

The Law Relating to Real Estate Appraisers

18.140 RCW
308-125 WAC
18.235 RCW



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Chapter 18.140 RCW

CERTIFIED REAL ESTATE APPRAISER ACT

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18.140.005 Intent. (1) It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct established under this chapter for certified, licensed, or registered real estate appraisers may provide real estate appraisal services to the public.

(2) It is the further intent of the legislature to provide for the proper supervision and training of new entrants to the appraiser profession through the implementation of the state-registered appraiser trainee classification. [2005 c 339 § 1; 1996 c 182 § 1; 1993 c 30 § 1; 1989 c 414 § 1.]

Effective dates—2005 c 339: "(1) Sections 1, 2, 4, 7, 9, 13, 20, and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

(2) Sections 3, 5, 6, 8, 10 through 12, 14 through 18, and 21 of this act take effect April 1, 2006." [2005 c 339 § 26.]

Additional notes found at www.leg.wa.gov

18.140.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the value of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW.

(5) "Client" means any party for whom an appraiser performs a service.

(6) "Commission" means the real estate appraiser commission of the state of Washington.

(7) "Comparative market analysis" means a brokers price opinion.

(8) "Department" means the department of licensing.

(9) "Director" means the director of the department of licensing.

(10) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

(11) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

(12) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

(13) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

(14) "Federally related transaction" means any real estate-related financial transaction that the federal financial institutions regulatory agency or the resolution trust corpora-

tion engages in, contracts for, or regulates; and that requires the services of an appraiser.

(15) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

(16) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

(17) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(18) "Real estate-related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

(19) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(20) "Review" means the act or process of critically studying an appraisal report prepared by another.

(21) "Specialized appraisal services" means all appraisal services that do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(22) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

(23) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state-certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

(24) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

(25) "State-registered appraiser trainee," "trainee," or "trainee real estate appraiser" means a person registered by the director under RCW 18.140.280 to develop and communicate real estate appraisals under the immediate and personal direction of a state-certified real estate appraiser. Appraisals are limited to those types of properties that the supervisory appraiser is permitted by their current credential, and that the supervisory appraiser is competent and qualified to appraise. By signing the appraisal report, or being identified in the certification or addenda as having lent significant professional assistance, the state-registered appraiser trainee accepts total and complete individual responsibility for all content, analyses, and conclusions in the report.

(26) "Supervisory appraiser" means a person holding a currently valid certificate issued by the director as a state-certified real estate appraiser providing direct supervision to another state-certified, state-licensed, or state-registered appraiser trainee. The supervisory appraiser must be in good standing in each jurisdiction that he or she is credentialed. The supervisory appraiser must sign all appraisal reports. By signing the appraisal report, the supervisory appraiser accepts full responsibility for all content, analyses, and conclusions in the report. [2005 c 339 § 2; 2000 c 249 § 1; 1997 c 399 § 1; 1996 c 182 § 2; 1993 c 30 § 2; 1989 c 414 § 3.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.020 Use of title by unauthorized person. (1) No person other than a state-certified or state-licensed real estate appraiser may receive compensation of any form for a real estate appraisal or an appraisal review, except that a state-registered appraiser trainee may receive compensation from one or more supervisory appraisers or the supervisory appraiser's employer for appraisal assignments.

(2) Compensation may be provided for brokers price opinions prepared by a real estate licensee, licensed under chapter 18.85 RCW.

(3) No person, other than a state-certified, state-licensed real estate appraiser, or a state-registered appraiser trainee may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification, licensure, or registration as a real estate appraiser by this state.

(4) A person who is not certified, licensed, or registered under this chapter shall not prepare any appraisal of real estate located in this state, except as provided under subsection (2) of this section.

(5) This section does not preclude a staff employee of a governmental entity from performing an appraisal or an appraisal assignment within the scope of his or her employment insofar as the performance of official duties for the governmental entity are concerned. Such an activity for the benefit of the governmental entity is exempt from the requirements of this chapter.

(6) This chapter does not preclude an individual person licensed by the state of Washington as a real estate broker or as a real estate salesperson from issuing a brokers price opinion. However, if the brokers price opinion is written, or given as evidence in any legal proceeding, and is issued to a person who is not a prospective seller, buyer, lessor, or lessee as the only intended user, then the brokers price opinion shall contain a statement, in an obvious location within the written document or specifically and affirmatively in spoken testimony, that substantially states: "This brokers price opinion is not an appraisal as defined in chapter 18.140 RCW and has been prepared by a real estate licensee, licensed under chapter 18.85 RCW, who (is/is not) also state-certified or state-licensed as a real estate appraiser under chapter 18.140 RCW." However, the brokers price opinion issued under this subsection may not be used as an appraisal in conjunction with a federally related transaction.

(7) This section does not apply to an appraisal or an appraisal review performed for a financial institution or mortgage broker by an employee or third party, when such appraisal or appraisal review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institutions regulatory agency.

(8) This section does not apply to an attorney licensed to practice law in this state or to a certified public accountant, as defined in RCW 18.04.025, who evaluates real property in the normal scope of his or her professional services. [2005 c 339 § 3; 1998 c 120 § 1; 1997 c 399 § 2; 1996 c 182 § 3; 1993 c 30 § 3; 1989 c 414 § 4.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.030 Powers and duties of director. The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW, with the advice and approval of the commission;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;

(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;

(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;

(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;

(12) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(13) To establish forms necessary to administer this chapter;

(14) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the commission. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the commission; and

(15) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state. [2005 c 339 § 4; 2002 c 86 § 238; 2000 c 249 § 2; 1996 c 182 § 4; 1993 c 30 § 4; 1989 c 414 § 7.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.040 Immunity. The director or individuals acting on behalf of the director are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct. [1993 c 30 § 5; 1989 c 414 § 8.]

18.140.050 Fees and collection procedures. The director shall establish fees by rule, under RCW 43.24.086

and chapter 34.05 RCW and establish collection procedures for the fees. [1989 c 414 § 9.]

18.140.060 Applications—Original and renewal certification, licensure, or registration. (1) Applications for examinations, original certification, licensure, or registration, and renewal certification, licensure, or registration shall be made in writing to the department on forms approved by the director. Applications for original and renewal certification, licensure, or registration shall include a statement confirming that the applicant shall comply with applicable rules and regulations and that the applicant understands the penalties for misconduct.

(2) The appropriate fees shall accompany all applications for examination, reexamination, original certification, licensure, or registration, and renewal certification, licensure, or registration. [2005 c 339 § 5; 1993 c 30 § 6; 1989 c 414 § 10.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.070 Categories of appraisers. There shall be two categories of state-certified real estate appraisers, one category of state-licensed real estate appraisers, and one category of state-registered appraiser trainee as follows:

- (1) The state-certified general real estate appraiser;
- (2) The state-certified residential real estate appraiser;
- (3) The state-licensed real estate appraiser; and
- (4) The state-registered appraiser trainee. [2005 c 339 § 6; 1993 c 30 § 7; 1989 c 414 § 11.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.080 Education requirements. As a prerequisite to taking an examination for certification or licensure, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements adopted by the director. [1993 c 30 § 8; 1989 c 414 § 12.]

18.140.090 Experience requirements. (1) As a prerequisite to taking an examination for certification or licensure, an applicant must meet the experience requirements adopted by the director.

(2) The preexamination experience claimed by an applicant, and accepted by the department for the purpose of taking the examination, shall remain subject to postlicensure auditing by the department. [1996 c 182 § 5; 1993 c 30 § 9; 1989 c 414 § 13.]

Additional notes found at www.leg.wa.gov

18.140.100 Examination requirements. An original certificate or license shall be issued to persons who have satisfactorily passed the written examination as endorsed by the Appraiser Qualifications Board of the Appraisal Foundation and as adopted by the director. [2005 c 339 § 7; 1993 c 30 § 10; 1989 c 414 § 14.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.110 Nonresident applicants—Consent for service of process. Every applicant for certification, licensing, or registration who is not a resident of this state shall submit, with the application for certification, licensing, or registration

an irrevocable consent that service of process upon him or her may be made by service on the director if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant. [2005 c 339 § 8; 1993 c 30 § 11; 1989 c 414 § 15.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.120 Reciprocity. An applicant for certification or licensure who is currently certified or licensed and in good standing under the laws of another state may obtain a certificate or license as a Washington state-certified or state-licensed real estate appraiser without being required to satisfy the examination requirements of this chapter if: The director determines that the certification or licensure requirements are substantially similar to those found in Washington state; and that the other state has a written reciprocal agreement to provide similar treatment to holders of Washington state certificates and/or licenses. [2005 c 339 § 9; 1993 c 30 § 12; 1989 c 414 § 16.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.130 Expiration of certificate, license, or registration—Renewal—Failure to renew in timely manner. (1) Each original and renewal certificate, license, or registration issued under this chapter shall expire on the applicant's second birthday following issuance of the certificate, license, or registration.

(2) To be renewed as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee, the holder of a valid certificate, license, or registration shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the certificate, license, or registration and shall demonstrate satisfaction of any continuing education requirements.

(3) If a person fails to renew a certificate, license, or registration prior to its expiration and no more than one year has passed since the person last held a valid certificate, license, or registration, the person may obtain a renewal certificate, license, or registration by satisfying all of the requirements for renewal and paying late renewal fees.

The director shall cancel the certificate, license, or registration of any person whose renewal fee is not received within one year from the date of expiration. A person may obtain a new certificate, license, or registration by satisfying the procedures and qualifications for initial certification, licensure, or registration, including the successful completion of any applicable examinations. [2005 c 339 § 10; 1996 c 182 § 6; 1993 c 30 § 13; 1989 c 414 § 17.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.140 Certificate, license, or registration—Required use of number. (1) A certificate, license, or registration issued under this chapter shall bear the signature or facsimile signature of the director and a certificate, license, or registration number assigned by the director.

(2) Each state-certified or state-licensed real estate appraiser or state-registered appraiser trainee shall place his

or her certificate, license, or registration number adjacent to or immediately below the title "state-certified general real estate appraiser," "state-certified residential real estate appraiser," "state-licensed real estate appraiser," or "state-registered appraiser trainee" when used in an appraisal report or in a contract or other instrument used by the certificate holder, licensee, or registered appraiser trainee in conducting real property appraisal activities, except that the certificate, license, or registration number shall not be required to appear when the title is not accompanied by a signature as is typical on such promotional and stationery items as brochures, business cards, forms, or letterhead.

(3) Each state-registered appraiser trainee shall place his or her registration number adjacent to or immediately below the title "state-registered appraiser trainee" when used in an appraisal report and the supervisory appraiser shall place his or her certificate number adjacent to or immediately below the title "state-certified general real estate appraiser" or "state-certified residential real estate appraiser." [2005 c 339 § 11; 1996 c 182 § 7; 1993 c 30 § 14; 1989 c 414 § 18.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.150 Use of term restricted—Group certificates, licenses, or registrations prohibited. (1) The term "state-certified real estate appraiser," "state-licensed real estate appraiser," or "state-registered appraiser trainee" may only be used to refer to individuals who hold the certificate, license, or registration and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, group, or limited liability company, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, limited liability company, or anyone other than an individual holder of the certificate, license, or registration.

(2) No certificate, license, or registration may be issued under this chapter to a corporation, partnership, firm, limited liability company, or group. This shall not be construed to prevent a state-certified or state-licensed appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, group practice, or limited liability company, nor may it be construed to prevent a state-registered appraiser trainee from signing an appraisal report under the supervision of a state-certified real estate appraiser on behalf of a corporation, partnership, firm, group practice, or limited liability company. [2005 c 339 § 12; 1996 c 182 § 8; 1993 c 30 § 15; 1989 c 414 § 19.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.155 Temporary certification or licensing—Extension. (1) A real estate appraiser from another state who is certified or licensed by another state may apply for registration to receive temporary certification or licensing in Washington by paying a fee and filing a notarized application with the department on a form provided by the department.

(2) The director is authorized to adopt by rule the term or duration of the certification and licensing privileges granted under the provisions of this section. Certification or licensing shall not be renewed. However, an applicant may receive an extension of a temporary practice permit to complete an

assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) A temporary practice permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services.

(4) Persons granted temporary certification or licensing privileges under this section shall not advertise or otherwise hold themselves out as being certified or licensed by the state of Washington.

(5) Persons granted temporary certification or licensure are subject to all provisions under this chapter. [2005 c 339 § 13; 2001 c 78 § 1; 1993 c 30 § 16.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.160 Disciplinary actions—Grounds. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following conduct, acts, or conditions:

(1) Failing to meet the minimum qualifications for state certification, licensure, or registration established by or pursuant to this chapter;

(2) Paying money other than the fees provided for by this chapter to any employee of the director or the commission to procure state certification, licensure, or registration under this chapter;

(3) Continuing to act as a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee when his or her certificate, license, or registration is on an expired status;

(4) Violating any provision of this chapter or any lawful rule made by the director pursuant thereto;

(5) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report;

(6) Being affiliated as an employer, independent contractor, or supervisory appraiser of a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee whose certification, license, or registration is currently in a suspended or revoked status;

(7) Failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice; and

(8) Negligence or incompetence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice. [2007 c 256 § 1; 2005 c 339 § 14; 2002 c 86 § 239; 2000 c 35 § 1; 1996 c 182 § 9; 1993 c 30 § 17; 1989 c 414 § 20.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.170 Violations—Investigations. The director may investigate the actions of a state-certified or state-licensed real estate appraiser or a state-registered appraiser trainee or an applicant for certification, licensure, or registration or recertification, relicensure, or reregistration. Upon receipt of information indicating that a state-certified or state-licensed real estate appraiser or state-registered appraiser

trainee under this chapter may have violated this chapter, the director may cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with one or more of the members of the commission. [2005 c 339 § 15; 2002 c 86 § 240; 1996 c 182 § 10; 1993 c 30 § 18; 1989 c 414 § 21.]

Effective dates—2005 c 339: See note following RCW 18.140.005.
Additional notes found at www.leg.wa.gov

18.140.190 Duties of attorney general. The attorney general shall render to the director opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof that may be submitted by the director, and shall act as attorney for the director in all actions and proceedings brought by or against the director under or pursuant to any provisions of this chapter. [1993 c 30 § 21; 1989 c 414 § 23.]

18.140.200 Certificate, license, or registration suspension—Nonpayment or default on educational loan or scholarship. The director shall suspend the certificate, license, or registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate, license, or registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification, licensure, or registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [2005 c 339 § 16; 1996 c 293 § 19.]

Effective dates—2005 c 339: See note following RCW 18.140.005.
Additional notes found at www.leg.wa.gov

18.140.202 Certificate, license, or registration suspension—Noncompliance with support order—Reissuance. The director shall immediately suspend any certificate, license, or registration issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the certificate, license, or registration shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [2005 c 339 § 17; 1997 c 58 § 832.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

18.140.210 Violation of chapter—Procedure. The director may refer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Any violation of the provisions of this chapter shall be prosecuted by the prosecuting attorney of each county in which the violation occurs, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Whenever evidence satisfactory to the director suggests that any person has violated any of the provisions of this chapter, or any part or provision thereof, the director may bring an action, in the superior court in the county where the person resides, against the person to enjoin any person from continuing a violation or engaging or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding a preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the appointment of a receiver to take over, operate, or close any real estate appraisal activity or practice in this state which is found upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing. [1996 c 182 § 11.]

Additional notes found at www.leg.wa.gov

18.140.220 Acting without certificate, license, or registration—Penalty. Any person acting as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee without a certificate, license, or registration that is currently valid is guilty of a misdemeanor. [2005 c 339 § 18; 1996 c 182 § 12.]

Effective dates—2005 c 339: See note following RCW 18.140.005.
Additional notes found at www.leg.wa.gov

18.140.230 Real estate appraiser commission—Establishment—Composition. There is established the real estate appraiser commission of the state of Washington, consisting of seven members who shall act to give advice to the director.

(1) The seven commission members shall be appointed by the director in the following manner: For a term of six years each, with the exception of the first appointees who shall be the incumbent members of the predecessor real estate appraiser advisory committee to serve for the duration of their current terms, with all other subsequent appointees to be appointed for a six-year term.

(2) At least two of the commission members shall be selected from the area of the state east of the Cascade mountain range and at least two of the commission members shall be selected from the area of the state west of the Cascade mountain range. At least two members of the commission shall be certified general real estate appraisers, at least two members of the commission shall be certified residential real estate appraisers, and at least one member of the commission may be a licensed real estate appraiser, all pursuant to this chapter. No certified or licensed appraiser commission member shall be appointed who has not been certified and/or licensed pursuant to this chapter for less than ten years, except that this experience duration shall be not less than five years only for any commission member taking office before January 1, 2003. One member shall be an employee of a

financial institution as defined in this chapter whose duties are concerned with real estate appraisal management and policy. One member shall be an individual engaged in mass appraisal whose duties are concerned with ad valorem appraisal management and policy and who is licensed or certified under this chapter. One member may be a member of the general public.

(3) The members of the commission annually shall elect their chairperson and vice chairperson to serve for a term of one calendar year. A majority of the members of said commission shall at all times constitute a quorum.

(4) Any vacancy on the commission shall be filled by appointment by the director for the unexpired term. [2011 1st sp.s. c 21 § 44; 2005 c 339 § 19; 2000 c 249 § 3.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

18.140.240 Commission/members—Duties and responsibilities. The members of the real estate appraiser commission and its individual members shall have the following duties and responsibilities:

(1) To meet at the call of the director or upon its own initiative at the call of its chair or a majority of its members;

(2) To adopt a mission statement, and to serve as a liaison between appraisal practitioners, the public, and the department; and

(3) To study and recommend changes to this chapter to the director or to the legislature. [2000 c 249 § 4.]

18.140.250 Commission member's compensation. The commission members shall be compensated in accordance with RCW 43.03.240, plus travel expenses in accordance with RCW 43.03.050 and 43.03.060 when they are in session by their call or by the director, or when otherwise engaged in the business of the commission. [2000 c 249 § 5.]

18.140.260 Real estate appraiser commission account. The real estate appraiser commission account is created in the state treasury. All fees received by the department for certificates, licenses, registrations, renewals, examinations, and audits must be forwarded to the state treasurer who must credit the money to the account. All fines and civil penalties ordered pursuant to RCW 18.140.020, 18.140.160, or 18.235.110 against holders of certificates, licenses, or registrations issued under the provisions of this chapter must be paid to the account. All expenses incurred in carrying out the certification, licensing, and registration activities of the department under this chapter must be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. Any fund balance remaining in the general fund attributable to the real estate appraiser commission account as of July 1, 2003, must be transferred to the real estate appraiser commission account. [2005 c 339 § 20; 2002 c 86 § 241.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Additional notes found at www.leg.wa.gov

18.140.270 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice,

the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 242.]

Additional notes found at www.leg.wa.gov

18.140.280 Trainee real estate appraiser—Registration. (1) The director may issue an original registration as a state-registered trainee real estate appraiser, to be valid for a term not exceeding two years together with a maximum of two renewals, which must be completed within seven years from the original date of registration, unless either period is interrupted by service in the armed forces of the United States of America.

(2) A trainee real estate appraiser may not provide appraisal services other than through and under the direct supervision of a state-certified general real estate appraiser or a state-certified residential real estate appraiser. [2005 c 339 § 21.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

18.140.290 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 8.]

18.140.900 Short title. This chapter may be known and cited as the real estate appraiser act. [1993 c 30 § 22; 1989 c 414 § 2.]

18.140.910 Severability—1989 c 414. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1989 c 414 § 26.]

Chapter 308-125 WAC

REAL ESTATE APPRAISERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 308-125-035 | State-certified residential classification. [Statutory Authority: RCW 18.140.030. WSR 91-23-007, § 308-125-035, filed 11/7/91, effective 12/8/91.] Repealed by WSR 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1). |
| 308-125-060 | Alternate to classroom hours, requirement preexamination. [Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-060, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-060, filed 2/5/91, effective 3/8/91.] Repealed by WSR 11-19-103, filed 9/21/11, effective 10/22/11. Statutory Authority: RCW 18.140.030 (1), (7), (8) and (15). |
| 308-125-065 | Education credit for teachers of approved real estate appraisal courses. [Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-065, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-065, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-065, filed 8/10/93, effective 9/10/93.] Repealed by WSR 10-09-024, filed 4/13/10, effective 5/14/10. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). |
| 308-125-160 | Waiver under RCW 18.140.080. [Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-160, filed 2/5/91, effective 3/8/91.] Repealed by WSR 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1). |

WAC 308-125-010 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW) and the Uniform Standards of Professional Appraisal Practice (USPAP).

(2) "Appraisal foundation" means a private association of appraiser professional organizations. The appraisal foundation develops appraisal standards which the regulatory agencies must use as minimum standards for federally related transactions and it develops qualification criteria for appraisers.

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(3) "Appraisal subcommittee" means a committee created by Title XI. It monitors all activities related to the implementation of Title XI.

(4) "Appraisal standards board" means a board established by the appraisal foundation for the purpose of developing, publishing, interpreting and amending the *Uniform Standards of Professional Appraisal Practice*.

(5) "The *Uniform Standards of Professional Appraisal Practice* (USPAP)" means the current edition of the publication in force of the appraisal standards board (ASB) of the appraisal foundation. USPAP is the applicable standard for all appraisal practice in the state of Washington regulated under the provisions of chapter 18.140 RCW.

(6) "Appraiser qualifications board" means a board of the appraisal foundation for the purpose of developing, publishing, interpreting and amending the real property appraiser qualification criteria.

(7) "Real property appraiser qualification criteria" means the minimum criteria establishing the minimum education, experience and examination requirements for real property appraisers to obtain a state certification as established by the appraiser qualifications board (AQB) of the appraisal foundation under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989, and any additional qualifying criteria established by the director in accordance with chapter 18.140 RCW.

(8) "Classroom hour" means fifty minutes out of each sixty minute hour.

(9) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand hours in real estate appraisal.

(10) "Required core curriculum" means a set of appraiser subject matter areas (known as "modules") that require a specified number of educational hours at each credential level as established by the appraiser qualifications board.

(11) "Module" means an appraisal subject matter area (and required hours of coverage) as identified in the required core curriculum.

(12) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

(13) "Significant professional appraisal assistance" shall include but not be limited to the work contributed or performed toward the completion of an appraisal report by either a trainee, state-licensed, or state-certified appraiser, while under the direct supervision of a certified residential appraiser or certified general appraiser as required by the department as qualifying appraisal experience for licensing. Significant professional appraisal assistance shall consist of

identifying and analyzing the scope of work, collection of data, analyzing data to derive an opinion of value, or writing the appraisal report in accordance with the *Uniform Standards of Professional Appraisal Practice*.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 08-17-016, § 308-125-010, filed 8/8/08, effective 9/8/08; WSR 06-06-069, § 308-125-010, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-010, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. WSR 95-17-078, § 308-125-010, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-010, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-010, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-010, filed 2/5/91, effective 3/8/91.]

WAC 308-125-020 Application process to take examination. (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, business and professions division, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) At the time of filing with the department, an application for a state license or certification, the applicant shall possess the requisite hours of verifiable real estate appraisal experience. Experience shall be acquired within the requisite time. Qualifying experience shall consist of significant professional appraisal assistance under the supervision of a certified appraiser within the boundaries of the state of Washington except as referenced in WAC 308-125-095.

(3) An application and fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

(4) Dishonored checks will be considered as an incomplete application.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-020, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-020, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-020, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. WSR 95-17-078, § 308-125-020, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-020, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-020, filed 2/5/91, effective 3/8/91.]

WAC 308-125-025 Application process to register as a real estate appraiser trainee. (1) Anyone who is not a licensed or certified appraiser or a registered appraiser trainee cannot provide assistance that includes analytical work and exercising discernment or discretion that leads to an appraisal conclusion.

(2) As a prerequisite to registration as a registered appraiser trainee, the applicant shall present evidence satisfactory to the director of successful completion within five years of the date of application of the following appraiser qualifications board modules of qualifying core curriculum of approved qualifying education:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.

(c) The National USPAP course or equivalent fifteen hours.

(d) Effective January 1, 2015, a course that, at a minimum, complies with the specifications for course content established by the appraiser qualifications board that is oriented toward the expectations for the applicant.

(3) Application for registration as a trainee from persons who have had either a real estate license or real estate appraiser license suspended or revoked shall not be accepted by the department until after the time period of the suspension or revocation has expired.

(4) An applicant for registration as a trainee shall present a completed registration form together with the appropriate fee and copies of core curriculum course completion certificates to the director prior to issuance of the approved trainee registration certificate.

(5) Registration as a trainee may be denied for unprofessional conduct as provided in RCW 18.235.130.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-025, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 08-17-016, § 308-125-025, filed 8/8/08, effective 9/8/08; WSR 06-06-069, § 308-125-025, filed 2/28/06, effective 4/1/06.]

WAC 308-125-030 Examination prerequisite general classification. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than three hundred hours in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.

(c) The National USPAP course or equivalent, fifteen hours.

(d) General appraiser market analysis and highest and best use, thirty hours.

- (e) Statistics, modeling and finance, fifteen hours.

(f) General appraiser sales comparison approach, thirty hours.

(g) General appraiser site valuation and cost approach, thirty hours.

- (h) General appraiser income approach, sixty hours.

(i) General appraiser report writing and case studies, thirty hours.

- (j) Appraisal subject matter electives, thirty hours.

(2) Credit towards qualifying education requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the appraiser qualifications board.

(3) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess three thousand hours of appraisal experience obtained continuously over a period of not less than thirty months in Washington or in another state having comparable certification requirements.

(4) To fulfill the experience requirement, an applicant must have at least one thousand five hundred hours of nonresidential appraisal experience.

(5) Effective January 1, 2015, applicants for the certified general license must possess a bachelor's degree or higher in any field of study. Through December 31, 2014, applicants for the certified general license must possess a bachelor's degree or higher in any field of study or, in lieu of the required degree, thirty semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro and macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;
- (f) Introduction to computers: Word processing/spreadsheets;
- (g) Business or real estate law; and
- (h) Two elective courses in accounting, geography, agricultural economics, business management, or real estate; as approved by the appraiser qualifications board and the director, in addition to the required qualifying core curriculum requirements.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-030, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 10-09-025, § 308-125-030, filed 4/13/10, effective 5/14/10; WSR 06-06-069, § 308-125-030, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-030, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. WSR 95-17-078, § 308-125-030, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-030, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-030, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-030, filed 2/5/91, effective 3/8/91.]

WAC 308-125-040 Examination prerequisite state-certified residential classification. The state-certified residential real estate appraiser classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than two hundred hours in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.

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(c) The National USPAP course or equivalent, fifteen hours.

(d) Residential market analysis and highest and best use, fifteen hours.

(e) Residential appraiser site valuation and cost approach, fifteen hours.

(f) Residential sales comparison and income approaches, thirty hours.

(g) Residential appraiser report writing and case studies, fifteen hours.

(h) Statistics, modeling and finance, fifteen hours.

(i) Advanced residential applications and case studies, fifteen hours.

(j) Appraisal subject matter electives, twenty hours.

(2) Credit towards qualifying education requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the appraiser qualifications board.

(3) An original certification as a state-certified residential real estate appraiser shall not be issued to any person who does not possess two thousand five hundred hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

(4) Effective January 1, 2015, applicants for the certified residential appraiser license must possess a bachelor's degree or higher in any field of study. Through December 31, 2014, certified residential real estate appraiser applicants must possess an associate degree or higher in any field of study or, in lieu of the required degree, twenty-one semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro or macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;
- (f) Introduction to computers: Word processing/spreadsheets; and
- (g) Business or real estate law;

as approved by the appraiser qualifications board and the director, in addition to the required core curriculum.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-040, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-040, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-040, filed 12/20/96, effective 1/20/97; WSR 94-01-002, § 308-125-040, filed 12/1/93, effective 1/1/94; WSR 93-17-020, § 308-125-040, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-23-007, § 308-125-040, filed 11/7/91, effective 12/8/91; WSR 91-04-074, § 308-125-040, filed 2/5/91, effective 3/8/91.]

WAC 308-125-045 Examination prerequisite state-licensed classification. The state-licensed real estate appraiser classification applies to appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units having a transaction value less than two hundred fifty thousand dollars and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

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(1) As a prerequisite to taking the examination for certification as a state-licensed real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred fifty hours in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.
- (d) Residential market analysis and highest and best use, fifteen hours.
- (e) Residential appraiser site valuation and cost approach, fifteen hours.
- (f) Residential sales comparison and income approaches, thirty hours.
- (g) Residential appraiser report writing and case studies, fifteen hours.

(2) Credit toward qualifying education requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the appraiser qualifications board.

(3) An original certification as a state-licensed real estate appraiser shall not be issued to any person who does not possess two thousand hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

(4) Effective January 1, 2015, applicants for the state-licensed real estate appraiser license must possess an associate degree or thirty semester hours of college-level education from an accredited college, junior college, community college, or university.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-045, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-045, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-045, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-045, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-23-007, § 308-125-045, filed 11/7/91, effective 12/8/91.]

WAC 308-125-050 Educational courses. Preexamination. (1) To be accepted under WAC 308-125-030(1), 308-125-040(1), and 308-125-045(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination;
- (c) Be directly related to real estate appraising; and
- (d) Be approved by the director as identified in the appraiser program's publication *Approved Courses, Real Estate Appraisers*; or
- (e) Be approved by the appraiser qualifications board and approved by the director.

(2) The following limitations may apply to course work submitted to the department for approval:

(a) Distance education may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor;

(ii) An individual successfully completes a closed-book written, proctored examination administered at a location by an official approved by the college or university; and

(iii) Content and course delivery mechanism approvals are obtained from the appraisal qualifications board or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the commission on colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the United States Secretary of Education. Nonacademic credit college courses provided by a college shall be approved by the appraisal qualifications board and approved by the director.

(b) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are deemed comparable by the department, even if an applicant completes the courses through different course providers.

(3) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

(4) Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

(5) An application shall be submitted for approval not less than ninety days preceding the course start date. Course approval expiration shall be three years from the date of approval, except for the Uniform Standards of Professional Appraisal Practice courses or seminars having a definite date.

(6) All courses approved by the appraiser qualifications board will continue to be accepted by the department as approved courses until the expiration date.

(7) Appraisal course providers who have received the appraiser qualifications board's course approval are not required to submit course material or content materials to the department for approval. The course provider shall submit a secondary provider course content approval application to the department.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-050, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8) and (15). WSR 11-19-103, § 308-125-050, filed 9/21/11, effective 10/22/11; WSR 10-09-025, § 308-125-050, filed 4/13/10, effective 5/14/10; WSR 06-06-069, § 308-125-050, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-050, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-050, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-050, filed 2/5/91, effective 3/8/91.]

WAC 308-125-070 Experience requirements. (1) A minimum of two years (twenty-four months) full-time experience within five years of application is required for the state licensed and certified residential appraiser. Certified general applicants must accumulate three thousand hours within a minimum of thirty months and a maximum of seven years. However, no more than one thousand five hundred hours may be credited in any consecutive twelve months for any of the licensing categories.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice in effect at the time the appraisal is completed.

(a) Reports shall be in writing.

(b) An appraisal work file must be available to the director to substantiate work performed.

(3) A registered trainee may gain experience under the supervision of no more than six supervisory appraisers during his/her trainee period.

(4) The department may request appraiser work files to verify, confirm, or compare entries made on the experience log. Failure to provide work files to the department upon its request may disqualify the reports as qualifying experience.

(5) An applicant for certification or license shall certify, under penalty of perjury, the completion of the required experience.

(6) Appraisal work qualifying for appraisal experience includes, but is not limited to, the following: Fee and staff appraisal, ad valorem tax appraisal, appraisal review, appraisal analysis, appraisal consulting, highest and best use analysis, feasibility analysis/study.

(7) The department may require a supervisory appraiser to certify, under penalty of perjury, the applicant's work experience.

(8) The department may request written reports or work files to verify an applicant's experience.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-070, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-070, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-070, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. WSR 95-17-078, § 308-125-070, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-070, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-070, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-070, filed 2/5/91, effective 3/8/91.]

WAC 308-125-075 Allowed credits for appraisal experience. (1) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for appraisal experience that exceeds the following hourly allotments for each appraisal:

- (a) Single family residential - exterior form report 6 hours
- (b) Single family residential - form report 12 hours
- (c) Multifamily residential - form report 20 hours
- (d) Residential lot 1 acre or less 8 hours
- (e) Land tract less than or equal to 40 acres 16 hours
- (f) Short plats 20 hours
- (g) Land tract 41-160 acres 24 hours
- (h) Land tract 161-640+ acres 36 hours
- (i) Subdivisions 60 hours
- (j) Commercial/industrial land 25 hours
- (k) Commercial - form report 40 hours
- (l) Commercial - narrative report 80 hours
- (m) Regional mall/high rise office bldg./Hotel 120 hours
- (n) Appraisal review (single family) (not applicable to trainees) 12 hours

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- (o) Appraisal review (commercial) (not applicable to trainees) 40 hours
- (p) Feasibility study 80 hours
- (q) Appraisal consulting (nonresidential) 40 hours
- (r) Agricultural 60 hours

(2) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisals that exceed the following hourly allotments for each appraisal:

- (a) Vacant (single family lot) 24 hours
- (b) Vacant (large land tract) 32 hours
- (c) Single family residential 42 hours
- (d) Multifamily residential 60 hours
- (e) Agricultural (improved) 72 hours
- (f) Industrial (improved) 72 hours
- (g) Commercial (improved) 72 hours
- (h) Very complex damages or benefits 120 hours
- (i) Special purpose improved 54 hours

(3) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisal Reviews that exceed the following hourly allotments for each appraisal:

- (a) Vacant (single family lot) 8 hours
- (b) Vacant (large land tract) 12 hours
- (c) Single family residential 16 hours
- (d) Multifamily residential 24 hours
- (e) Agricultural (improved) 40 hours
- (f) Industrial (improved) 40 hours
- (g) Commercial (improved) 40 hours
- (h) Very complex damages or benefits 50 hours
- (i) Special purpose improved 40 hours

(4) Experience credits for appraisal experience not listed in subsections (1), (2), or (3) shall be determined by the department on a case-by-case basis.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-075, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-075, filed 12/20/96, effective 1/20/97; WSR 94-15-058, § 308-125-075, filed 7/18/94, effective 8/18/94.]

WAC 308-125-080 Application for certification. (1) Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, business and professions division, at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

(2) Each original and renewal certificate issued under RCW 18.140.130 shall expire on the applicant's second birthday following issuance of the certificate.

[Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-080, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-080, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-080, filed 2/5/91, effective 3/8/91.]

WAC 308-125-085 Temporary practice. (1) A real estate appraiser from another state who is licensed or certified by another state shall apply for registration to receive temporary licensing or certification for a single assignment in Washington by paying a fee and filing an application with the department on a form provided by the department. An applicant may be required to provide a statement from the state in which the person is licensed or certified establishing licensure or certification.

(2) Licensing and certification privileges granted under the provisions of this section shall expire six months from issuance. Licensing or certification shall not be renewed. However, an applicant may receive an extension of a temporary practice permit to complete the assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. Each temporary permit issued under this section allows an appraiser to perform an independent appraisal service required by a contract for appraisal services submitted to the department with the application for temporary permit.

(5) An appraiser may obtain a maximum of three temporary practice permits in a calendar year.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-085, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030(1), 18.140.155(2). WSR 02-10-022, § 308-125-085, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-085, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-085, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-085, filed 8/24/92, effective 9/24/92.]

WAC 308-125-090 Continuing education required.

(1) As a prerequisite to renewal of certification, licensure, or registration, the holder of a certificate, license, or registration shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification, licensure, or registration shall be the completion by the applicant of twenty-eight hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification, licensure, or registration immediately preceding renewal. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate, license, or registration will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a

minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) Up to one-half of the requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials. A licensee or certificate holder may receive continuing education credit for teaching an approved real estate appraisal course. Once a licensee or certificate holder has received credit for teaching an approved real estate appraiser course, the credential holder shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion, with the exception of the Uniform Standards of Professional Appraisal Practice, USPAP, 7-hour update.

(6) Courses or seminars taken to satisfy the continuing education requirement for real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitrations, dispute resolution.
- (c) Business courses related to practice of real estate appraisal and consulting.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice, USPAP.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing, brokerage, timesharing.
- (h) Property development, partial interests.
- (i) Real estate appraisal (valuations/evaluations).
- (j) Real estate financing and investment.
- (k) Real estate law, easements and legal interests.
- (l) Real estate litigation, damages and condemnation.
- (m) Real estate related computer applications.
- (n) Real estate securities and syndication.
- (o) Real property exchange.
- (p) Appraisal and consulting report writing.
- (q) Green buildings.
- (r) Seller concessions.
- (s) Developing opinions of real property value in appraisals that also include personal property and/or business value.
- (t) Such other presentations approved by the director.

(7) The director may approve continuing education credit for attendance at one real estate appraiser commission meeting of no more than seven hours.

(8) The director may defer completion of continuing education for the holder of a certificate, license, or registration returning from military service active duty and place the registration, license, or certificate in an active status for a period of ninety days pending completion of education. If the holder of a certificate, license, or registration fails to comply with the continuing education requirement within said ninety days, the registration, license, or certificate will revert to an expired status.

(9) A licensee or certificate holder may receive continuing education credit for teaching an approved real estate appraisal course. One hour of education credit for each hour of teaching an approved real estate appraisal course shall be given. Once a licensee or certificate holder has received credit for teaching an approved real estate appraisal course, the credential holder shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-090, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 10-09-024, § 308-125-090, filed 4/13/10, effective 5/14/10; WSR 07-23-079, § 308-125-090, filed 11/19/07, effective 1/1/08; WSR 06-06-069, § 308-125-090, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(8). WSR 03-14-091, § 308-125-090, filed 6/30/03, effective 7/31/03; WSR 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

WAC 308-125-095 Responsibilities of the appraiser supervisor. (1) A certified real estate appraiser licensed by the state of Washington may supervise trainees in accordance with the following provisions:

(a) The certified real estate appraiser is in good standing and not subject to any disciplinary action which affects their legal eligibility to engage in appraisal practice within the three years preceding registration to become a supervisory appraiser.

(b) Effective January 1, 2015, the certified real estate appraiser shall have been certified for a minimum of three years prior to becoming a supervisory appraiser.

(c) Effective January 1, 2015, the certified real estate appraiser shall have completed a course that, at a minimum, complies with the specification for course content established by the appraiser qualifications board. This course must be completed prior to supervising a registered appraiser trainee.

(d) Not more than three real estate appraiser trainees may be supervised in accordance with the appraiser qualifications board standards unless written authorization by the department is granted to exceed that number of trainees at any one time.

(e) Supervision of trainees in the process of appraising real property shall occur within the boundaries of the state of Washington and comply with jurisdictional and established agreements with other states. If a trainee is supervised by a certified appraiser who is licensed in both the state of Washington and with another state or has a temporary license in another state; and the trainee is registered as a trainee in that other state by either temporary permit, license, or registration, then the appraisal assignments shall qualify as work experience on the experience log.

(f) Authorization to exceed supervision of three trainees may be granted by the director upon approval of a written request and under the provisions of subsection (2) of this section.

(g) A registered real estate appraiser trainee may assist in the completion of an appraisal report, including determination of an opinion of value and may sign the appraisal report, provided that he/she is actively and personally supervised by a state-certified real estate appraiser, and provided that the

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appraisal report is reviewed and signed by the state-certified real estate appraiser; and provided the state-certified appraiser accepts total responsibility for the appraisal report.

(h) The certified appraiser shall:

(i) Personally inspect with the trainee, at a minimum, the interior of twenty-five subject properties, or until the supervisory appraiser considers the trainee competent.

(ii) Personally review and verify each appraisal report prepared by the trainee as entered on the trainee experience log as qualifying work experience prior to the log being submitted to the department by the supervised trainee. The trainee shall be entitled to obtain copies of the appraisal reports in which the trainee provided appraisal assistance.

(iii) Personally review and verify each appraisal report prepared by a state licensed or certified residential appraiser as entered on the qualifying work experience log prior to the log being submitted to the department by the licensee. The state licensed or certified residential appraiser shall be entitled to obtain copies of the appraisal reports in which the state licensed and certified residential appraiser provided appraisal assistance.

(iv) Comply with all USPAP requirements.

(v) Maintain a separate "properties inspected with trainee" log for each supervised trainee. This log must be made available to the department upon request and is to be submitted with trainee's application for license or certification.

(vi) Register with the department as a supervisory appraiser and include the names of the registered real estate appraiser trainees being supervised. Registration must be five business days prior to the start of supervision. The supervisory appraiser shall notify the department when they are no longer a supervisory appraiser of a trainee, with such notice including the name, address, and registration number of the registered trainee.

(2) Authorization may be granted by the director to a certified appraiser to exceed the number of trainees allowed to be supervised providing:

(a) The certified appraiser has more than five years certified experience.

(b) The certified appraiser shall make a written application to the department requesting to supervise not more than three trainees with less than one year experience; and three trainees with more than one year experience; and five trainees with greater than two years experience. The total number of supervised trainees shall not exceed eight for all experience levels at any one time.

(c) The certified appraiser shall prepare and maintain trainee progress reports and make them available to the department until such time as the trainee becomes certified or licensed or after two years has lapsed since supervising the trainee.

(d) The certified appraiser shall provide to the department a mentoring plan for consideration prior to the department authorizing supervision of more than three trainees.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-095, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 08-17-016, § 308-125-095, filed 8/8/08, effective 9/8/08; WSR 06-06-069, § 308-125-095, filed 2/28/06, effective 4/1/06.]

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WAC 308-125-100 Course approval requirements.

(1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: Provided, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: Provided, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-045, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: Provided, That all courses offered by providers under this subsection after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

[Statutory Authority: RCW 18.140.030(1), WSR 93-17-020, § 308-125-100, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, WSR 91-04-074, § 308-125-100, filed 2/5/91, effective 3/8/91.]

WAC 308-125-110 Business location and/or physical address and mailing address. It is the responsibility of each applicant state-certified and licensed real estate appraiser, and registered real estate appraiser trainee to notify the department of a change of business location and/or physical and mailing address for receiving certified mail and service documents. Change of address notification shall be made within ten days of the change of address. If appraisal work files are stored at another location from the appraiser's place of business then such location shall be reported to the director upon request.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-110, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1), WSR 93-17-020, § 308-125-110, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, WSR 91-04-074, § 308-125-110, filed 2/5/91, effective 3/8/91.]

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* |

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| Title of Fee | Fee |
|---|---------|
| (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 |

* Fees for these categories marked with an asterisk include a national registry fee in an amount determined by the appraisal subcommittee to be submitted by the state. Title XI, SEC. 1109 requires each state to submit a roster listing of state licensed and certified appraisers to the Appraiser Subcommittee.

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

[Statutory Authority: RCW 18.140.030 (1), (7), (8) and (15). WSR 11-19-103, § 308-125-120, filed 9/21/11, effective 10/22/11. Statutory Authority: RCW 18.140.050 and 42.24.086. WSR 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). WSR 06-06-069, § 308-125-120, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 43.24.086. WSR 02-03-011, § 308-125-120, filed 1/4/02, effective 5/1/02; WSR 99-04-075, § 308-125-120, filed 2/2/99, effective 3/5/99; WSR 97-21-077, § 308-125-120, filed 10/17/97, effective 1/1/98; WSR 97-16-042, § 308-125-120, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 18.140.030(1). WSR 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. WSR 92-18-018, § 308-125-120, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, WSR 91-04-074, § 308-125-120, filed 2/5/91, effective 3/8/91.]

WAC 308-125-130 Application, certification, licensure, and reexamination. (1) An applicant who has satisfied the prerequisite to sit for the licensure or certification examination must complete the examination within six months of approval date by the department.

(2) Any applicant who has passed the licensure or certification examination must become licensed or certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to licensure or certification.

(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid for reexamination for a period of no more than six months after date of issuance.

[Statutory Authority: RCW 18.140.030(1), WSR 93-17-020, § 308-125-130, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. WSR 92-18-018, § 308-125-130, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, WSR 91-04-074, § 308-125-130, filed 2/5/91, effective 3/8/91.]

WAC 308-125-140 Passing exam score. The minimum scaled score required to pass the real estate appraiser examination is established by the appraiser qualifications board.

[Statutory Authority: RCW 18.140.030 (1) and (15). WSR 13-17-002, § 308-125-140, filed 8/7/13, effective 9/7/13. Statutory Authority: RCW 18.140.030(1), WSR 93-17-020, § 308-125-140, filed 8/10/93, effective

9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-140, filed 2/5/91, effective 3/8/91.]

WAC 308-125-150 Examination procedures. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing unit not later than ten working days prior to the examination. 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 talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information, using unauthorized materials during any portion of the examination, or removing test booklets and/or notes from the testing room will be subject to denial of a certification.

(3) Applicants who participate in disruptive behavior during the examination 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.

[Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-150, filed 2/5/91, effective 3/8/91.]

WAC 308-125-170 Exceptions to chapter 18.140 RCW. No exceptions will be allowed to the requirements of chapter 18.140 RCW except as provided by statute or rule.

[Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-170, filed 2/5/91, effective 3/8/91.]

WAC 308-125-180 Reciprocity. A person licensed or certified as a real estate appraiser under the rules or laws of another state may obtain certification in the state of Washington when the following condition is met:

The state in which the appraiser is licensed or certified has an appraiser licensure or certification program which meets federal guidelines and the state has a written reciprocal agreement with the state of Washington.

A person seeking licensure or certification under this section must provide a statement from the state in which the person is licensed or certified establishing licensure or certification.

[Statutory Authority: RCW 18.140.030(1). WSR 97-02-004, § 308-125-180, filed 12/20/96, effective 1/20/97; WSR 93-17-020, § 308-125-180, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-180, filed 2/5/91, effective 3/8/91.]

WAC 308-125-190 Examination required, Accessibility. The director shall approve an examination for licensure and certification of real estate appraisers. This examination may be prepared and administered within a state agency, or the director may request bids for contracts to prepare and administer the exam. Such requests for proposals shall be done in accordance with the state law.

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(1) The director will determine the scope of the examination and provide information concerning the scope of the examination to an individual upon request.

(2) If the director determines to seek proposals for testing services, the director will establish criteria for evaluating the proposals.

[Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-190, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-190, filed 2/5/91, effective 3/8/91.]

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation in effect on the date of the appraisal report. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are required to comply with the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-200, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030 (1) and (13). WSR 05-05-097, § 308-125-200, filed 2/16/05, effective 3/19/05. Statutory Authority: RCW 18.140.030(1) and 18.235.030(1). WSR 04-04-052, § 308-125-200, filed 1/30/04, effective 3/1/04. Statutory Authority: RCW 18.140.030 (16), (17). WSR 03-02-040, § 308-125-200, filed 12/24/02, effective 1/24/03; WSR 02-03-012, § 308-125-200, filed 1/4/02, effective 2/4/02. Statutory Authority: [RCW 18.140.030 (16), (17) and chapter 18.140 RCW.] WSR 00-23-038, § 308-125-200, filed 11/9/00, effective 12/10/00. Statutory Authority: RCW 43.24.086. WSR 00-04-057, § 308-125-200, filed 1/28/00, effective 2/28/00; WSR 99-04-074, § 308-125-200, filed 2/2/99, effective 3/5/99; WSR 98-17-083, § 308-125-200, filed 8/18/98, effective 9/18/98. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

WAC 308-125-210 Required records, Accessibility. All appraisers certified or licensed under chapter 18.140 RCW must retain records required by the Uniform Standards of Professional Appraisal Practice for a minimum of five years or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last. Such records will be subject to random audit by the department without notice and must be readily available for inspection by a representative of the department.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-210, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-210, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. WSR 91-04-074, § 308-125-210, filed 2/5/91, effective 3/8/91.]

WAC 308-125-225 Meetings, Notice. The real estate appraiser commission meets at the call of the director. Regular meetings are scheduled in February, May, August and November on the third Friday. Department requirements may

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necessitate altering scheduled meetings in accordance with RCW 42.30.075. Special meetings are in accordance with RCW 42.30.080.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). WSR 06-06-069, § 308-125-225, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). WSR 93-17-020, § 308-125-225, filed 8/10/93, effective 9/10/93.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

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18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or busi-

ness license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

- (xvii) Sellers of travel under chapter 19.138 RCW;
- (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (xix) Whitewater river outfitters under chapter 79A.60 RCW;
- (xx) Home inspectors under chapter 18.280 RCW;
- (xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and
- (xxii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The *state board of registration for architects established in chapter 18.08 RCW;
- (ii) The Washington state collection agency board established in chapter 19.16 RCW;
- (iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;
- (iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;
- (v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and
- (vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

***Reviser's note:** The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

Severability—Effective date—2010 c 179: See RCW 18.310.900 and 18.310.901.

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

- (1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;
- (2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms

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and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance

of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However,

RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or

attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a

civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name

of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]

18.235.170 Misrepresentation—Gross misdemeanor.

A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—Disciplinary authority may give notification. If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit. The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit. This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123. Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86. Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86. If any provision of this act or its application to any person or circumstance is