]

WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)

(5) When the registered owner is a member of the armed forces returning to Washington state after being stationed outside of Washington in accordance with RCW 46.16.006.

[Statutory Authority: RCW 46.01.110. 09-20-078, § 308-96A-300, filed 10/6/09, effective 11/6/09. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-300, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-300, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-300, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-300, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-570 Invalid or fraudulent DOT numbers—Cancellation of registrations. The department will cancel any license registration issued to a motor carrier who provided invalid or fraudulent DOT number information to register a commercial motor vehicle as required in RCW 46.16.615.

[Statutory Authority: RCW 46.01.110. 09-09-109, § 308-96A-570, filed 4/21/09, effective 5/22/09.]

Chapter 308-100 WAC DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-031	Skill and training requirements for commercial driver's license.
308-100-130	Serious traffic violations.

WAC 308-100-031 Skill and training requirements for commercial driver's license. An applicant for a commercial driver's license must complete the minimum training requirements specified under WAC 308-100-033, unless waived under RCW 46.25.060(3). The department also may issue a commercial driver's license to an applicant certified by an employer under WAC 308-100-035 as having the skills and training necessary to operate a commercial motor vehicle safely. Until June 30, 2011, the department may issue a commercial driver's license that is restricted to the operation of a commercial motor vehicle for agribusiness purposes under WAC 308-100-038 to an applicant who does not otherwise meet the requirements of this section.

[Statutory Authority: RCW 46.25.140 and 46.01.110. 09-20-019, § 308-100-031, filed 9/28/09, effective 10/29/09. Statutory Authority: RCW 46.01.110, 46.25.060, and 46.25.140. 08-16-017, § 308-100-031, filed 7/25/08, effective 8/25/08.]

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in RCW 46.25.010(16), "Serious traffic violation" shall include:

- (1) Negligent driving in the first or second degree, as defined by RCW 46.61.5249 or 46.61.525;
- (2) Following too closely, as defined by RCW 46.61.145;
- (3) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.365, 46.61.370, or 46.61.375;
- (4) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
- (5) Speed too fast for conditions, as defined by RCW 46.61.400;
- (6) Improper lane change or travel, as defined by RCW 46.61.140; and
- (7) Improper or erratic lane changes, including:
 - (a) Improper overtaking on the right, as defined by RCW 46.61.115;
 - (b) Improper overtaking on the left, as defined by RCW 46.61.120; and
 - (c) Improper driving to left of center of roadway, as defined by RCW 46.61.125.

[Statutory Authority: RCW 46.25.010, 46.25.140, and 46.01.110. 09-10-085, § 308-100-130, filed 5/6/09, effective 6/6/09. Statutory Authority:

RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-130, 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, § 308-100-130, filed 8/24/89, effective 9/24/89.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-010	Vision test.
308-104-014	Application for driver's license or identicard.
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 vision cannot be corrected to at least 20/70 Snellen range 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 lenses to meet licensing standards for the issuance of any driver's license or instruction permit.

[Statutory Authority: RCW 46.61.110, 46.20.041, 46.20.091, 46.20.120, and 46.20.130. 09-16-012, § 308-104-010, filed 7/23/09, effective 8/23/09. 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.]

WAC 308-104-014 Application for driver's license or identicard. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

- (1) The person's full name, current mailing and residential address, and telephone number;
- (2) The person's physical description, including sex, height, weight, and eye color;
- (3) The person's date and place of birth;

(4) The person's Social Security number, if the Social Security number is required by state or federal law. If the person's Social Security number is not required by state or federal law, the person may voluntarily provide his or her Social Security number in order to assist the department in verifying identity;

(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;

(6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;

(7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;

(8) If the application is for a driver's license or instruction permit, whether the person has had a mental or physical condition or is taking any medication which could impair his or her ability to operate a motor vehicle;

(9) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a declaration by the person that he or she has read and understands the intermediate license restrictions;

(10) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and

(11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

[Statutory Authority: RCW 46.61.110, 46.20.041, 46.20.091, 46.20.120, and 46.20.130. 09-16-012, § 308-104-014, filed 7/23/09, effective 8/23/09. Statutory Authority: RCW 46.20.091 (1)(g) and 46.01.110. 05-15-064, § 308-104-014, filed 7/12/05, effective 8/12/05. Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-014, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-014, filed 12/14/90, effective 1/14/91.]

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 he or she has had no mental or physical condition or is not taking any medication which 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 46.61.110, 46.20.041, 46.20.091, 46.20.120, and 46.20.130. 09-16-012, § 308-104-019, filed 7/23/09, effective 8/23/09. 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 308-107 WAC

IGNITION INTERLOCK DRIVER'S LICENSE

WAC

308-107-020 Ignition interlock driver's license—Application—License term.

WAC 308-107-020 Ignition interlock driver's license—Application—License term. (1) A person applying for an ignition interlock driver's license must meet the requirements of RCW 46.20.380 and 46.20.385, and submit the following:

(a) A nonrefundable application fee of one hundred dollars;

(b) An application on a form provided by the department;

(c) Satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Proof from an installer approved by the department that a functioning ignition interlock device has been installed.

If all the requirements for an ignition interlock driver's license are not met within thirty days after the application has been accepted by the department, the license will be denied.

(2) In the event of an alcohol-related deferred prosecution, the ignition interlock driver's license requirement shall extend for a two-year term from the date the deferral was granted.

(3) Reapplication for the ignition interlock driver's license may be required whenever a new administrative suspension or revocation is imposed.

[Statutory Authority: RCW 46.01.110 and 46.20.385. 09-19-086, § 308-107-020, filed 9/18/09, effective 10/19/09. Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-020, filed 11/26/08, effective 1/1/09.]

**Chapter 308-108 WAC
DRIVER TRAINING SCHOOLS**

WAC

308-108-020	Definitions.
308-108-025	Fees.
308-108-070	Background check and fingerprint check.
308-108-080	Instructor's license—Application.
308-108-090	Instructing instructors in the training of drivers.
308-108-110	Traffic safety education vehicles.
308-108-120	Administration.
308-108-140	Reporting requirements.
308-108-150	Curriculum schedule.
308-108-165	Prohibition on wireless communication devices during instruction.
308-108-170	Ensuring student accomplishment.

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions that has been approved by the director.

(2) "Branch office" or "branch classroom" means a facility within a thirty-five mile radius of a driver training school's established place of business, except where the thirty-five mile radius requirement has been waived or extended by the department as provided by RCW 46.82.360 (6)(c), that has been approved by the department for use by the driver training school.

(3) "Engage in a course of instruction" means to enroll in, schedule, collect a fee for, or sign an application for an instruction permit in order to attend or take part in a driver training education course.

(4) "Inactive instructor" means an instructor with a valid Washington instructor's license who is no longer employed by or otherwise associated with a licensed driver training school.

(5) "Instructor-trainer" means a currently licensed instructor who is training traffic safety education instructors and who has not less than:

(a) One thousand hours of experience in providing traffic safety education in the past year;

(b) Five years of previous experience in providing traffic safety education; or

(c) One thousand hours or five years experience in the field of traffic safety and proof of training acceptable to the director in how to teach and train others, and not less than three hundred hours of previous experience in training others.

(6) "Records" means all documents, papers and reports required to own a driver training school, including but not limited to:

(a) Vehicle registration, title, insurance policy, and maintenance information;

(b) Business financial documents, such as franchise agreements, corporate documents, bank records, partnership agreements, lease agreements, and purchase and sale agreements; and

(c) Student classroom and behind-the-wheel instruction reports.

(7) "Student" means any person enrolled in an approved driver training education course who is at least fifteen years of age.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-020, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-020, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-020, filed 7/29/05, effective 8/29/05.]

WAC 308-108-025 Fees. The following fees shall be charged by the driver services division, department of licensing:

Title of Fee	Fee
Driver training school license original application	\$500.00
Driver training school license renewal application	250.00
Driver training school license transfer	500.00
Branch office or branch classroom original application	250.00
Branch office or branch classroom renewal application	125.00
Instructor's license original application	125.00
Instructor's license renewal application	100.00
Duplicate license	10.00
Knowledge and/or skill examination	25.00

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-025, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-025, filed 12/18/06, effective 1/18/07.]

WAC 308-108-070 Background check and fingerprint check. An instructor, owner, or other person affiliated with a school who has contact with students must complete a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation, including a fingerprint check, as required by RCW 46.82.325(1).

(1) An applicant for an instructor's license must complete the check at the time of initial application or, for a currently licensed instructor who has not completed such check within the past five years, at the time of the next application for a license renewal.

(2) An owner must complete the check at the time of initial application for a driver training school license or, for an owner of a currently licensed school who has not completed such check within the past five years, at the time of the next application for a license renewal.

(3) A person affiliated with a school who has contact with students must complete the check at the time of initial

affiliation with the school or, for a person who is currently affiliated with a school who has not completed such check within the past five years, within the sixty-days prior to the next application for a license renewal for the school. A person who must complete the check under this subsection at the time of initial affiliation with a school may begin duties following the department's notice that it has received an acceptable local criminal background check through the Washington state patrol criminal identification system, pending the outcome of the fingerprint check using the fingerprint card.

(4) For the purpose of chapter 46.82 RCW, a person affiliated with a school is considered to be a person directly or indirectly interested in the driver training school's business.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-070, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-070, filed 12/18/06, effective 1/18/07.]

WAC 308-108-080 Instructor's license—Application. (1) To ensure that an applicant or instructor meets the conditions set out in RCW 46.82.330 (2)(a), the department shall review the complete abstract of driving record for all instructor's license applicants and licensed instructors. For this purpose:

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) A drug or alcohol-related traffic violation will be deemed to have occurred if it resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.-522 (1)(b), or 46.61.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(2) The instructor's license applicant must submit satisfactory evidence of completion of a course of instruction as approved by the director in the training of drivers at time of initial application.

(3) For instructor's licenses that expire on or after July 1, 2007, each application for renewal of an instructor's license must be accompanied by proof of no less than eight hours of continuing professional development as approved by the director.

(4) Application for initial or renewal of an instructor's license is not complete until the applicant passes any examination requirement for licensure under RCW 46.82.320(1) or 46.82.330 (2)(e).

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-080, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-080, filed

12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-080, filed 7/29/05, effective 8/29/05.]

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The course of instruction approved by the director in the training of drivers required under RCW 46.82.330 (2)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) To ensure the quality of the training given, the instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Be not less than one hundred hours in total length and consist of:

(i) Not less than forty hours of instruction in behind the wheel teaching methods;

(ii) Not less than twenty hours of supervised practice in behind the wheel teaching of driving techniques;

(iii) Not less than forty hours total of instruction that includes all of the following areas:

(A) Education and special education;

(B) Driver education teacher, instructor, or trainer skills training;

(C) Classroom teaching techniques;

(D) Communication skills;

(E) Teaching the concepts of driving and traffic safety to others;

(F) Educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(G) Developing instructional materials and activities that aid student learning and performance;

(H) Defining and describing the nature of the driving task on public highways;

(I) Establishing and maintaining classroom organization;

(J) Managing enrollment, student scheduling, student records, and required reports; and

(K) Planning a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) The department must approve an instructor training course curriculum before use by an instructor-trainer.

(4) Any revision to an approved instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department no less than thirty days prior to its use.

(5) The department may consider other instructional methods, instruction providers, or academic instruction in lieu of those listed in subsection (2) of this section.

(6) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-090, filed 10/20/09, effective 11/20/09; 07-01-070, § 308-108-090, filed 12/18/06,

effective 9/1/07; 05-16-061, § 308-108-090, filed 7/29/05, effective 8/29/05.]

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a minimum twenty-piece approved first aid kit, fire extinguisher safely secured in the vehicle and fully charged, and an emergency strobe light, reflective triangle, or two eighteen-inch traffic cones;

(b) Maintain an annual vehicle inspection form meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations and annual vehicle safety inspection report.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-110, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-110, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-110, filed 7/29/05, effective 8/29/05.]

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before engaging students in a course of instruction.

(2) Each driver training school shall adopt and provide for its customers a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats;

(d) The minimum and maximum course duration;

(e) Refusing to allow a student to attend a driver training education course before the age of fifteen years;

(f) Refusing to enroll new students in a driver education course after the first three classes have been completed; and

(g) Information about Washington's intermediate licensing requirements, restrictions, and penalties and a place for parents to initial indicating that they have received the information.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session of classroom and behind the wheel instruction;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Classroom and behind the wheel performance evaluation results;

(e) The name and signature of the instructor who provided each session of classroom and behind the wheel instruction; and

(f) That both the student and parent received intermediate license requirements, restriction, and penalty information.

(4) Student records must be maintained by a driver training school for three years from the date instruction has ended.

(5) Driver training school records that must be maintained by a driver training school for three years, include but are not limited to:

(a) The school's written curriculum guide;

(b) Insurance policies;

(c) Collision or injury reports;

(d) Traffic safety education vehicle registration records; and

(e) Records of any traffic violations committed by an instructor employed by the school.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

(7) The driving school owner must notify the department within thirty days of closing the school and submit all unused traffic safety certificates and student course completion reports to the department.

(8) Class size must not exceed city fire code requirements for the classroom.

(9) Traffic safety education classroom hours shall not overlap between two or more classes.

(10) Failure to renew a school license before it expires will put all related branch office or branch classroom licenses into an inactive status.

(11) Student records are subject to department audit and inspection anytime after ninety days of the school's initial licensing, or as soon as practicable for the department.

(12) Branch office or classroom locations must display an official license issued by the department in a conspicuous place.

[Statutory Authority: RCW 46.82.290, 09-21-093, § 308-108-120, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-120, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-120, filed 7/29/05, effective 8/29/05.]

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within ten days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

(a) Conviction for a traffic violation;

(b) Finding that a traffic infraction has been committed;

(c) Entry into a deferred prosecution agreement; or

(d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030. Prior to the return to service of any traffic safety education vehicle that has been involved in a collision, the school owner must forward a vehicle inspection report to the department.

(3) Forward to the department by the seventh day of each month, a report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Not less than annually, have completed and have on file at the main school location a vehicle inspection report as required under WAC 308-108-110 (1)(b) for all traffic safety education vehicles in use by the school.

(5) Report to the department within ten days any new vehicles used by the school for instructional purposes or any vehicles taken out of service.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-140, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-140, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-140, filed 7/29/05, effective 8/29/05.]

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year. In order to be approved by the director, a curriculum schedule must satisfy or include the following requirements:

(1) Classroom and behind the wheel instruction that is complementary. This means that classroom instruction is integrated in a timely manner with behind the wheel instruction;

(2) Having students under age eighteen complete no more than two hours of classroom instruction during any single day, except for make-up classes which shall be no more than two additional hours of class not to exceed three total make-up classes during the traffic safety education course, and no more than one hour of behind the wheel instruction during any single day;

(3) For students under the age of eighteen to meet the traffic safety education requirement of RCW 46.20.100, instruction that:

(a) Includes not less than thirty hours of classroom instruction;

(b) Meets the behind the wheel instruction and observation requirements of WAC 308-108-160;

(c) Consists of at least one hour minimum and no more than two hours maximum of class session during a single day, except when adding a make-up class as provided in subsection (2) of this section, in which case classroom instruction must not exceed four hours in a single day;

(d) With the exception of make-up lessons, ensures that all students in a classroom session must be on the same lesson. Open enrollment or self-paced instruction is not permitted; and

(e) Ensures that each traffic safety education classroom course is at least fifty-percent instructor-led verbal instruction consisting of:

(i) In-person training;

(ii) Teacher and student interaction; and

(iii) Questions and answers;

(4) Classroom and behind the wheel instruction in a course that is scheduled for not less than thirty days in which lessons must be in contiguous weeks;

(5) Students may not enroll in a traffic safety education course after the third class session of any given course;

(6) All make-up assignments and instruction must be equivalent to the instruction given during the missed sessions;

(7) Distributing to students instructional material developed by the department and the federally designated organ procurement organization for Washington state relating to organ and tissue donation awareness education; and

(8) Review and approval of the local school curriculum by the department as part of the initial application for a school license. To help ensure that minimum standards of instruction are met, the local school curriculum must include but is not limited to the following:

(a) Comprehensive elements of classroom and behind the wheel instruction as defined by the department;

(b) Comprehensive written and behind the wheel examinations, to include:

(i) Written examinations as submitted to and approved by the department; and

(ii) Behind the wheel examination criteria as approved by the department;

(c) A flow chart that indicates how the classroom and behind the wheel instruction are integrated;

(d) Information on the state of Washington's intermediate license requirements, restrictions, violations, and sanctions for violation of these requirements; and

(e) A designated time for a parent, guardian, or employer night that is no less than one hour, which may be a part of the thirty hours required for student training, and must include:

(i) Instruction on the parent, guardian, or employer responsibilities and the importance of parent, guardian, or employer involvement with the teen driver;

(ii) Information on intermediate license laws, restrictions, and sanctions;

(iii) An introduction to the parent guide to teen driving; and

(iv) A questions and answers period.

[Statutory Authority: RCW 46.82.290. 09-21-092, § 308-108-150, filed 10/20/09, effective 1/1/10. Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-150, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-150, filed 7/29/05, effective 8/29/05.]

WAC 308-108-165 Prohibition on wireless communication devices during instruction. (1) Driving school instructors must not use wireless communication devices, hands-free or otherwise, that distract from or interfere with the behind the wheel or classroom instruction task. This includes the use of any communications devices that result in verbal or written text responses while conducting instruction. While supervising the operation of a vehicle, instructors are

additionally prohibited from sending or receiving messages with these devices. Ring volumes for these devices, or any phone in proximity, are to be silenced so as not to interfere in any way with the student learning or interacting with the instructor.

(2) This section does not apply to voice activated GPS devices or classroom devices that are being used as part of an approved curriculum. This section also does not preclude the use of devices to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property, as permitted under RCW 46.61.667.

(3) An unreasonable risk associated with a failure to obey this section is a violation of RCW 18.235.130(4).

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-165, filed 10/20/09, effective 11/20/09.]

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) In order to receive a traffic safety education certificate, all students under the age of eighteen must satisfactorily complete all portions of the course of instruction included in the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests that deals with all or many of the relevant details of the course curriculum that meets the standards established by the department.

(4) Each driver training school must assess the needs and progress of students and give appropriate direction for additional driving experience and/or parent guided practice.

[Statutory Authority: RCW 46.82.290. 09-21-093, § 308-108-170, filed 10/20/09, effective 11/20/09. Statutory Authority: RCW 46.82.290, 46.82.-310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-170, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-170, filed 7/29/05, effective 8/29/05.]

Chapter 308-124A WAC

REAL ESTATE—LICENSING AND EXAMINATION

WAC

308-124A-030 Successful applicants must apply for license.

WAC 308-124A-030 Successful applicants must apply for license. Examination results are valid until July 1, 2010. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed by June 30, 2010. Failure to comply with this provision will necessitate fulfilling the requirements of RCW 18.85.101 or 18.85.111 and the taking and passing of a new examination prior to licensure.

This section is effective until July 1, 2010.

[Statutory Authority: RCW 18.85.040, 18.85.130, 18.85.090, and 18.85.095. 09-16-034, § 308-124A-030, filed 7/27/09, effective 8/27/09. Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

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

WAC

308-125-120 Fees and charges.

WAC 308-125-120 Fees and charges. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$370.00
(2) Examination	120.00**
(3) Reexamination	120.00**
(4) Original certification	250.00*
(5) Certification renewal	530.00*
(6) Late renewal penalty	38.00
(7) Duplicate certificate	30.00
(8) Certification history record	30.00
(9) Application for reciprocity	370.00
(10) Original certification via reciprocity	250.00*
(11) Temporary practice	150.00
(12) Trainee registration	200.00
(13) Trainee registration renewal	200.00

* Proposed fees for these categories marked with an asterisk include an estimated \$50.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$25," such fees to be transmitted by the state to the federal government on an annual basis.

** Charges for categories marked with a double asterisk are determined by contract with an outside testing service.

[Statutory Authority: RCW 18.140.050 and 42.24.086. 09-24-037, § 308-125-120, filed 11/23/09, effective 1/1/10. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-120, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 43.24.086. 02-03-011, § 308-125-120, filed 1/4/02, effective 5/1/02; 99-04-075, § 308-125-120, filed 2/2/99, effective 3/5/99; 97-21-077, § 308-125-120, filed 10/17/97, effective 1/1/98; 97-16-042, § 308-125-120, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-120, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-120, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-120, filed 2/5/91, effective 3/8/91.]

Chapter 308-391 WAC

UNIFORM COMMERCIAL CODE, ARTICLE 9

WAC

308-391-100	Definitions.
308-391-101	Methods to deliver UCC records—Time of filing.
308-391-102	Search request delivery.
308-391-103	Forms.
308-391-104	Fees.
308-391-105	Expedited services.
308-391-106	Methods of payment.
308-391-107	Overpayment and underpayment policies.
308-391-108	Public bulk records services.
308-391-109	Fees for public records services.
308-391-200	Role of the filing officer.
308-391-201	Time schedule for filing a continuation statement.
308-391-202	Grounds for refusal.
308-391-203	Procedure upon refusal.
308-391-204	Refusal errors.
308-391-205	Notification of defects.
308-391-300	General.
308-391-301	Primary data elements.
308-391-302	Individual debtor names.
308-391-303	Organization debtor names.
308-391-304	Estates.

308-391-305	Trusts.
308-391-306	Initial financing statement.
308-391-307	Amendments generally.
308-391-308	Continuation statement.
308-391-309	Termination.
308-391-310	Correction statement.
308-391-311	Filing officer statement.
308-391-312	Procedure upon lapse.
308-391-313	Removal of record.
308-391-400	Errors of the filing office.
308-391-401	Data entry.
308-391-402	Verification of data entry.
308-391-403	Master amendments.
308-391-404	Notice of bankruptcy.
308-391-405	Redaction of certain information.
308-391-500	General requirements.
308-391-501	Search requests—Required information.
308-391-502	Search requests—Optional information.
308-391-503	Search methodology.
308-391-504	Changes in standard search logic.
308-391-505	Search responses.
308-391-601	Agricultural liens.
308-391-602	Processor lien or preparer lien.
308-391-603	Notice of liens in favor of a governmental body.

WAC 308-391-100 Definitions. Terms used in these filing office rules but not defined below shall have the same meanings as those terms in chapter 62A.9A RCW.

(1) "Active record" means a UCC record that has been stored in the UCC information management system and indexed in, but not yet removed from, the searchable indexes.

(2) "Address" means information provided as an address on a UCC record as long as it includes at least a city and a state or foreign country.

(3) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(4) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(5) "Correction statement" means a UCC record that indicates a financing statement is inaccurate or wrongfully filed.

(6) "Filing office" and "filing officer" mean the director of the department of licensing or designee.

(7) "Filing officer statement" means a statement entered into the filing office's information system to correct an error made by the filing office.

(8) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.

(9) "Remitter" means a person who submits a UCC record and payment to the filing office for filing, whether the person is a filer or an agent of a filer responsible for submitting the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(10) "Searchable indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names maintained in the UCC information management system.

(11) "Secured party of record" includes a secured party of record as defined in the UCC as well as the person who has been a secured party of record and an amendment has been filed to delete that person as a secured party of record.

(12) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(13) "UCC information management system" means the information management system used by the filing office to store, index, and retrieve information relating to financing statements and liens as described in these filing office rules.

(14) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a filing officer statement, or a correction statement, and includes a record maintained by the filing office. The term does not refer exclusively to paper or paper-based writings.

(15) "Unlapsed record" means a UCC record that has been stored and indexed in the UCC information management system, which has not yet lapsed under RCW 62A.9A-515 with respect to all secured parties of record.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-100, filed 5/29/09, effective 6/29/09.]

WAC 308-391-101 Methods to deliver UCC records—Time of filing. UCC records may be tendered for filing at the filing office as follows:

(1) Personal delivery at the filing office's street address. Delivery is accepted between 8:00 a.m. and 5:00 p.m. Monday through Friday except state holidays. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(2) Courier delivery at the filing office's street address. Delivery by courier is considered personal delivery under subsection (1) of this section and the same rules apply.

(3) Postal service delivery to the filing office's mailing address. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(4) Electronic mail and telefacsimile delivery are not accepted.

(5) Electronic filing. UCC records may be transmitted electronically using the XML format prescribed by the filing office. The time of filing of a UCC record delivered by this method is the time the filing office's information management system determines that all the required elements of the transmission have been received in the required format.

(6) Direct web page data entry. UCC records may be delivered by on-line data entry using the filing office's web site on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the on-line entry system.

(7) Means of communication. Regardless of the method of delivery, information in UCC records communicated to the filing office must be machine readable and only in the form of characters included in the American National Standards Institute (ANSI) character set 0-255. Handwriting is not an acceptable means of completing any UCC form.

(8) Transmitting utility. The only means to indicate to the filing office that an initial financing statement is being filed against a debtor that is a transmitting utility, in order to

affect the filing office's determination of lapse date, is to check the appropriate box on a UCC1 Addendum filed with the initial financing statement or by transmitting the information in the proper field in an electronic filing of the initial financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-101, filed 5/29/09, effective 6/29/09.]

WAC 308-391-102 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement if the initial financing statement is accepted for filing and the search fee is also tendered.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-102, filed 5/29/09, effective 6/29/09.]

WAC 308-391-103 Forms. The filing office accepts only the forms prescribed by RCW 62A.9A-521, and paper-based forms approved by the International Association of Commercial Administrators, and forms otherwise approved by the filing office. Forms approved by the filing office are available on the UCC web site.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-103, filed 5/29/09, effective 6/29/09.]

WAC 308-391-104 Fees. (1) The nonrefundable processing fee for filing and indexing a UCC record is:

FILINGS	DELIVERY MODE	FEE INCLUDING SURCHARGE
Financing Statement	electronic	\$11.00
Financing Statement Amendment	electronic	\$11.00
UCC1 Financing Statement (1 or 2 pages)	mail	\$23.00
UCC3 Financing Statement Amendment (1 or 2 pages)	mail	\$23.00
UCC5 Correction Statement (1 or 2 pages)	mail	\$23.00
Attachment	mail and electronic	\$1.00 each page

(2) UCC search fee. The nonrefundable fee for processing a UCC search request is:

SEARCH TYPE	DELIVERY MODE	FEE
Search by debtor name	electronic	No charge
Search by file number	electronic	No charge
Debtor name search with copies	electronic	\$15.00
Search held to reflect the filing	electronic	\$10.00/debtor name
UCC11 Search response	mail	\$10.00

SEARCH TYPE	DELIVERY MODE	FEE
UCC11 Search response with copies	mail	\$15.00
Search held to reflect the filing (UCC1 box 7)	mail	\$10.00/debtor name

(3) The fees for purchase of bulk data are:

BULK DATA	DELIVERY MODE	FEE
Full text	electronic	\$500
Text plus images	electronic	\$1,000
Weekly updates	electronic	\$150

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-104, filed 5/29/09, effective 6/29/09.]

WAC 308-391-105 Expedited services. Expedited services are not provided.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-105, filed 5/29/09, effective 6/29/09.]

WAC 308-391-106 Methods of payment. Filing fees and search fees may be paid by the following methods:

(1) Cash. Payment in cash is accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks, and money orders made payable to the filing office are accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion. Checks may be made payable in an amount to be filled in by the filing office if the filing office is clearly authorized to fill in the amount.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for electronic transfers with the UCC filing office and who authorize the relevant transfer under those arrangements and rules.

(4) Credit cards. The filing office accepts payment by credit cards issued by approved issuers. Remitters must provide the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the billing address for the card, and any other information required by the filing office to complete the transaction. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. This method of payment is accepted for on-line services only.

(5) The filing office accepts payment for bulk data by check or electronic funds transfer, except weekly updates which must be paid by electronic funds transfer.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-106, filed 5/29/09, effective 6/29/09.]

WAC 308-391-107 Overpayment and underpayment policies. (1) Overpayment. The filing office refunds the amount of an overpayment exceeding \$9.99 to the remitter. The filing office refunds an overpayment of \$9.99 or less only upon the written request of the remitter. The refund is mailed to the name and address provided in box B within thirty days under separate cover.

(2) Underpayment. Upon receipt of a UCC record or search request with an insufficient payment, the filing office returns a copy of the request to the name and address provided in box B. The processing fees paid under WAC 308-391-104 are not refundable and the remitter must submit a new payment.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-107, filed 5/29/09, effective 6/29/09.]

WAC 308-391-108 Public bulk records services.

Records filed at the UCC office are available in bulk electronic format to any member of the public on a nondiscriminatory basis. A reimbursable services agreement between the purchaser and the department must be established prior to purchase.

(1) Full text data. The data elements of all active records may be purchased monthly.

(2) Image data. Images of those records filed on paper since October 1, 2001, may be purchased monthly if purchased with full text data.

(3) Weekly updates. A purchaser may subscribe to receiving weekly updates of the records and images filed in the previous week.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-108, filed 5/29/09, effective 6/29/09.]

WAC 308-391-109 Fees for public records services.

Fees and payment methods for purchase of bulk data are identified in WAC 308-391-104.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-109, filed 5/29/09, effective 6/29/09.]

WAC 308-391-200 Role of the filing officer. The duties and responsibilities of the filing officer are ministerial. In accepting for filing or refusing to file a UCC record under these rules, the filing officer does not:

- Determine the legal sufficiency or insufficiency of the UCC record;
- Determine that information in the record is correct or incorrect, in whole or in part; or
- Create a presumption that information in the UCC record is correct or incorrect, in whole or in part.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-200, filed 5/29/09, effective 6/29/09.]

WAC 308-391-201 Time schedule for filing a continuation statement. (1) First day permitted.

(a) A continuation statement may be filed no earlier than six months preceding the date in which the financing statement would lapse. Example: If a financing statement will lapse on July 7th, the earliest the corresponding continuation statement may be filed is January 7th of the same year.

(b) If there is no corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. Example: If a financing statement will lapse on October 31st, the earliest the corresponding continuation statement may be filed is April 30th. This rule is subject to the ability of the filing office to take delivery of the continuation statement.

[2010 WAC Supp—page 36]

(2) Last day permitted.

(a) The last day on which a continuation statement may be filed is the date upon which the related financing statement lapses. This rule is subject to the ability of the filing office to take delivery of the continuation statement. Accordingly, the time of filing of the continuation statement must occur on or prior to the last day. Delivery by certain means of communication may not be available on the last day if the filing office is not open for business or the on-line services are unavailable.

(b) The one exception to this rule pertains to a record which lapses on February 29th in a year when there is no February 29th. The last day on which a continuation statement may be filed is March 1st.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-201, filed 5/29/09, effective 6/29/09.]

WAC 308-391-202 Grounds for refusal. In determining under RCW 62A.9A-516 whether or not there is one or more grounds to refuse a UCC record, the filing office will refuse a record for any of the following reasons:

(1) The financing statement does not provide an address that meets the minimum requirements for an address as set forth in these filing office rules.

(2) The information on the financing statement form is not machine-printed. However, attachments to the form may be handwritten.

(3) The financing statement form contains illegible information. Labels and imprints from ink stamps are considered illegible.

(4) The named debtor(s) is a public official, as provided in RCW 60.70.030.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-202, filed 5/29/09, effective 6/29/09.]

WAC 308-391-203 Procedure upon refusal. If the filing office finds grounds to refuse a UCC record, the filing office communicates the reason(s) for the refusal and other related information to the name and address provided in box B on the financing statement. The refusal notice will be communicated within two business days after the refused UCC record was received by the filing office, by mail or more expeditious means as the filing office shall determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, are maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-203, filed 5/29/09, effective 6/29/09.]

WAC 308-391-204 Refusal errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer will file the UCC record with the filing date and time the UCC record was originally submitted for filing. A filing officer statement record relating to the initial financing statement is placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement provides

the date of the correction and explains the nature of the corrective action taken. The filing officer statement record is preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-204, filed 5/29/09, effective 6/29/09.]

WAC 308-391-205 Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-205, filed 5/29/09, effective 6/29/09.]

WAC 308-391-300 General. The filing office uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names included on financing statements and liens that are in active records. The rules in this section describe the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-300, filed 5/29/09, effective 6/29/09.]

WAC 308-391-301 Primary data elements. The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement or lien is identified by its unique file number. A record is created in the information management system for each initial financing statement or lien and all information comprising the record is maintained in the system. The record is identified by the same information assigned to the initial financing statement or lien.

(b) A UCC record other than an initial financing statement or lien is identified by a unique file number assigned by the UCC information management system. In the UCC information management system, all UCC records other than initial financing statements and liens are linked to the record of their related initial record.

(2) Type of record. The type of UCC record from which data is transferred is identified in the UCC information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system.

(5) Page count. The total number of pages in a UCC record is maintained in the UCC information management system.

(6) Lapse indicator. An indicator is maintained by which the information management system identifies whether or not

a financing statement will lapse and, if it does, when it will lapse.

(7) Indexes of names. The filing office maintains in the UCC information management system a searchable index of organization debtor names, a searchable index of individual debtor names, a searchable index of organization secured party names, and a searchable index of individual secured party names. The index is not a separate data base but is comprised of records in the UCC information management system identified to be included in the searchable index.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-301, filed 5/29/09, effective 6/29/09.]

WAC 308-391-302 Individual debtor names. For purposes of these rules, an "individual debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

(1) Individual name fields. Individual debtor names are stored in files that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a last name and shall be entered in the last name field. The filing office assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer's designations.

(2) Titles, prefixes and suffixes. Titles, prefixes (e.g., "Ms.") and suffixes or indications of status (e.g., "M.D.") are not typically part of a debtor's name. However, when entering a "name" into the UCC information management system, the filing office will enter the data exactly as it appears in the fields.

(3) Truncation of individual names. Personal name fields in the UCC information management system are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

(a) First name: 100 characters.

(b) Middle name: 100 characters.

(c) Last name: 100 characters.

(d) Suffix: 10 characters.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-302, filed 5/29/09, effective 6/29/09.]

WAC 308-391-303 Organization debtor names. For purposes of these rules, an "organization debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an organization, without regard to the nature or character of the name or to the nature or character of the actual debtor.

(1) Single field. Organization debtor names are stored in files that include only organization debtor names and not individual debtor names. A single field is used to store an organization debtor name.

(2) Truncation of organization names. The organization debtor name field in the UCC data base is fixed in length.

The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing office, up to the maximum length of the organization debtor name field.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-303, filed 5/29/09, effective 6/29/09.]

WAC 308-391-304 Estates. The debtor name to be provided on a financing statement for a debtor that is an estate is the name of the relevant decedent. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in the fields.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-304, filed 5/29/09, effective 6/29/09.]

WAC 308-391-305 Trusts. The debtor name provided for a debtor that is a trust or a trustee acting in respect of trust property is the name of the trust as set forth in its organic record(s), if the trust has such a name. If the trust does not have such a name, the name of the trust's settlor will be used for the debtor name. In order for the information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization is provided as an organization debtor name, and the name of a settlor who is an individual is provided as an individual debtor name, in each case without regard to the nature or character of the debtor. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in the fields.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-305, filed 5/29/09, effective 6/29/09.]

WAC 308-391-306 Initial financing statement. Upon filing an initial financing statement the status of the parties and the status of the financing statement will be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement is a secured party of record, except that if the UCC record names an assignee, the secured party/assignor is not a secured party of record and the secured party/assignee is a secured party of record. Both names are indexed in the UCC information management system while the financing statement is an active record.

(2) Status of debtor. Each debtor name provided in the initial financing statement is indexed in the UCC information management system while the financing statement is an active record.

(3) Status of financing statement. The financing statement is an active record. A lapse date is 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 will be no lapse date.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-306, filed 5/29/09, effective 6/29/09.]

WAC 308-391-307 Amendments generally. Filing an amendment does not change the status of the parties on the record.

(1) If an amendment adds a debtor or a secured party to the record, the new debtor or secured party is added to the appropriate index and associated with the record of the financing statement in the UCC information management system.

(2) An amendment that designates an assignee causes the assignee to be added as a secured party of record.

(3) If an amendment deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the filing office as a secured party of record as the filing office cannot verify the effectiveness of an amendment.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-307, filed 5/29/09, effective 6/29/09.]

WAC 308-391-308 Continuation statement. (1) Continuation of lapse date. Upon the timely filing of one or more continuation statements by any secured party(s) of record, the lapse date of the financing statement is postponed for five years. The lapse date is postponed once only, even if more than one continuation statement is filed within a given six-month period prior to a lapse date.

(2) Status. The filing of a continuation has no effect upon the status of any party to the financing statement or upon the status of the financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-308, filed 5/29/09, effective 6/29/09.]

WAC 308-391-309 Termination. The filing of a termination has no effect upon the status of any party to the financing statement or upon the status of the financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-309, filed 5/29/09, effective 6/29/09.]

WAC 308-391-310 Correction statement. The filing of a correction statement has no effect upon the status of any party to the financing statement, the status of the financing statement, or to the information maintained in the information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-310, filed 5/29/09, effective 6/29/09.]

WAC 308-391-311 Filing officer statement. A filing officer statement affects the status of parties and of the relevant financing statement as provided in the corrective action described in the filing officer statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-311, filed 5/29/09, effective 6/29/09.]

WAC 308-391-312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-312, filed 5/29/09, effective 6/29/09.]

WAC 308-391-313 Removal of record. A financing statement must remain as an active record until at least one year after it lapses, or if it is indicated to be filed against a transmitting utility, until at least one year after it is terminated with respect to all secured parties of record. On or after the first anniversary of the lapse or termination date, the filing office or the UCC information management system may remove the financing statement and all related UCC records from the searchable indexes or from the UCC information management system and the removed UCC records will cease to be active records. UCC records removed from the UCC information management system cannot be retrieved.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-313, filed 5/29/09, effective 6/29/09.]

WAC 308-391-400 Errors of the filing office. The filing office may correct data entry and indexing errors of filing office personnel in the UCC information management system at any time. If a correction is made to a record after the filing office has issued a search report with a through date and time on or after the filing date and time of the financing statement, the filing office will add a filing officer statement for that UCC record on the date that the corrective action was taken. The filing officer statement will provide the date and an explanation of the correction.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-400, filed 5/29/09, effective 6/29/09.]

WAC 308-391-401 Data entry. Data provided on a paper-based form is keyed into the system exactly as it appears without regard to apparent errors. Data provided in electronic form is transferred to the information management system exactly as submitted by the remitter. The UCC information management system will not recognize characters outside the ANSI character set as described in WAC 308-391-101. The filing office may determine alternate characters or letters for nonstandard characters and will post these alternates on the web site.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-401, filed 5/29/09, effective 6/29/09.]

WAC 308-391-402 Verification of data entry. (1) The filing office verifies accuracy of the data entry performed by the filing officers of UCC records entered into the UCC information management system.

(2) Data entry performed by remitters in filing UCC records electronically is the responsibility of the remitter and is not verified by the filing office.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-402, filed 5/29/09, effective 6/29/09.]

WAC 308-391-403 Master amendments. The filing office will not accept a master or global amendment to multiple records.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-403, filed 5/29/09, effective 6/29/09.]

WAC 308-391-404 Notice of bankruptcy. The filing office takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-404, filed 5/29/09, effective 6/29/09.]

WAC 308-391-405 Redaction of certain information. The filing office may be obliged to redact certain information from the information it provides to searchers and bulk data purchasers in accordance with applicable privacy and identity theft protection laws. Such information should not be included in UCC financing statements and may be redacted in accordance with those laws.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-405, filed 5/29/09, effective 6/29/09.]

WAC 308-391-500 General requirements. The filing office maintains for public inspection a searchable index of all active records in the UCC information management system. Active records are retrievable by the name of the debtor, by the name of the secured party, or by the file number of the UCC record. Each active record related to an initial financing statement is retrieved with the initial financing statement. A search by file number does not retrieve related records.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-500, filed 5/29/09, effective 6/29/09.]

WAC 308-391-501 Search requests—Required information. Search requests must include the following:

(1) Name to be searched. A search request must set forth the name to be searched using designated fields for organization and individual first, middle, and last names. A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor or secured party that is the subject of the search.

(2) Requesting party. The name and address of the person to whom the search results are to be sent.

(3) Fee. The appropriate fee shall be tendered by a method described in WAC 308-391-106.

(4) Search logic. The request shall specify if a search methodology other than that described in WAC 308-391-503 is to be applied in conducting the search. If no such methodology is specified, the one described in WAC 308-390-503 will be applied.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-501, filed 5/29/09, effective 6/29/09.]

WAC 308-391-502 Search requests—Optional information. Search requests may include the following:

(1) The request may limit the UCC records that would normally be provided by requesting that results be limited to those UCC records that:

- Include a particular city in the debtor address;
- Were filed within a particular range of dates; or
- Relate to agricultural liens and non-UCC records only.

(2) Scope of search. A search request may ask for a search that reports all active records retrieved by the search rather than only unexpired records retrieved by the search.

(3) Mode of delivery. The filing office will honor an online request to return the results by courier if the remitter provides a valid courier account number and the requested mode is available to the filing office.

(4) Search request with filing. If a filer requests a search at the time an initial financing statement is filed, by checking box 7 of the UCC1 or by marking the appropriate field on the on-line initial financing statement, the search request will be conducted as soon as it is possible to retrieve all relevant UCC records filed on or prior to the date the initial financing statement is filed. A fee is required for each debtor name searched.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-502, filed 5/29/09, effective 6/29/09.]

WAC 308-391-503 Search methodology. Search results are produced by the application of search logic to the name presented to the filing office. Human judgment does not play a role in determining the results of the search.

(1) Standard search logic. The following rules describe the filing office's standard search logic and apply to all searches except for those where the search request specifies that a nonstandard search logic be used:

(a) There is no limit to the number of matches that may be returned in response to the search criteria.

(b) No distinction is made between upper and lower case letters.

(c) The character "&" (the ampersand) is deleted and replaced with the characters "and" in each place it appears in the name.

(d) Punctuation marks and accents are disregarded. Punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.

(e) The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are "disregarded" to the extent practicable as determined by the filing office's programming of its UCC information management system:

ATTORNEYS AT LAW, MEDICAL DOCTORS PROFESSIONAL ASSOCIATION, PROFESSIONAL ASSOCIATION, NATIONAL ASSOCIATION, SAVINGS ASSOCIATION, MEDICAL DOCTORS PROFESSIONAL CORPORATION, PROFESSIONAL CORPORATION, SERVICE CORPORATION, PROFESSIONAL LIMITED LIABILITY COMPANY, LIMITED LIABILITY COMPANY" & ", PROFESSIONAL LIMITED LIABILITY CO, REGISTERED LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED PARTNERSHIP, GENERAL PARTNERSHIP, AS TRUSTEE, REAL ESTATE INVESTMENT TRUST, BUSINESS TRUST, FEDERAL CREDIT UNION, CREDIT UNION, FEDERAL SAVINGS BANK" & ", NATIONAL BANK, SOLE PROPRIETORSHIP, GEN PART, PROF ASSN, PROF CORP, INCORPORATED, ASSOCIATION, CORPORATION, PARTNERSHIP, ASSOCIATES, CHARTERED, CHARTER, COMPANY, PARTNERS, RAILROAD, LIMITED, PARTSHP, TRUSTEE, AGENCY, ASSOC, TRUST, ASSN, ASSC, BANK, CORP, LTEE, L T E E" & ", MDP A, M D P A, MDPC, M D P C, PLLC, P L L C, REIT, R E I T, RLLP, L L L P, DBA, D B A, FCU, F C U, FSB, F S B, INC, LLP, L L P, LLC, L L C, LTD, SPA, S P A, CO, CU, C U, GP, G P, LC, L C, LP, L P, NA, N A, PA, P A, PC, P C, P S, PS, RR, SA, S A, SC, SP, S P

(f) The word "the" at the beginning of an organization debtor name is disregarded.

(g) All spaces are disregarded.

(h) For first and middle names of individual debtor names, initials are treated as the logical equivalent of all names that begin with those initials. For example, a search request for "John A. Smith" would cause the search to retrieve all records against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field.

A first name with no middle name or initial is equated with all middle names and initials. For example, if the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all records against an individual with "John" or the initial "J" as the first name, "Smith" as the last name, and with any name or initial, or no name or initial, in the middle name field.

(i) If the name being searched is the last name of an individual name without any first or middle name provided, the search will retrieve from the UCC information management system all unlapsed records or, if requested by the searcher, all active records with individual names that consist of only that last name.

(j) After using the preceding rules to modify the name being searched, the search will retrieve from the UCC information management system all unlapsed records, or, if requested by the searcher, all active records with names that, after being modified as provided in this rule, exactly match the modified name being searched.

(2) Nonstandard search logic. The filing office provides a flexible Browse Names tool to help the searcher narrow the search to one specific name for the standard search request. It helps identify UCC records filed under old laws or under other laws (like IRS liens). It also helps to find names with alternate spellings, abbreviations and other variations.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-503, filed 5/29/09, effective 6/29/09.]

WAC 308-391-504 Changes in standard search logic.

If the filing office changes its standard search logic or the implementation of its standard search logic in a manner that could alter search results, the filing office will provide public notice of the change.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-504, filed 5/29/09, effective 6/29/09.]

WAC 308-391-505 Search responses. Reports created in response to a search request include the following:

(1) Copies. If copies are requested, copies of all UCC records retrieved by a debtor name search are provided unless only limited copies are requested by the searcher. Copies may reflect redaction of certain personal identifying information. The filing office cannot provide copies with a search by secured party name.

(2) Introductory information. The filing office includes the following information with a search response:

(a) Identification of the agency director responsible for the search report.

(b) Unique number that identifies the search report.

(c) The date and time the report was generated.

(d) The date on or prior to which a UCC record must have been filed with the filing office for it to be reflected on the search.

(e) Certification language: "The Director certifies that the following list and attached copies, if any, are a true and exact representation of all financing statements and non-UCC liens for the name searched, as filed with the Department of Licensing, Uniform Commercial Code Program, as of the through date shown above."

(f) Search logic disclaimer language: "A search limited to a particular city, range of dates, or file number may not reveal all records against a name searched. The searcher bears the risk of relying on such a search result."

(g) Name provided by the searcher to be searched.

(h) Search string. The name searched after modifications made as provided by WAC 308-391-503.

(i) Lien type searched. Identifies the types of records included: All UCC records, or Ag liens, or non-UCC records.

(j) Scope of search: Indicates whether it includes only unexpired, or all active records.

(k) Search logic used: RA-9 standard search logic is used in all certified searches.

(l) Copies. When requested, copies of records will be attached to a certified search report, but the individual copies will not be certified. The requestor may specify certain copies related to one specific debtor name.

(3) Report. The body of the search report will contain the following:

(a) Identification of record. Identification of each initial financing statement and non-UCC lien, including a listing of all related amendments, correction statements, or filing officer notices, filed on or prior to the through date corresponding to the search criteria. Financing statement information includes, but is not limited to the following:

- 1 Initial financing statement or lien file number.
- 2 The date and time the financing statement or lien was filed.
- 3 The lapse date as calculated as of the through date and time.
- 4 The debtor name(s) that appear(s) on record.
- 5 The debtor address(es) that appear(s) on record.
- 6 The secured party name(s) that appear(s) on record.
- 7 The secured party address(es) that appear(s) on record.
- 8 An indication of the type of each amendment, if any.
- 9 The date and time each amendment was filed, if any.
- 10 The amendment file number of each amendment, if any.
- 11 The date and time a correction statement was filed, if any.
- 12 The date and time a filing officer statement was filed, if any.

(b) A unique number assigned to the search report.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-505, filed 5/29/09, effective 6/29/09.]

WAC 308-391-601 Agricultural liens. Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5 of the UCC-1 form or the appropriate field on-line. The lien will be indexed by debtor name and will be revealed by searches as provided in WAC 308-391-505.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-601, filed 5/29/09, effective 6/29/09.]

WAC 308-391-602 Processor lien or preparer lien.

(1) A producer or commercial fisherman may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed under RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed under RCW 60.13.040 evidencing the processor lien or preparer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 4.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-391-101.

(4) Fee. The fees are the same as provided in WAC 308-391-104.

(5) Duration. As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five

years, and need not, and may not be continued as provided in WAC 308-391-201.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-391-505.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-602, filed 5/29/09, effective 6/29/09.]

WAC 308-391-603 Notice of liens in favor of a governmental body. Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-391-505:

- (1) Notice of Federal Tax Lien, RCW 60.68.045;
- (2) Criminal Profiteering Lien, RCW 9A.82.120 through 9A.82.140;
- (3) Department of Justice Lien, RCW 60.68.015.

[Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-603, filed 5/29/09, effective 6/29/09.]

Chapter 308-408 WAC DEFINITIONS

WAC

308-408-010 Words and terms.

WAC 308-408-010 Words and terms. Words and terms used in these rules shall have the same meaning as each has under chapter 18.280 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(1) "Classroom" means training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means.

(2) "Comment" means the act of stating one's observations clearly in the report.

(3) "Describe" means the act of stating one's observations clearly in the report.

(4) "Distance education" means a delivery method in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, correspondence or internet-based instruction are used.

(5) "Enter" means to physically go into an attic, crawlspace, or other area. Simply sticking one's head and shoulders into these areas is not entering.

(6) "Field training" is in addition to the one hundred twenty hours of classroom instruction and shall be done on actual inspection sites. Field training must include forty hours of instruction with a minimum of five actual complete home inspections done to the standards of practice under the super-

vision of an experienced inspector. The applicant will be required to complete written reports for each inspection and the supervisor will review the reports and certify that they are in full compliance with the standards of practice. The forty hours of supervised instruction will not include travel time to and from inspection, meals, and report writing time.

(7) "Interactive" means the course structure and technologies promote active student involvement with the course content, including the ability to:

- (a) Access or bypass optional content, if applicable;
- (b) Submit questions or answer test items, and receive direct feedback; and
- (c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

(8) "Passive" means there is no required or actual interaction or feedback between the student and instructor.

(9) "Preinspection agreement" is a written contract signed by the client that outlines the standards and work to be performed by the home inspector.

(10) "Preoffer consultation" is a verbal report that is limited in scope performed by a licensed home inspector. A preinspection agreement must be signed by the client and describe the limited scope of the consultation. This preoffer consultation is conducted only prior to mutual acceptance.

(11) "Readily accessible" means available for visual inspection without requiring moving personal property, dismantling, destructive measures, or any action that likely will involve risk to persons or property.

(12) "Record" means the act of stating one's observations clearly in the report.

(13) "Report" means the act of stating one's observations clearly in the report.

(14) "Standard home inspection" is a prelisting or presale written report that contains all or most of the components listed in the standards of practice. The components must be listed in the preinspection agreement. This standard home inspection report cannot be delivered verbally and must be in writing.

(15) "Technically exhaustive" is an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations or other means.

(16) "Traverse" means the act of physically moving through a crawlspace or attic or over the surface of a roof during an inspection when it is safe to do so.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408-010, filed 6/3/09, effective 7/4/09.]

Chapter 308-408A WAC LICENSING

WAC

308-408A-010	Application for a license—Fingerprinting.
308-408A-020	Application process to take examination.
308-408A-030	Successful applicants must apply for license.
308-408A-040	Application for home inspector examination, licensed in another jurisdiction.
308-408A-050	Substitution of clock hours.
308-408A-060	Grading of examinations.
308-408A-070	Reexamination.
308-408A-080	Examination procedures.

308-408A-090	Home inspector fees.
308-408A-100	Home inspectors renewal—Expiration.
308-408A-105	Reinstatement of a canceled license for nonpayment of renewal fee.
308-408A-110	Continuing education clock hour requirements.

WAC 308-408A-010 Application for a license—Fingerprinting. Persons who have been convicted of a crime within ten years of application may be required to submit fingerprint identification on a form provided by the department prior to issuance of a license.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-010, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-020 Application process to take examination. This section does not apply to applicants for a home inspector's license who are actively licensed in another jurisdiction or were so licensed in the preceding six months in accordance with WAC 308-408A-040.

(1) Any person desiring to take an examination for a home inspector's license, except applicants who have received clock hours in another jurisdiction that have not been approved by the department, or applicants who are requesting substitution of clock hours per WAC 308-408A-050, shall telephone the testing service up to one day prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service. On the day of the examination, the candidate shall submit a completed examination application that has been approved by the department to the testing service. This approval is valid for six months from the date of the approval letter. If the approval expires, the candidate must apply to be reaproved. Approval is granted upon successful completion of a one hundred twenty hour course in fundamentals of home inspection and proof of forty hours of field training approved by the department. The candidate must pass a course examination approved by the director. This course and the required field training must be completed within two years prior to applying for the home inspector's license examination.

(2) The candidate will be able to schedule an examination date up to one day prior to their desired test date. Candidates requesting a morning or afternoon test session will be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit the verified examination application document to the testing service approved by the department.

(3) A candidate shall be assessed the full examination fee for any examination in which the candidate fails to provide two days' notice to the testing service for changing their examination date or for failing to arrive and take a scheduled examination at the time the examination is scheduled or rescheduled.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-020, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-030 Successful applicants must apply for license. Examination results are valid for one year only. Any person who has passed the examination for home inspector licensure must become licensed within one year from the date of such examination. Failure to comply with

this provision will necessitate the taking and passing of another examination.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-030, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-040 Application for home inspector examination, licensed in another jurisdiction. (1) Any person applying for a home inspector examination who has been licensed and actively practices as a home inspector for two years in the last four years in another jurisdiction that meets or exceeds the requirements under chapter 18.280 RCW and has maintained his or her license in good standing is eligible to take the Washington state portion of the examination.

(2) Any person applying to take the examination under this section shall submit an examination application approved by the department and shall submit evidence of licensure in good standing in another jurisdiction by a license verification form completed by an administrative officer of the licensure authority in such jurisdiction.

(3) After the qualifications for the examination have been verified by the department the candidate shall contact the testing service up to one day prior to the desired test date to schedule and pay for an examination. Candidates requesting a morning or afternoon test session shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit at the test site the verified examination application.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-040, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-050 Substitution of clock hours. (1) The director may allow for substitution of the clock hour requirements in RCW 18.280.070 if the individual is otherwise and similarly qualified by reason of completion of equivalent educational coursework in any institution of higher education or degree granting institution. Proof of a minimum of sixty hours of fundamentals of home inspection will qualify for a supplemental course to meet the one hundred twenty hour requirement.

(2) Individuals requesting approval of equivalent educational coursework shall submit a transcript of coursework completed from an institution of higher education or a degree granting institution together with an application for the license examination. The department may also require certification from an authorized representative of the institution of higher education or degree granting institution that the coursework satisfies the department's prescribed course content or curriculum and offered through classroom instruction for a given course(s).

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-050, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-060 Grading of examinations. (1) To pass the home inspector examination a minimum scaled score of seventy is required on each portion. The home inspector examination shall consist of two portions:

(a) The national portion consisting of questions that test general home inspector practices; and

(b) The state portion consisting of questions that test on Washington laws and rules for home inspector licensing.

(2) A passing score for either portion of an examination shall be valid for a period not to exceed one year from the date of testing.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-060, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-070 Reexamination. An applicant who has failed the full or any portion of the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted. An applicant who has failed the full or any portion of the examination or failed to appear for a scheduled examination may apply for reexamination by contacting the testing service to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-070, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-080 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; and

(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 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-080, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-090 Home inspector fees. These fees are applicable to all original licenses, examination services, and fee generating services. The following fees shall be

charged by professional licensing services of the department of licensing:

TITLE OF FEE	FEE
Home Inspector:	
Application/examination	\$300
Reexamination	
Full	\$300
National portion	\$250
State portion	\$125
Original license	\$680
License renewal	\$375
Late renewal with penalty	\$435
Reinstatement penalty fine	\$150
Course review	\$75

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-090, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-100 Home inspectors renewal—Expiration. The minimum requirements for a home inspector to be issued the renewal of a license are that the home inspector:

(1) Has furnished proof of successful completion of twenty-four hours in instruction in courses approved by the board.

(2) Submit a renewal fee.

(3) If the application for a renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director by rule shall be paid.

(4) 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 procedure and requirements as prescribed by the director by rule.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-100, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-105 Reinstatement of a canceled license for nonpayment of renewal fee. Any person desiring to be reinstated as a licensed home inspector within two years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of twenty-four hours of approved home inspection coursework completed within one year preceding the application for reinstatement. A minimum of three clock hours must include a course(s) in Washington home inspector laws and regulations;

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of reinstatement penalty fine of one hundred fifty dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of the home inspection licensing examination; and

(b) Successful completion of the fundamentals of home inspection course pursuant to RCW 18.280.070(2); and

(c) Proof of up to forty hours of field training supervised by a licensed home inspector as required by RCW 18.280-070(3).

(3) Former licensees canceled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-105, filed 6/3/09, effective 7/4/09.]

WAC 308-408A-110 Continuing education clock hour requirements. A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.280.110, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of a license shall submit evidence of completion of twenty-four hours of instruction in a course(s) approved by the board and commenced within twenty-four months of a licensee's renewal date.

(2) The twenty-four clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-408B-040.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(5) Clock hour credit for continuing education shall not be accepted if: The course is not approved pursuant to chapters 308-408B WAC and 18.280 RCW.

(6) Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408A-110, filed 6/3/09, effective 7/4/09.]

Chapter 308-408B WAC EDUCATION

WAC

308-408B-010	Course approval required.
308-408B-020	Course titles reserved for prescribed curriculum courses.
308-408B-030	Application process for previously approved courses.
308-408B-040	General requirements for course approval.
308-408B-050	Changes and updates in approved courses.
308-408B-060	Certificate of course completion.
308-408B-070	Courses offered in a symposium or conference format.
308-408B-080	Disciplinary action—Procedures—Investigation.
308-408B-090	Grounds for denial or withdrawal of course approval.
308-408B-100	Hearing procedure.
308-408B-110	Record retention.
308-408B-120	Distance education delivery method approval required.

WAC 308-408B-010 Course approval required. (1) Any education provider or course developer must submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which the course is offered for clock hour credit.

(3) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the board.

(5) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after the effective date of approval.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-010, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-020 Course titles reserved for prescribed curriculum courses. Any education provider desiring to offer any prescribed curriculum courses shall utilize the most recent course curriculum prescribed by the department, and shall include in its title the phrase "fundamentals of home inspection" if submitted for approval for clock hours. No other courses shall use this phrase in their titles.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-020, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-030 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 308-408B-040 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 308-408B-050, 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 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-030, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-040 General requirements for course approval. Courses shall meet one of the following requirements:

(1) Be offered by a private entity; or
 (2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that offers college credits; or

(3) Be offered by the Washington home inspector board; and

(4) Have a minimum of one hundred twenty hours of coursework or instruction for the student for prelicense; or

(5) Have a minimum of two hours of coursework or instruction for the student for continuing education. A clock-hour is a period of fifty minutes of actual instruction; and

(6) Provide practical information related to the practice of home inspection in any of the following home inspection topic areas:

(a) Department prescribed curricula for prelicense: Fundamentals of home inspection.

(b) Continuing education:

(i) Communications;

(ii) Structures;

- (iii) Plumbing;
- (iv) Electrical;
- (v) Heating;
- (vi) Ventilation;
- (vii) Air conditioning;
- (viii) Law and business administration;
- (ix) Current trends and issues;
- (x) Exteriors;
- (xi) Interiors;
- (xii) Consumer protection;
- (xiii) Report writing; and
- (xiv) Environmental conditions or hazardous materials.

(7) Be under the supervision of an instructor, who shall, at a minimum, be available to respond to specific questions from students;

(8) The following types of courses will not be approved for clock hours:

(a) Mechanical office and business skills, such as, key-boarding, speed-reading, memory improvement, and grammar;

(b) Standardized software programs such as word processing, e-mail, spreadsheets or data bases; an example: A course specific to the reporting system necessary to deliver a home inspection would be acceptable, but a course teaching how to use a computer 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 home inspector licensee can utilize the information in the practice of home inspection;

(f) Personal finance, etiquette, or motivational type courses;

(g) Courses that are designed to promote or offer to sell specific products or services to home inspector 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.

(9) Prelicense courses which are submitted for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than two hundred 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; an examination is not required for continuing education courses;

(10) Include textbook or instructional materials approved by the director, which shall be kept accurate and current;

(11) Not have a title which misleads the public as to the subject matter of the course;

(12) The provider's course application shall identify learning objectives and demonstrate how these are related to the practice of home inspection.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-040, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-050 Changes and updates in approved courses. 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 home inspection which affect the validity or accuracy of the course material or instruction.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-050, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-060 Certificate of course completion. Each education provider must issue a certificate of course completion within thirty days to students who have satisfactorily completed the course requirements. The certificate shall include the following information:

- (1) Student's name;
- (2) School's name;
- (3) The course commencement date and completion date;
- (4) Course title;
- (5) Clock hours for the course;
- (6) School administrator's signature;
- (7) Course identification number issued by the department;
- (8) Instructor name; and
- (9) Completion of a required examination, if applicable.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-060, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-070 Courses offered in a symposium or conference format. (1) Approved schools offering courses in a symposium or conference format with two or more modules of independent instruction may issue certificates of course completion for fewer clock hours than approved by the department on their original course approval application; and

(2) Students must complete a minimum of two clock hours of instruction to receive clock hour credit.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-070, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-080 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.280 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses

and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-080, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-090 Grounds for denial or withdrawal of course approval. Course approval may be denied or withdrawn if the instructor or any owner, administrator or affiliated representative of a school, or a course provider or developer:

(1) Submits a false or incomplete course application or any other information required to be submitted to the department;

(2) Includes in its title the phrase "fundamentals of home inspection" if the course was not submitted for approval of clock hours pursuant to WAC 308-408B-020;

(3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;

(4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;

(5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content;

(6) Failed to meet the requirements under WAC 308-408B-040 and 308-408B-120;

(7) If a course or prescribed curriculum was approved through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-090, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-100 Hearing procedure. Upon notice of course denial or disapproval or withdrawal of course approval, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-408B-040. To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of denial, disapproval or withdrawal of course approval. Any person aggrieved by a final decision of the director or authorized representative of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-100, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-110 Record retention. (1) Each school shall maintain for a minimum of five years each student's record;

(2) A "student record" shall include:

(a) The name, address, and telephone number of the school;

(b) Full name, address, and telephone number of the student;

(c) Beginning and ending dates of attendance;

(d) Clock hour courses completed and examination results. (3) Each school shall provide a copy of a student's record to the student or the department upon request.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-110, filed 6/3/09, effective 7/4/09.]

WAC 308-408B-120 Distance education delivery method approval required. Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice of home inspection. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastering, used for each learning objective and provide a structured learning method designed to enable students to attain each objective.

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the master requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and fax;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify

in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software or other technologies to the achievement of the course's instructional claims;

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics;

(11) Demonstrate how the provider determined the number of clock hours requested in the distance education delivery method approval application; and

(12) Provide with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under WAC 308-408B-110.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408B-120, filed 6/3/09, effective 7/4/09.]

Chapter 308-408C WAC STANDARDS OF PRACTICE

WAC

308-408C-010	Standards of practice (SOP)—Purpose and scope.
308-408C-020	Ethics—Statement of purpose.
308-408C-030	Exclusions and limitations.
308-408C-040	Recordkeeping.
308-408C-050	Contracts.
308-408C-060	Procedures.
308-408C-070	Structure.
308-408C-080	Exterior.
308-408C-090	Roofs.
308-408C-100	Plumbing system.
308-408C-110	Electrical system.
308-408C-120	Heating system.
308-408C-130	Air conditioning systems.
308-408C-140	Interiors.
308-408C-150	Insulation and ventilation.
308-408C-160	Fireplaces and stoves.
308-408C-170	Site.
308-408C-180	Attached garages or carports.

WAC 308-408C-010 Standards of practice (SOP)—Purpose and scope. Violations of the following SOP and ethics are subject to disciplinary action under RCW 18.235.-130.

The purpose of a home inspection is to assess the condition of the residence at the time of the inspection using visual observations, simple tools and normal homeowner operational controls; and to report deficiencies of specific systems and components. Inspectors must perform all inspections in compliance with the SOP set forth by the Washington state department of licensing.

A home inspection is not technically exhaustive and does not identify concealed conditions or latent defects. This SOP is applicable to buildings with four or fewer dwelling units and their attached garages or carports.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-010, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-020 Ethics—Statement of purpose.

In order to ensure the integrity and high standard of skill and practice in the home inspection profession, the following rules of conduct and ethics shall be binding upon the inspector.

The home inspector must:

(1) Provide home inspection services that conform to the Washington state home inspectors' SOP.

(2) Provide full written disclosure of any business or familial relationships or other conflicts of interest between themselves and any other party to the transaction. The parties may include, but are not limited to, buyers, sellers, appraisers, real estate licensees, mortgage representatives, title companies, vendors and service contractors.

(3) Act as an unbiased party and discharge his or her duties with integrity and fidelity to the client.

(4) Perform services and express opinions based on genuine conviction and only within the inspector's area of education, training, or expertise.

(5) Not conduct a home inspection or prepare a home inspection report that knowingly minimizes, compromises or attempts to balance information about defects for the purpose of garnering future referrals.

(6) Not provide services that constitute the unauthorized practice of any profession that requires a special license when the inspector does not hold that license.

(7) Not accept compensation for a home inspection from more than one party without written disclosure to the inspector's client(s).

(8) Not for one year after completion of the inspection repair, replace, or upgrade for compensation components or systems on any building inspected - this section applies to the inspector's firm and other employees or principals of that firm or affiliated firms.

(9) Not provide compensation, inducement, or reward directly or indirectly, to any person or entity other than the client, for the referral of business, inclusion on a list of recommended inspectors or preferred providers or participate in similar arrangements. The purchase and/or use of low-value advertising or marketing services or products that does not exceed ten dollars per item, is not considered inducement or reward.

(10) Not disclose information contained in the inspection report without client approval or as required by law. However, at their discretion inspectors may disclose when practical observed safety or health hazards to occupants or others that are exposed to such hazards.

(11) Not advertise previous experience in an associated trade as experience in the home inspection profession. An inspector's advertised inspection experience will reflect only the inspector's experience as a home inspector and inspectors shall not advertise, market or promote their home inspection services or qualifications in a fraudulent, false, deceptive or misleading manner.

(12) Not accept a home inspection referral or perform a home inspection when assignment of the inspection is contingent upon the inspector reporting predetermined conditions.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-020, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-030 Exclusions and limitations.

Inspectors are not required to:

(1) Determine the condition of any system or component that is not readily accessible; the remaining service life of any system or component; the strength, adequacy, effectiveness or efficiency of any system or component; causes of any condition or deficiency; methods, materials, or cost of corrections; future conditions including, but not limited to, failure of systems and components.

(2) Comment on the suitability of the structure or property for any specialized use, compliance with codes, regulations, laws or ordinances.

(3) Report the presence of potentially hazardous plants or animals including, but not limited to, wood destroying insects or diseases harmful to humans; the presence of any environmental hazards including, but not limited to mold, toxins, carcinogens, noise, and contaminants in soil, water or air; the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.

(4) Determine the operating costs of any systems or components.

(5) Determine the acoustical properties of any systems or components.

(6) Operate any system or component that is shut down, not connected or is otherwise inoperable.

(7) Operate any system or component that does not respond to normal user controls.

(8) Operate any circuit breakers, water, gas or oil shutoff valves.

(9) Offer or perform any act or service contrary to law.

(10) Offer or perform engineering services or work in any trade or professional service other than home inspection.

(11) Offer or provide warranties or guarantees of any kind unless clearly explained and agreed to by both parties in a preinspection agreement.

(12) Determine the existence of or inspect any underground items including, but not limited to, underground storage tanks or sprinkler systems.

(13) Inspect decorative items, or systems or components that are in areas not entered in accordance with the SOP.

(14) Inspect detached structures, common elements and areas of multiunit housing such as condominium properties or cooperative housing.

(15) Perform any procedure or operation that will, in the opinion of the inspector, likely be dangerous to the inspector or others or damage the property, its systems or components.

(16) Move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice or debris.

(17) Dismantle any system or component, except as explicitly required by the SOP.

(18) Enter flooded crawlspaces, attics that are not readily accessible, or any area that will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property, its systems or components.

(19) Inspect or comment on the condition or serviceability of elevators or related equipment.

(20) Inspect or comment on the condition or serviceability of swimming pools, hot tubs, saunas, sports courts or other similar equipment or related equipment.

Inspectors are not limited from examining other systems and components or including other inspection services. Like-

wise, if the inspector is qualified and willing to do so, an inspector may specify the type of repairs to be made.

An inspector may exclude those systems or components that a client specifically requests not to be included in the scope of the inspection or those areas that, in the opinion of the inspector, are inaccessible due to obstructions or conditions dangerous to the inspector. When systems or components designated for inspection under this SOP are excluded, the reason the item was excluded will be reported.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-030, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-040 Recordkeeping. The inspector is required to maintain the following records for a period of three years:

(1) Preinspection agreements signed by the client and the home inspector for all home inspections.

(2) Home inspection reports.

(3) Timesheets or similar documentation used to establish proof of field training, when supervising a home inspector applicant/candidate.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-040, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-050 Contracts. A preinspection agreement is mandatory and as a minimum must contain or state:

(1) Address of property.

(2) Home inspector compensation.

(3) General description of what the home inspector will and will not inspect. That description will include all items that the Washington state SOP requires to be inspected.

(4) A statement that the inspection does not include investigation of mold, asbestos, lead paint, water, soil, air quality or other environmental issues unless agreed to in writing in the preinspection agreement.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-050, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-060 Procedures. A home inspector must:

(1) Provide a copy of the preinspection agreement to the client prior to the inspection unless prevented by circumstances from doing so.

(2) Provide the client a copy of the home inspection report according to the terms of the preinspection agreement.

(3) Return client's money related to a home inspection report when ordered to do so by a court.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-060, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-070 Structure. An inspection of the structure will include the visible foundation; floor framing; roof framing and decking; other support and substructure/superstructure components; stairs; ventilation (when applicable); and exposed concrete slabs in garages and habitable areas.

(1) **The inspector will:**

• **Describe** the type of building materials comprising the major structural components.

- **Enter** and **traverse** attics and subfloor crawlspaces.
- **Inspect**

(a) The condition and serviceability of visible, exposed foundations and grade slabs, walls, posts, piers, beams, joists, trusses, subfloors, chimney foundations, stairs and the visible roof structure and attic components where readily and safely accessible.

(b) Subfloor crawlspaces and basements for indications of flooding and moisture penetration.

- **Probe** a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing will damage any finished surface or where no deterioration is suspected.

- **Describe** any deficiencies of these systems or components.

- **Report** all wood rot and pest-conducive conditions discovered.

- **Refer** all issues that are suspected to be insect related to a licensed structural pest inspector (SPI) or pest control operator (PCO) for follow up.

(2) **The inspector is not required to:**

- **Enter**

(a) Subfloor crawlspaces that require excavation or have an access opening less than eighteen inches by twenty-four inches or headroom less than eighteen inches beneath floor joists and twelve inches beneath girders (beams).

(b) Any areas that are not readily accessible due to obstructions, inadequate clearances or have conditions which, in the inspector's opinion, are hazardous to the health and safety of the inspector or will cause damage to components of the home.

- **Move** stored items or debris or perform excavation to gain access.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-070, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-080 Exterior. An inspection of the exterior includes the visible wall coverings, trim, protective coatings and sealants, windows and doors, attached porches, decks, steps, balconies, handrails, guardrails, carports, eaves, soffits, fascias and visible exterior portions of chimneys.

(1) **The inspector will:**

- **Describe** the exterior components visible from ground level.

- **Inspect** visible wall coverings, trim, protective coatings and sealants, windows and doors, attached porches, decks, steps, balconies, handrails, guardrails, carports, eaves, soffits, fascias and visible exterior portions of chimneys.

- **Probe** exterior components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing will damage any finished surface or where no deterioration is suspected.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Inspect**

(a) Buildings, decks, patios, fences, retaining walls, and other structures detached from the dwelling.

(b) Safety type glass or the integrity of thermal window seals.

(c) Flues or verify the presence of flue liners beyond what can be safely and readily seen from the roof or the fire-box of a stove or fireplace.

- **Test** or **evaluate** the operation of security locks, devices or systems.

- **Enter** areas beneath decks with less than five feet of clearance from the underside of joists to grade.

- **Evaluate** the function or condition of shutters, awnings, storm doors, storm windows, screens, and similar accessories.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-080, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-090 Roofs. An inspection of the roof includes the roof covering materials; gutters and downspout systems; visible flashings; roof vents; skylights, and any other roof penetrations; and the portions of the chimneys and flues visible from the exterior.

(1) **The inspector will:**

- **Traverse** the roof to inspect it.

- **Inspect** the gutters and downspout systems, visible flashings, soffits and fascias, skylights, and other roof penetrations.

- **Report** the manner in which the roof is ventilated.

- **Describe** the type and general condition of roof coverings.

- **Report** multiple layers of roofing when visible or readily apparent.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Traverse** a roof where, in the opinion of the inspector, doing so can damage roofing materials or be unsafe. If the roof is not traversed, the method used to inspect the roof must be reported.

- **Remove** snow, ice, debris or other material that obscures the roof surface or prevents access to the roof.

- **Inspect** gutter and downspout systems concealed within the structure; related underground drainage piping; and/or antennas, lightning arresters, or similar attachments.

- **Operate** powered roof ventilators.

- **Predict** remaining life expectancy of roof coverings.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-090, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-100 Plumbing system. An inspection of the plumbing system includes visible water supply lines; visible waste/soil and vent lines; fixtures and faucets; domestic hot water system and fuel source.

(1) **The inspector will:**

(a) **Describe** the visible water supply and distribution piping materials; drain, waste and vent materials; water-heating equipment.

(b) **Report**

(i) The presence and functionality of sump pumps/waste ejector pumps when visible or confirm the float switch activates the pump when the sump is dry.

(ii) The presence and location of a main water shutoff valve and/or fuel shutoff valve(s), or report that they were not found.

(iii) The presence of the temperature and pressure relief (TPR) valve and associated piping.

(iv) Whether or not the water temperature was tested and state that the generally accepted safe water temperature is one hundred twenty degrees Fahrenheit.

(c) **Inspect** the condition of accessible and visible water supply pipes, drain/waste plumbing and the domestic hot water system when possible.

(d) **Operate** fixtures in order to observe functional flow.

(e) **Check** for functional drainage from fixtures.

(f) **Describe** any deficiencies of these systems or components in the inspection report.

(2) **The inspector is not required to:**

(a) **Operate** any valves, including faucets of freestanding or built-in appliances or fixtures, if the outlet end of the valve or faucet is connected or intended to be connected to an appliance.

(b) **Inspect**

(i) Any system that is shut down or winterized.

(ii) Any plumbing components not readily accessible.

(iii) Floor drains and exterior drain systems, including but not limited to, exterior stairwell drains and driveway drains.

(iv) Fire sprinkler systems.

(v) Water-conditioning equipment, including softeners and filter systems.

(vi) Private water supply systems.

(vii) Gas supply systems.

(viii) Interior components of exterior pumps or sealed sanitary waste lift systems.

(ix) Ancillary systems or components such as, but not limited to, those related to solar water heating and hot water circulation.

(c) **Test**

(i) Pressure or temperature/pressure relief valve.

(ii) Shower pans for leaks or use special equipment to test/scan shower or tub surrounds for moisture in surrounding substrate materials.

(d) **Determine**

(i) The potability of any water supply whether public or private.

(ii) The condition and operation of water wells and related pressure tanks and pumps.

(iii) The quantity of water from on-site water supplies.

(iv) The quality or the condition and operation of on-site sewage disposal systems such as waste ejector pumps, cess-pools, septic tanks, drain fields, related underground piping, conduit, cisterns, and related equipment.

(e) **Ignite** pilot lights.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-100, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-110 Electrical system. The inspection of the electrical system includes the service drop through the main panel; subpanels including feeders; branch circuits, connected devices, and lighting fixtures.

(1) **The inspector will:**

(a) **Describe** in the report the type of primary service, whether overhead or underground, voltage, amperage, over-current protection devices (fuses or breakers) and the type of branch wiring used.

(b) **Report**

(i) The existence of a connected service-grounding conductor and service-grounding electrode when same can be determined.

(ii) When no connection to a service grounding electrode can be confirmed.

(c) **Inspect** the main and branch circuit conductors for proper over-current protection and condition by visual observation after removal of the readily accessible main and sub-electric panel cover(s).

(d) **Report**, if present, solid conductor aluminum branch circuits. Include a statement in the report that solid conductor aluminum wiring may be hazardous and a licensed electrician should inspect the system to ensure it's safe.

(e) **Verify**

(i) The operation of a representative number of accessible switches, receptacles and light fixtures.

(ii) The grounding and polarity of a representative number of receptacles; particularly in close proximity to plumbing fixtures or at the exterior.

(iii) Ground fault circuit interrupter (GFCI) protection and arc-fault circuit interrupter (AFCI) protection where required.

(f) **Report** the location of any inoperative or missing GFCI and/or AFCI devices when they are recommended by industry standards.

(g) **Advise** clients that homes without ground fault protection should have GFCI devices installed where recommended by industry standards.

(h) **Report** on any circuit breaker panel or subpanel known within the home inspection profession to have safety concerns.

(i) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Insert** any tool, probe or testing device into the main or subpanels.

(b) **Activate** electrical systems or branch circuits that are not energized.

(c) **Operate** circuit breakers, service disconnects or remove fuses.

(d) **Inspect** ancillary systems, including but not limited to:

(i) Timers.

(ii) Security systems.

(iii) Low voltage relays.

(iv) Smoke/heat detectors.

(v) Antennas.

(vi) Intercoms.

(vii) Electrical deicing tapes.

(viii) Lawn sprinkler wiring.

(ix) Swimming pool or spa wiring.

(x) Central vacuum systems.

(xi) Electrical equipment that's not readily accessible.

(e) **Dismantle** any electrical device or control, except for the removal of the deadfront covers from the main service panel and subpanels.

(f) **Move** any objects, furniture, or appliances to gain access to any electrical component.

(g) **Test** every switch, receptacle, and fixture.

(h) **Remove** switch and receptacle cover plates.

- (i) **Verify** the continuity of connected service ground(s).

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-110, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-120 Heating system. The inspection of the heating system includes the fuel source; heating equipment; heating distribution; operating controls; flue pipes, chimneys and venting; auxiliary heating units.

(1) **The inspector will:**

(a) **Describe** the type of fuel, heating equipment, and heating distribution systems.

(b) **Operate** the system using normal readily accessible control devices.

(c) **Open** readily accessible access panels or covers provided by the manufacturer or installer, if readily detachable.

(d) **Inspect**

(i) The condition of normally operated controls and components of systems.

(ii) The condition and operation of furnaces, boilers, heat pumps, electrical central heating units and distribution systems.

(iii) Visible flue pipes and related components to ensure functional operation and proper clearance from combustibles.

(iv) Each habitable space in the home to determine whether or not there is a functioning heat source present.

(v) Spaces where fossil fuel burning heating devices are located to ensure there is air for combustion.

(vi) Electric baseboard and in-wall heaters to ensure they are functional.

(e) **Report** any evidence that indicates the possible presence of an underground storage tank.

(f) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Ignite** pilot lights.

(b) **Operate:**

(i) Heating devices or systems that do not respond to normal controls or have been shut down.

(ii) Any heating system when circumstances are not conducive to safe operation or when doing so will damage the equipment.

(c) **Inspect or evaluate**

(i) Heat exchangers concealed inside furnaces and boilers.

(ii) Any heating equipment that is not readily accessible.

(iii) The interior of chimneys and flues.

(iv) Installed heating system accessories, such as humidifiers, air purifiers, motorized dampers, heat reclaimers; solar heating systems; or concealed distribution systems.

(d) **Remove** covers or panels that are not readily accessible or removable.

(e) **Dismantle** any equipment, controls, or gauges except readily identifiable access covers designed to be removed by users.

(f) **Evaluate** whether the type of material used to insulate pipes, ducts, jackets and boilers is a health hazard.

(g) **Determine:**

(i) The capacity, adequacy, or efficiency of a heating system.

(ii) Determine adequacy of combustion air.

(h) **Evaluate** thermostats or controls other than to confirm that they actually turn a system on or off.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-120, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-130 Air conditioning systems. The inspection of the air conditioning system includes the cooling equipment; cooling distribution equipment and the operating controls.

(1) **The inspector will:**

(a) **Describe** the central air conditioning system and energy sources.

(b) **Operate** the system using normal control devices and measure and record temperature differential.

(c) **Open** readily accessible access panels or covers provided by the manufacturer or installer.

(d) **Inspect** the condition of controls and operative components of the complete system; conditions permitting.

(e) **Describe** any deficiencies of these systems or components in the inspection report.

(2) **The inspector is not required to:**

(a) **Activate** cooling systems that have been shut down.

(b) **Inspect**

(i) Gas-fired refrigeration systems.

(ii) Evaporative coolers.

(iii) Wall or window-mounted air-conditioning units.

(iv) The system for refrigerant leaks.

(c) **Check** the coolant pressure/charge.

(d) **Determine** the efficiency, or adequacy of the system.

(e) **Operate** cooling system components if the exterior temperature is below sixty degrees Fahrenheit or when other circumstances are not conducive to safe operation or when doing so might damage the equipment.

(f) **Remove** covers or panels that are not readily accessible.

(g) **Dismantle** any equipment, controls, or gauges except readily identifiable access covers designed to be removed by users.

(h) **Determine** how much current the unit is drawing.

(i) **Evaluate** digital-type thermostats or controls.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-130, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-140 Interiors. The inspection of the interior includes the walls, ceilings, floors, windows, and doors; steps, stairways, balconies and railings.

(1) **The inspector will:**

(a) **Verify**

That steps, handrails, guardrails, stairways and landings are installed wherever necessary and **report** when they are missing or in need of repair and **report** when baluster spacing exceeds four inches.

(b) **Inspect**

(i) The overall general condition of cabinets and counter-tops.

(ii) Caulking and grout at kitchen and bathroom counters.

(iii) The interior walls, ceilings, and floors for indicators of concealed structural deficiencies, water infiltration or major damage.

(iv) The condition and operation of a representative number of windows and doors.

(c) **Comment** on the presence or absence of smoke detectors.

(d) **Describe** any noncosmetic deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Report** on cosmetic conditions related to the condition of interior components.

(b) **Verify** whether all walls, floors, ceilings, doorways, cabinets and window openings are square, straight, level or plumb.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-140, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-150 Insulation and ventilation. The inspection of the insulation and ventilation includes the type and condition of the insulation and ventilation in viewable unfinished attics and subgrade areas as well as the installed mechanical ventilation systems.

(1) **The inspector will:**

- **Inspect** the insulation, ventilation and installed mechanical systems in viewable and accessible attics and unfinished subfloor areas.

- **Describe** the type of insulation in viewable and accessible unconditioned spaces.

- **Report** missing or inadequate vapor barriers in sub-floor crawlspaces with earth floors.

- **Report** the absence of insulation at the interface between conditioned and unconditioned spaces where visible.

- **Report** the absence of insulation on heating system ductwork and supply plumbing in unconditioned spaces.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Determine** the presence, extent, and type of insulation and vapor barriers concealed in the exterior walls.

- **Determine** the thickness or R-value of insulation above the ceiling, in the walls or below the floors.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-150, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-160 Fireplaces and stoves. Includes solid fuel and gas fireplaces, stoves, dampers, fireboxes and hearths.

(1) **The inspector will:**

- **Describe** fireplaces and stoves.

- **Inspect** dampers, fireboxes and hearths.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Inspect** flues and verify the presence of flue liners beyond what can be safely and readily seen from the roof or the firebox of a stove or fireplace.

- **Ignite** fires in a fireplace or stove.

- **Determine** the adequacy of draft.

- **Perform** a chimney smoke test.

- **Inspect** any solid fuel device being operated at the time of the inspection.

- **Evaluate** the installation or adequacy of fireplace inserts.

- **Evaluate** modifications to a fireplace, stove, or chimney.

- **Dismantle** fireplaces or stoves to inspect fireboxes or remove rain caps to inspect chimney flues.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-160, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-170 Site. The inspection of the site includes the building perimeter, land grade, and water drainage directly adjacent to the foundation; trees and vegetation that adversely affect the structure; walks, grade steps, driveways, patios, and retaining walls contiguous with the structure.

(1) **The inspector will:**

- (a) **Describe** the material used for driveways, walkways, patios and other flatwork around the home.

- (b) **Inspect**

- (i) For serviceability of the driveways, steps, walkways, patios, flatwork and retaining walls contiguous with the structure.

- (ii) For proper grading and drainage slope.

- (iii) Vegetation in close proximity to the home.

- (c) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Inspect** fences, privacy walls or retaining walls that are not contiguous with the structure.

- **Report** the condition of soil, trees, shrubs or vegetation unless they adversely affect the structure.

- **Evaluate** hydrological or geological conditions.

- **Determine** the adequacy of bulkheads, seawalls, breakwalls, and docks.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-170, filed 3/20/09, effective 4/20/09.]

WAC 308-408C-180 Attached garages or carports.

The inspection of attached garages and carports includes their framing, siding, roof, doors, windows, and installed electrical/mechanical systems pertaining to the operation of the home.

(1) **The inspector will:**

- **Inspect** the condition and function of the overhead garage doors and associated hardware.

- **Test** the function of the garage door openers, their auto-reverse systems and secondary entrapment devices (photo-electric and edge sensors) when present.

- **Inspect** the condition and installation of any pedestrian doors.

- **Inspect** fire separation between the house and garage when applicable.

- **Report** as a fire hazard the presence of any ignition source (gas and electric water heaters, electrical receptacles, electronic air cleaners, motors of installed appliances, etc.) that is within eighteen inches of the garage floor.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Determine** whether or not a solid core pedestrian door that is not labeled is fire rated.

- **Verify** the functionality of garage door opener remote controls.
- **Move** vehicles or personal property.
- **Operate** any equipment unless otherwise addressed in the SOP.

[Statutory Authority: RCW 18.280.050 and 18.280.060(6). 09-08-014, § 308-408C-180, filed 3/20/09, effective 4/20/09.]