

ALASKA LEGISLATURE COMMITTEE FILES 1971 1970 1972

9261 HOUSE LABOR & COMMERCE

RCW 18.85.110 Exemptions from licensing. This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or that of a group of which he is a member, or who, as the owner or part owner of property, and/or a business opportunity, in any way disposes of the same; nor, (2) any duly authorized attorney in fact acting without compensation, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust; nor, (4) any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in any of the definitions under RCW 18.85.010; nor, (5) any owner of rental or lease property, members of the owner's family whether or not residing on such property, or a resident manager of a complex of residential dwelling units wherein such manager resides; nor, (6) any person who manages residential dwelling units on an incidental basis and not as his principal source of income so long as that person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged; nor, (7) only with respect to the rental or lease of individual storage space, any person who owns or manages a self-service storage facility as defined under chapter 19.150 RCW. [1989 c 161 § 1; 1988 c 240 § 20; 1977 ex.s. c 370 § 9; 1972 ex.s. c 139 § 10; 1951 c 222 § 9; 1941 c 252 § 3; Rem. Supp. 1941 § 8340-26. Prior: 1925 ex.s. c 129 § 4.]

NOTES:

Severability--1988 c 240: See RCW 19.150.904.

RCW 18.85.120 Applications--Conditions--Fees. Any person desiring to be a real estate broker, associate real estate broker, or real estate salesperson, must pass an examination as provided in this chapter. Such person shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay an examination fee as prescribed by the director by rule.

(2) If the applicant is a corporation, furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is a foreign corporation, the applicant shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a copartnership, the applicant shall furnish a list of the members thereof and their addresses.

(3) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, which may include fingerprints, of any applicants for a license, or of the officers of a corporation making the application. [1987 c 332 § 4; 1980 c 72 § 1; 1979 c 25 § 1. Prior: 1977 ex.s. c 370 § 3; 1977 ex.s. c 24 § 2; 1973 1st ex.s. c 42 § 1; 1953 c 235 § 6; 1951 c 222 § 10. Formerly: (i) 1947 c 203 § 1, part; 1945 c 111 § 3, part; 1943 c 118 § 2, part; 1941 c 252 § 11, part; Rem. Supp. 1947 § 8340-34, part; prior: 1925 ex.s. c 129 §§ 10, 11. (ii) 1947 c 203 § 3; 1945 c 111 § 6; 1941 c 252 § 16; Rem. Supp. 1947 § 8340-39.]

RCW 18.85.140 License fees--Expiration--Renewal--
Identification cards. Before receiving his or her license every real estate broker, every associate real estate broker, and every real estate salesperson must pay a license fee as prescribed by the director by rule. Every license issued under the provisions of this chapter expires on the applicant's second birthday following issuance of the license. Licenses issued to partnerships expire on a date prescribed by the director by rule. Licenses issued to corporations expire on a date prescribed by the director by rule, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the real estate broker's license issued to the corporation shall expire on that date. Licenses must be renewed every two years on or before the date established under this section and a biennial renewal license fee as prescribed by the director by rule must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director by rule shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and requirements as prescribed by the director by rule.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he or she shall prescribe. [1991 c 225 § 2; 1989 c 161 § 2; 1987 c 332 § 5; 1979 c 25 § 2. Prior: 1977 ex.s. c 370 § 4; 1977 ex.s. c 24 § 3; 1972 ex.s. c 139 § 12; 1953 c 235 § 7; 1951 c 222 § 12. Formerly: (i) 1947 c 203 § 2, part; 1945 c 111 § 4, part; 1941 c 252 § 12, part; Rem. Supp. 1947 § 8340-35, part. (ii) 1947 c 203 § 1, part; 1945 c 111 § 3, part; 1943 c 118 § 2, part; 1941 c 252 § 11, part; Rem. Supp. 1947 § 8340-34, part; prior: 1925 ex.s. c 129 §§ 10, 11.]

NOTES:

Effective date--1989 c 161 § 2: "Section 2 of this act shall take effect January 1, 1991." [1989 c 161 § 4.]

RCW 18.85.150 Temporary permits. A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased or incapacitated broker, the senior qualified salesman in that office or other qualified representative of the deceased or incapacitated broker, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued. [1979 c 25 § 3. Prior: 1977 ex.s. c 370 § 5; 1977 ex.s. c 24 § 4; 1972 ex.s. c 139 § 13; 1953 c 235 § 8; 1951 c 222 § 13; prior: (i) 1947 c 203 § 2, part; 1945 c 111 § 4, part; 1941 c 252 § 12, part; Rem. Supp. 1947 § 8340-35, part. (ii) 1947 c 203 § 1, part; 1945 c 111 § 3, part; 1943 c 118 § 2, part; 1941 c 252 § 11, part; Rem. Supp. 1947 § 8340-34, part; prior: 1925 ex.s. c 129 §§ 10, 11.]

RCW 18.85.155 Responsibility for conduct of subordinates.
Responsibility for any salesman, associate broker or branch manager
in conduct covered by this chapter shall rest with the broker to
which such licensees shall be licensed.

In addition to the broker, a branch manager shall bear
responsibility for salesmen and associate brokers operating under
the branch manager at a branch office. [1977 ex.s. c 370 § 6; 1972
ex.s. c 139 § 14.]

RCW 18.85.165 Licenses--Continuing education. All real estate brokers and salespersons shall furnish proof as the director may require that they have successfully completed a total of thirty clock hours of instruction every two years in real estate courses approved by the director in order to renew their licenses. Up to fifteen clock hours of instruction beyond the thirty hours in two years may be carried forward for credit in a subsequent two-year period. To count towards this requirement, a course shall be commenced within thirty-six months before the proof date for renewal. Examinations shall not be required to fulfill any part of the education requirement in this section. This section shall apply to renewal dates after January 1, 1991. [1991 c 225 § 1; 1988 c 205 § 1.]

RCW 18.85.170 Licenses--Restrictions as to use--Exceptions.
No license issued under the provisions of this chapter shall authorize any person other than the person to whom it is issued to do any act by virtue thereof nor to operate in any other manner than under his own name except:

(1) When a license is issued to a corporation it shall entitle one officer thereof, to be named by the corporation in its application, who shall qualify the same as any other agent, to act as a real estate broker on behalf of said corporation, without the payment of additional fees;

(2) When a license is issued to a copartnership it shall entitle one member thereof to be named in the application, who shall qualify to act as a real estate broker on behalf of the copartnership, without the payment of additional license fees;

(3) A licensed broker, associate broker, or salesman may operate and/or advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so;

(4) A broker may establish one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the office, if any, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the real estate firm on which either the name of the main or branch offices appears. [1972 ex.s. c 139 § 16; 1951 c 222 § 14; 1945 c 111 § 2; 1941 c 252 § 10; Rem. Supp. 1945 § 8340-33. Prior: 1925 ex.s. c 129 § 9.]

RCW 18.85.180 Licenses--Office required--Display of license. Every licensed real estate broker must have and maintain an office in this state accessible to the public which shall serve as his office for the transaction of business. Any office so established must comply with the zoning requirements of city or county ordinances and the broker's license must be prominently displayed therein. [1957 c 52 § 41; 1951 c 222 § 15. Prior: 1947 c 203 § 4, part; 1945 c 111 § 7, part; 1943 c 118 § 4, part; 1941 c 252 § 18, part; Rem. Supp. 1947 § 8340-41, part; prior: 1925 ex.s. c 129 § 12, part.]

RCW 18.85.190 Licenses--Branch office. A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of a fee as prescribed by the director by rule. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be an associate broker authorized by the designated broker to perform the duties of a branch manager.

A branch office license shall not be required where real estate sales activity is conducted on and, limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract. [1989 c 161 § 3; 1987 c 332 § 6; 1977 ex.s. c 24 § 5; 1972 ex.s. c 139 § 17; 1957 c 52 § 12. Prior: 1947 c 203 § 4, part; 1945 c 111 § 7, part; 1943 c 118 § 4, part; 1941 c 252 § 18, part; Rem. Supp. 1947 § 8340-41, part; prior: 1925 ex.s. c 129 § 12, part.]

RCW 18.85.200 Licenses--Change of location. Notice in writing shall be given to the director of any change by a real estate broker, associate broker, or salesperson of his or her business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and a payment of a fee as prescribed by the director by rule, the director shall issue a new license or duplicate license, as the case may be, covering the new location. [1987 c 332 § 7; 1971 ex.s. c 266 § 17; 1957 c 52 § 43. Prior: 1947 c 203 § 4, part; 1945 c 111 § 7, part; 1943 c 118 § 4, part; 1941 c 252 § 18, part; Rem. Supp. 1947 § 8340-41, part; prior: 1925 ex.s. c 129 § 12, part.]

RCW 18.85.210 Licenses--Annual list--Compilation--
Distribution. The director may publish annually a list of names and addresses of brokers and salesmen licensed under the provisions hereof, together with a copy of this chapter and such information relative to the enforcement of the provisions hereof as he may deem of interest to the public; and he may mail one copy thereof to each licensed broker. [1972 ex.s c 139 § 18; 1953 c 235 § 10; 1947 c 203 § 8; 1941 c 252 § 27; Rem. Supp. 1947 § 8340-50. Prior: 1925 ex.s. c 129 § 22.]

RCW 18.85.215 Inactive licenses. (1) Any license issued under this chapter and not otherwise revoked shall be deemed "inactive" at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, except that a person with an inactive license need not comply with the education requirements of RCW 18.85.095(2)(a) or 18.85.165. Failure to renew shall result in cancellation in the same manner as an active license.

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

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed. [1994 c 291 § 3; 1988 c 205 § 4. Prior: 1987 c 514 § 1; 1987 c 332 § 17; 1985 c 162 § 4; 1977 ex.s. c 370 § 8.]

NOTES:

Effective date--1994 c 291: See note following RCW 18.85.090.

Severability--1987 c 514: See RCW 18.118.900.

RCW 18.85.220 License fees--Real estate commission account. All fees required under this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be placed in the real estate commission account in the state treasury. All money derived from fines imposed under this chapter shall be deposited in the real estate education account created by RCW 18.85.317. [1993 c 50 § 1; 1991 c 277 § 1; 1987 c 332 § 8; 1967 c 22 § 1; 1953 c 235 § 11; 1941 c 252 § 7; Rem. Supp. 1941 § 8340-30.]

NOTES:

Effective date--1993 c 50: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 50 § 5.]

Effective date--1991 c 277: "This act shall take effect July 1, 1993." [1991 c 277 § 3.]

RCW 18.85.225 License suspension--Nonpayment or default on educational loan or scholarship. The director shall suspend the license 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 license 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 licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 14.]

NOTES:

Severability--1996 c 293: See note following RCW 18.04.420.

RCW 18.85.230 Disciplinary action--Grounds. (Effective until January 1, 1997.) The director may, upon his or her own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesperson, regardless of whether the transaction was for his or her own account or in his or her capacity as broker, associate real estate broker, or real estate salesperson, and may impose any one or more of the following sanctions: Suspend or revoke, levy a fine not to exceed one thousand dollars for each offense, require the completion of a course in a selected area of real estate practice relevant to the section of this chapter or rule violated, or deny the license of any holder or applicant who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto or violating a provision of chapter 64.36, 19.105, or 58.19 RCW or the rules adopted under those chapters;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include 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;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his or her principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any associate broker or salesperson who has not been granted a license, or after his or her license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book or record in his or her possession for inspection of the director or his or her authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereeto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesperson or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesperson or associate broker operates, to the advertisement; except, that a real estate broker, associate real estate broker, or real estate salesperson advertising their personally owned real property must only disclose that they hold a real estate license;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his or her acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure in writing of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker, associate broker, or salesperson has an interest unless his or her interest is clearly stated in the appraisal report;

(17) Misrepresentation of his or her membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him or her relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his or her representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a branch manager, associate broker, or salesperson of a commission or any valuable consideration for the performance of any acts specified in this chapter, from any person, except the licensed real estate broker with whom he or she is licensed;

(23) To direct any transaction involving his or her principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his or her principal;

(24) Buying, selling, or leasing directly, or through a third party, any interest in real property without disclosing in writing that he or she holds a real estate license;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his or her licensed associate brokers and salespersons within the scope of this chapter;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or salesperson, as defined in RCW 46.70.011 as now or hereafter

amended, without having a license to do so;

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker, associate broker, or salesperson; or

(29) Violation of an order to cease and desist which is issued by the director under this chapter. [1990 c 85 § 1; 1988 c 205 § 5. Prior: 1987 c 370 § 15; 1987 c 332 § 9; 1979 c 25 § 4; prior: 1977 ex.s. c 261 § 1; 1977 ex.s. c 204 § 1; 1972 ex.s. c 139 § 19; 1967 c 22 § 3; 1953 c 235 § 12; 1951 c 222 § 16; 1947 c 203 § 5; 1945 c 111 § 8; 1943 c 118 § 5; 1941 c 252 § 19; Rem. Supp. 1947 § 8340-42; prior: 1925 ex.s. c 129 § 13.]

NOTES:

False advertising: Chapter 9.04 RCW.

Obstructing justice: Chapter 9A.72 RCW.

RCW 18.85.230 Disciplinary action--Grounds. (Effective January 1, 1997.) The director may, upon his or her own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesperson, regardless of whether the transaction was for his or her own account or in his or her capacity as broker, associate real estate broker, or real estate salesperson, and may impose any one or more of the following sanctions: Suspend or revoke, levy a fine not to exceed one thousand dollars for each offense, require the completion of a course in a selected area of real estate practice relevant to the section of this chapter or rule violated, or deny the license of any holder or applicant who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto or violating a provision of chapter 64.36, 19.105, or 58.19 RCW or RCW 18.86.030 or the rules adopted under those chapters or section;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include 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;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his or her principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any associate broker or salesperson who has not been granted a license, or after his or her license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book or record in his or her possession for inspection of the director or his or her authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesperson or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesperson or associate broker operates, to the advertisement; except, that a real estate broker, associate real estate broker, or real estate salesperson advertising their personally owned real property must only disclose that they hold a real estate license;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his or her acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure in writing of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker, associate broker, or salesperson has an interest unless his or her interest is clearly stated in the appraisal report;

(17) Misrepresentation of his or her membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him or her relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his or her representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a branch manager, associate broker, or salesperson of a commission or any valuable consideration for the performance of any acts specified in this chapter, from any person, except the licensed real estate broker with whom he or she is

licensed;

(23) To direct any transaction involving his or her principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his or her principal;

(24) Buying, selling, or leasing directly, or through a third party, any interest in real property without disclosing in writing that he or she holds a real estate license;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his or her licensed associate brokers and salespersons within the scope of this chapter;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or salesperson, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker, associate broker, or salesperson; or

(29) Violation of an order to cease and desist which is issued by the director under this chapter. [1996 c 179 § 18; 1990 c 85 § 1; 1988 c 205 § 5. Prior: 1987 c 370 § 15; 1987 c 332 § 9; 1979 c 25 § 4; prior: 1977 ex.s. c 261 § 1; 1977 ex.s. c 204 § 1; 1972 ex.s. c 139 § 19; 1967 c 22 § 3; 1953 c 235 § 12; 1951 c 222 § 16; 1947 c 203 § 5; 1945 c 111 § 8; 1943 c 118 § 5; 1941 c 252 § 19; Rem. Supp. 1947 § 8340-42; prior: 1925 ex.s. c 129 § 13.]

NOTES:

Effective date--1996 c 179: See RCW 18.86.902.

False advertising: Chapter 9.04 RCW.

Obstructing justice: Chapter 9A.72 RCW.

RCW 18.85.240 Disciplinary action--Director's delegation of authority. The director may deputize one or more assistants to perform his or her duties with reference to disciplinary action. [1988 c 205 § 6; 1987 c 332 § 10; 1957 c 52 § 45. Prior: 1945 c 111 § 9, part; 1941 c 252 § 20, part; 1925 ex.s. c 129 § 14, part; Rem. Supp. 1945 § 8340-43, part.]

RCW 18.85.251 Disciplinary action--Procedure--Investigation--Hearing. The disciplinary proceedings shall be had on motion of the director or after a statement in writing verified by some person or persons familiar with the facts upon which the proposed disciplinary action is based has been filed with the director. Upon receipt of such statement or accusation, the director shall make a preliminary investigation of the facts charged to determine whether the statement or accusation is sufficient. If the director shall determine the statement or accusation is sufficient to require formal action, the director shall thereupon set the matter for hearing at a specified time and place. A copy of such order setting time and place and a copy of the verified statement shall be served upon the licensee or applicant involved not less than twenty days before the day appointed in the order for said hearing. The department of licensing, the licensee or applicant accused, and the person making the accusation may be represented by counsel at such a hearing. The director or an administrative law judge appointed under chapter 34.12 RCW shall hear and receive pertinent evidence and testimony. [1988 c 205 § 7; 1987 c 332 § 11; 1981 c 67 § 22; 1951 c 222 § 23.]

NOTES:

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

RCW 18.85.261 Disciplinary action--Hearing--Conduct of. If the licensed person or applicant accused does not appear at the time and place appointed for the hearing in person or by counsel, the hearing officer may proceed and determine the facts of the accusation in his or her absence. The proceedings may be conducted at places within the state convenient to all persons concerned as determined by the director, and may be adjourned from day to day or for longer periods. The hearing officer shall cause a transcript of all such proceedings to be kept by a reporter and shall upon request after completion thereof, furnish a copy of such transcript to the licensed person or applicant accused in such proceedings at the expense of the licensee or applicant. The hearing officer shall certify the transcript of proceedings to be true and correct. If the director finds that the statement or accusation is not proved by a fair preponderance of evidence, the director shall notify the licensee or applicant and the person making the accusation and shall dismiss the case. [1987 c 332 § 12; 1951 c 222 § 24.]

RCW 18.85.271 Disciplinary action--Order--Judicial review. If the director shall decide, after such hearing, that the evidence supports the accusation by a preponderance of evidence, the director may impose sanctions authorized under RCW 18.85.040. In such event the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the address of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in an adjudicative proceeding, whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the Administrative Procedure Act, chapter 34.05 RCW. Upon instituting appeal in the superior court, the appellant shall give a cash bond to the state of Washington, which bond shall be filed with the clerk of the court, in the sum of five hundred dollars to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, such bond and notice to be filed within thirty days from the date of the director's decision. [1989 c 175 § 66; 1988 c 205 § 8; 1987 c 332 § 13; 1972 ex.s. c 139 § 20; 1951 c 222 § 25.]

NOTES:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 18.85.281 Appeal--As stay of order--Transcript. The filing of such notice and bond shall supersede the order of the director until the final determination of such appeal. The director shall prepare at appellant's expense and shall certify a transcript of the whole record to the director's office of all matters involved in the appeal, which shall be thereupon delivered by the director to the court in which the appeal is pending. The appellant shall be notified of the filing of the transcript and the cost thereof and shall within fifteen days thereafter pay the cost of said transcript. If the cost is not paid in full within fifteen days the appeal shall be dismissed. [1951 c 222 § 26.]

RCW 18.85.290 Automatic termination of stay--Further appeal. If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

An aggrieved party may secure review of a final judgment of the superior court under *this 1972 amendatory act by appeal therefrom. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases. [1972 ex.s. c 139 § 21; 1971 c 81 § 62; 1957 c 52 § 46; 1951 c 222 § 17. Prior: 1945 c 111 § 9, part; 1941 c 252 § 20, part; Rem. Supp. 1945 § 8340-43, part; prior: 1925 ex.s. c 129 § 14, part.]

NOTES:

*Reviser's note: "This 1972 amendatory act," see note following RCW 18.85.050.

RCW 18.85.300 Bonds--Remedy upon--Limit of liability. Every bond given under the provisions of this chapter, after approval by the director, shall be filed in his office. Any person who may be damaged by the wrongful conversion of trust funds by any real estate broker, associate real estate broker, or real estate salesman, shall, in addition to other legal remedies, have a right of action on such bond for all damages not exceeding five thousand dollars against a broker or one thousand dollars against a salesman. The aggregate liability of the surety upon the bond of any real estate broker, associate real estate broker, or real estate salesman for all claims which may arise thereunder shall not exceed the sum specified therein. [1951 c 222 § 18; 1943 c 118 § 3; 1941 c 252 § 17; Rem. Supp. 1943 § 8340-40. Prior: 1925 ex.s. c 129 § 11.]

NOTES:

Embezzlement: Chapter 9A.56 RCW.

RCW 18.85.310 Broker's records--Separate accounts--Interest-bearing trust accounts--Disposition of interest. (1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through the broker. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or the director's authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are nominal. As used in this section, a "nominal" deposit is a deposit of not more than five thousand dollars.

The interest accruing on this account, net of any reasonable and appropriate financial institution service charges or fees, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030 and the real estate education account created in RCW 18.85.317. Appropriate service charges or fees are those charges made by financial institutions on other demand deposit or "now" accounts. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not required to be deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) The pooled interest-bearing trust account specified in subsection (5) of this section if the parties to the transaction agree.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable and appropriate service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to

the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate education account created in RCW 18.85.317; and

(b) Transmit to the director of community, trade, and economic development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker. [1995 c 399 § 7; 1993 c 50 § 2; 1988 c 286 § 2; 1987 c 513 § 1; 1957 c 52 § 44; 1953 c 235 § 13; 1951 c 222 § 19. Prior: 1947 c 203 § 4, part; 1945 c 111 § 7, part; 1943 c 118 § 4, part; 1941 c 252 § 18, part; Rem. Supp. 1947 § 8340-41, part; prior: 1925 ex.s. c 129 § 12, part.]

NOTES:

Effective date--1993 c 50: See note following RCW 18.85.220.

Effective date--1987 c 513: "This act shall take effect January 1, 1988." [1987 c 513 § 15.]

Severability--1987 c 513: "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." [1987 c 513 § 13.]

RCW 18.85.315 Distribution of interest from brokers' trust accounts. Remittances received by the treasurer pursuant to RCW 18.85.310 shall be divided between the housing trust fund created by RCW 43.185.030, which shall receive seventy-five percent and the real estate education account created by RCW 18.85.317, which shall receive twenty-five percent. [1993 c 50 § 3; 1987 c 513 § 9.]

NOTES:

Effective date--1993 c 50: See note following RCW 18.85.220.

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 18.85.317 Real estate education account. The real estate education account is created in the custody of the state treasurer. All moneys received for credit to this account pursuant to RCW 18.85.315 and all moneys derived from fines imposed under this chapter shall be deposited into the account. Any fund balance remaining in the real estate commission account attributable to moneys received under RCW 18.85.315 and moneys derived from fines imposed under this chapter as of July 1, 1993, shall be transferred to the real estate education account. Expenditures from the account may be made only upon the authorization of the director or a duly authorized representative of the director, and may be used only for the purposes of carrying out the director's programs for education of real estate licensees and others in the real estate industry as described in RCW 18.85.040(4). All expenses and costs relating to the implementation or administration of, or payment of contract fees or charges for, the director's real estate education programs may be paid from this account. The account is subject to appropriation under chapter 43.88 RCW. [1993 c 50 § 4.]

NOTES:

Effective date--1993 c 50: See note following RCW 18.85.220.

RCW 18.85.320 Salespersons, associate brokers--Termination of services. The license of a real estate salesperson or associate real estate broker shall be retained at all times by his or her designated broker and when any real estate salesperson or associate real estate broker ceases to represent his or her broker his or her license shall cease to be in force. Notice of such termination shall be given by the broker to the director and such notice shall be accompanied by and include the surrender of the salesperson's or associate real estate broker's license. Failure of any broker to promptly notify the director of such salesperson's or associate real estate broker's termination after demand by the affected salesperson or associate real estate broker shall work a forfeiture of the broker's license. Upon application of the salesperson or associate real estate broker and the payment of a fee as prescribed by the director by rule, the director shall issue a new license for the unexpired term, if such salesperson or associate real estate broker is otherwise entitled thereto. When a real estate salesperson's or associate real estate broker's services shall be terminated by his or her broker for a violation of any of the provisions of RCW 18.85.230, a written statement of the facts in reference thereto shall be filed forthwith with the director by the broker. [1937 c 332 § 14; 1953 c 235 § 14; 1947 c 203 § 7; 1943 c 118 § 7; 1941 c 252 § 26; Rem. Supp. 1947 § 8340-49. Prior: 1925 ex.s. c 129 § 21.]

RCW 18.85.330 Sharing commissions. It shall be unlawful for any licensed broker to pay any part of his commission or other compensation to any person who is not a licensed real estate broker in any state of the United States or its possessions or any province of the Dominion of Canada, or to a real estate salesman not licensed to do business for such broker; or for any licensed salesman to pay any part of his commission or other compensation to any person, whether licensed or not, except through his broker. [1953 c 235 § 15; 1943 c 118 § 6; 1941 c 252 § 24; Rem. Supp. 1943 § 8340-47.]

RCW 18.85.340 Violations--Penalty. Any person acting as a real estate broker, associate real estate broker, or real estate salesman, without a license, or violating any of the provisions of this chapter, shall be guilty of a gross misdemeanor. [1951 c 222 § 20; 1941 c 252 § 23; Rem. Supp. 1941 § 8340-46. Prior: 1925 ex.s. c 129 § 17.]

RCW 18.85.343 Violations--Cease and desist orders. (1) The director may issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated a provision of this chapter or a lawful order or rule of the director.

(2) If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Before issuing the temporary cease and desist order, whenever possible the director shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include a provision that a hearing will be held upon request to determine whether or not the order will become permanent.

At the time the temporary cease and desist order is served, the licensee shall be notified that he is entitled to request a hearing for the sole purpose of determining whether or not the public interest imperatively requires that the temporary cease and desist order be continued or modified pending the outcome of the hearing to determine whether or not the order will become permanent. The hearing shall be held within thirty days after the department receives the request for hearing, unless the licensee requests a later hearing. A licensee may secure review of any decision rendered at a temporary cease and desist order review hearing in the same manner as an adjudicative proceeding. [1989 c 175 § 67; 1977 ex.s. c 261 § 2.]

NOTES:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 18.85.345 Attorney general as legal advisor. 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 to him by the director, and shall act as attorney for the director in all actions and proceedings brought by or against him under or pursuant to any provisions of this chapter. [1941 c 252 § 9; Rem. Supp. 1941 § 8340-32. Prior: 1925 ex.s. c 129 § 8.]

RCW 18.85.350 Enforcement provisions. The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

The prosecuting attorney of each county shall prosecute any violation of the provisions of this chapter which occurs in his county, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Process issued by the director shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record, or may be mailed by registered mail to the licensee's last business address of record in the office of the director.

Whenever the director believes from evidence satisfactory to him that any person has violated any of the provisions of this chapter, or any order, license, decision, demand or requirement, or any part or provision thereof, he may bring an action, in the superior court in the county wherein such person resides, against such person to enjoin any such person from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the immediate appointment of a receiver to take over, operate or close any real estate office 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 as herein provided. [1967 c 22 § 2; 1957 c 52 § 48; 1953 c 235 § 16. Prior: (i) 1941 c 252 § 21, part; Rem. Supp. 1941 § 8340-44, part. (ii) 1947 c 203 § 6; 1941 c 252 § 22; Rem. Supp. 1947 § 8340-45.]

RCW 18.85.360 Witnesses--Depositions--Fees--Subpoenas. The director may administer oaths; certify to all official acts; subpoena and bring before him any person in this state as a witness; compel the production of books and papers; and take the testimony of any person by deposition in the manner prescribed for procedure of the superior courts in civil cases, in any hearing in any part of the state.

Each witness, who appears by order of the director, shall receive for his attendance the fees and mileage allowed to a witness in civil cases in the superior court. Witness fees shall be paid by the party at whose request the witness is subpoenaed.

If a witness, who has not been required to attend at the request of any party, is subpoenaed by the director, his fees and mileage shall be paid from funds appropriated for the use of the real estate department in the same manner as other expenses of the department are paid. [1957 c 52 § 49. Prior: 1941 c 252 § 21, part; Rem. Supp. 1941 § 8340-44, part.]

RCW 18.85.400 Multiple listing associations--Entrance requirements. Each real estate multiple listing association shall submit to the real estate commission for approval or disapproval its entrance requirements. No later than sixty days after receipt of the real estate multiple listing associations entrance requirements the commission shall, with the directors approval, approve or disapprove the said entrance requirements. In no event shall the real estate commission approve any entrance requirements which shall be more restrictive on the person applying to join a real estate multiple listing association than the following:

(1) Require the applicant at the time of application and admission to be a licensed broker under chapter 18.85 RCW;

(2) Require the applicant, if all members of the real estate multiple listing association are so required, to obtain and maintain a policy of insurance, containing specified coverage within designated limits protecting members from claims by sellers who have made keys to their premises available to members for access to their properties, against losses arising from damage to or theft of contents of such properties;

(3) Require the applicant to pay an initiation fee computed by dividing an amount equal to five times the book value of the real estate multiple listing association concerned (exclusive of any value for listings and exclusive of all investments not related to the operation of the real estate multiple listing association and exclusive of all real estate), by the number of real estate broker members of said organization: PROVIDED, That in no event shall the initiation fee exceed twenty-five hundred dollars;

(4) Require the applicant for membership to have been:

(a) A broker in the territory of the real estate multiple listing association for a period of one year; or

(b) An associate broker with one year's experience in the area of the real estate multiple listing association, who in addition has had one year's experience as a broker in any other area of the state.

(5) Require the applicant to follow any other rules of the association which apply to all the members of such association: PROVIDED, That such other rules do not violate federal or state law: PROVIDED, That nothing in "this 1969 amendatory act shall be construed to limit the authority of any real estate multiple listing association to engage in any activities which are not otherwise prohibited by law. [1969 c 78 § 2.]

NOTES:

*Reviser's note: "This 1969 amendatory act" consists of this section and the 1969 c 78 amendment to RCW 18.85.010.

RCW 18.85.450 Land development representative--Registration--
Minimum requirements. The director shall issue a land development
representative registration for any applicant, upon application
made by the employing real estate broker, on a form provided by the
department. The minimum requirements for an individual to be
registered as a land development representative are that the
applicant shall:

- (1) Be eighteen years of age or older; and
- (2) Furnish such proof as the director may require concerning
the applicant's honesty, good reputation, and identification which
may include finger prints. [1987 c 332 § 15; 1977 ex.s. c 24 § 6.]

RCW 18.85.460 Land development representative--Registration issued to employing broker--Display--Fee--Transferability--Period of validity. The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed as set forth in this chapter for licenses. A fee as prescribed by the director by rule shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. No registration may be transferred to another broker, nor may a representative be registered to more than one broker at a time. Upon the termination of employment of any representative the broker shall release and return the registration of that representative to the department. [1987 c 332 § 16; 1977 ex.s. c 24 § 7.]

RCW 18.85.470 Land development representative--Authorized activities--"Land development" defined. (1) The activity of a land development representative registered with a broker under this chapter shall be restricted to land developments as defined in this section and limited to:

- (a) Disseminating information;
- (b) Contacting prospective purchasers; and
- (c) Transporting prospective purchasers to the land development site.

(2) This section shall not be construed to authorize any representative to:

- (a) Engage in the selling of real estate;
- (b) Negotiate for or bind the broker in any agreement relating to the sale of real estate;
- (c) Receive or handle funds;
- (d) Assist in preparation of documentation attendant upon sale of real estate; or
- (e) Engage in any other conduct or activity specified in any of the definitions under RCW 18.85.010, except as provided by subsection (1) of this section.

(3) The words "land development" as used in this chapter mean land which is divided, for the purpose of disposition, into ten or more parcels on which no residential structure exists at the time it is offered for sale. [1977 ex.s. c 24 § 8.]

RCW 18.85.480 Land development representative--Responsibility of employing broker--Violations. Full responsibility for the activities of the land development representative registered under this chapter shall rest with the employing broker. The director may deny, suspend, or revoke the registration of any representative or the license of the employing broker for any violation of this chapter by the representative. [1977 ex.s. c 24 § 9.]

RCW 18.85.900 Severability--1941 c 252. If any section, subdivision, sentence or clause in this act shall be held invalid or unconstitutional, such fact shall not affect the validity of the remaining portions of this act. [1941 c 252 § 28.]

RCW 18.85.910 Severability--1951 c 222. The provisions of this act are to be severable and if any section, subdivision or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of the act. [1951 c 222 § 27.]

RCW 18.85.920 Severability--1972 ex.s. c 139. The provisions of this 1972 amendatory act are to be severable and if any section, subdivision, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of the act. [1972 ex.s. c 139 § 22.]

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18.185 Bail bond agents.
18.190 Operation as limited liability company.
18.195 Consumer Access to Vision Care Act.

NOTES:

Alcoholic beverage control: Title 66 RCW.

Appointment of temporary additional members of boards and
committees for administration and grading of examinations:
RCW 43.24.065.

Attorneys: Chapter 2.44 RCW.

Automobiles

dealers licenses: Chapter 46.70 RCW.
drivers schools licensing: Chapter 46.82 RCW.
"Lemon Law": Chapter 19.118 RCW.
repair: Chapter 46.71 RCW.
service contracts: Chapter 48.96 RCW.
tow truck operators: Chapter 46.55 RCW.
transportation companies: Title 81 RCW.
warranties, express: Chapter 19.118 RCW.

Business corporations and cooperative associations: Titles 23, 23B
RCW.

Cities and towns, powers to regulate business: Title 35 RCW.

Coal mining: Title 78 RCW.

Collection agencies and out-of-state collection agencies: Chapter
19.16 RCW.

Consumer loan act: Chapter 31.04 RCW.

Credit unions: Chapter 31.12 RCW.

Department of licensing, division of professional licensing in
business and professions administration: RCW 46.01.050.

Discrimination: Chapter 49.60 RCW.

Drugs and cosmetics: Chapter 69.04 RCW.

Electricians: Chapter 19.28 RCW.

Farm labor contractors: Chapter 19.30 RCW.

Fishermen, commercial: Title 75 RCW.

Food products: Title 69 RCW.

Forests and forest products: Title 76 RCW.

Health care services: Chapter 48.44 RCW.

Mines, mineral and petroleum: Title 78 RCW.

Monopolies and trusts prohibited: State Constitution Art. 12 § 22.

Motor vehicles

businesses involving: Title 46 RCW.

"Lemon Law": Chapter 19.118 RCW.

Pawnbrokers: Chapter 19.60 RCW.

Regulatory fairness act: Chapter 19.85 RCW.

Retail installment sales of goods and services: Chapter 63.14 RCW.

Sales of personal property: Article 62A.2 RCW.

Student loan contracts: Chapter 26.30 RCW.

Suretyship: Chapter 19.72 RCW.

Vehicle wreckers: Chapter 46.80 RCW.



Kristan C. Tanner
Broker Associate, MBA

March 17, 1997

Representative Rokeberg, Chair
Representative Ryan, Committee Member
Labor and Commerce Committee
State Capitol
Juneau, AK 99801-1182

Dear Representatives Rokeberg & Ryan:

After our teleconference on Friday regarding HB33, "an act relating to real estate licensing and the real estate surety fund", I had some additional thoughts regarding some of the concerns that were brought up during the meeting.

Terry McGillivray (staff for the Real Estate Commission) was correct regarding the commercial endorsement. It was brought up during discussion at the task force level and it was not acted upon because it was beyond the scope of what the real estate commission had asked us to consider. However, I agree with Chris Stephens who also testified, that adding a commercial endorsement at this time would be of great benefit to those practicing commercial real estate.

Regarding the example of a 10 plex to be managed by a family member: there is another exception that I did not mention on Friday that is currently in the statute and will continue with this new bill. The exception is for resident managers. If there is a resident manager on site, then there is no requirement for a license. The family member could be a resident manager, or the owner could hire a resident manager. There is no limitation on number of units with this exception.

RE/MAX of Wasilla
1590 E. Financial Drive, Suite 200
Wasilla, Alaska 99654-8237
Direct Line: (907) 373-3575
Office: (907) 376-4515
Fax: (907) 376-6515



Each Office Independently Owned and Operated

A M E N D M E N T

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG

TO: CSHB 33 (L&C); Draft version "P"

Page 14, line 4:

Delete "licensee's former employer"

Insert "broker who previously contracted with or employed the licensee"

Page 16, line 4:

Delete "employed"

Insert "active"

Page 16, line 5:

Delete "licensee"

Insert "salesperson or associate real estate broker"

Page 16, line 7, following "employs"

Insert "or contracts with"

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska



*Above
the
Crowd!*



Kristan C. Tanner
Broker Associate, MBA

March 17, 1997

Representative Rokeberg, Chair
Representative Ryan, Committee Member
Labor and Commerce Committee
State Capitol
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Representative Rokeberg, Chair
Representative Ryan, Committee Member
March 17, 1997
Page Two

If I can be of any further help, please let me know.

Sincerely,



Kristan C. Tanner, MBA, CCIM
Broker Associate
102737.3133@compuserve.com
REALTOR®

cc: Chris Stephens, 561-8929
Terry McGillivray, 269-8156
Labor & Commerce Committee Members
Representative Brice,
Representative Cowdery, 465-2069
Representative Hudson, 465-2273
Representative Kubina, 465-3799
Representative Sanders, 465-3476

A M E N D M E N T

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 33(L&C); Draft version "P"

1 Page 4, line 18:

2 Delete "shall suspend [MAY"

3 Insert "may suspend ["

4 Page 16, lines 19 - 26:

5 Delete all material and insert:

6 "Sec. 08.88.341. Listings and management contracts. All real estate listings
7 and management contracts must be in writing and must be signed by the broker
8 [SELLER] or associated licensee [BY AN AGENT] of the broker and by the client
9 or an authorized representative of the client for whose benefit the real estate
10 licensee will act [SELLER]. All real estate exclusive listings and management
11 contracts must have a definite expiration date that may be renewed or extended
12 only by a written agreement signed by the client or the client's authorized
13 representative."

14 Page 19, line 4:

15 Delete "or anticipated"

16 Page 19, line 8:

17 Delete "material"

18 Insert "financial"

19 Page 19, line 9:

20 Delete "or anticipated material"

21 Insert "financial"

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG

TO: CSHB 33 (L&C); Draft version "P"

Page 5, line 19, following "approval.":

Insert "The Real Estate Commission shall approve each submitted contact hour of a course outline as one credit hour of continuing education. The fee for continuing education course certification under AS 08.88.221 shall be based on the hours approved for credit not hours submitted."

*Consider
moved
no article
adopted*

AMENDMENT 4

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG
TO: CSHB 33 (L&C); Draft version "P"

- 1 Page 6, line 23:
- 2 Delete "or community association management"

- 3 Page 6, line 24, following "(4)":
- 4 Insert "practice, or negotiate for a contract to practice, property management:
- 5 (5) collect fees for community association management:
- 6 (6) practice, or negotiate for a contract to practice, community
- 7 association management:
- 8 (7)"

- 9 Page 6, line 27:
- 10 Delete "(5)"
- 11 Insert "(8) {(5)}"

- 12 Page 6, line 30, through page 7, line 2:
- 13 Delete all material.

- 14 Page 7, line 3:
- 15 Delete "(8)"
- 16 Insert "(9)"

- 17 Page 7, line 5:
- 18 Delete "(9)"
- 19 Insert "(10) {(6)}"

1 Page 7, line 7:

2 Delete "(10)"

3 Insert "(11)"

4 Page 11, line 18:

5 Delete "AS 08.88.165(2)"

6 Insert "AS 08.88.161(1) - (4), (7), or (8) or 08.88.165(2)"

7 Page 31, line 13:

8 Delete "AS 08.88.161(6)"

9 Insert "AS 08.88.161(5) and (6)"

10 Page 31, line 14, following "management":

11 insert "and may collect fees for community association management"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 33(L&C); Draft version "P"

Page 11, line 15, after "chapter."

Insert A person issued a limited license to practice community association management under this section may not use the terms "broker" or "associate broker" for any business purpose.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 33 (L&C); Draft Version "P"

Page 30, lines 18-19:

Delete current language

Insert as new (6) "employ", "employing", "employs", "employed", "employee", "employees", "employment" include being an independent contractor with an employer.

STEPHEN D. VLAHOVICH
2509 EIDE STREET SUITE #4
ANCHORAGE, ALASKA 99503
PHONE: OFFICE: 907-258-8888
HOME: 907-243-2624
FAX: 907-278-5898



FAX MESSAGE

To: Alaska State House From: Stephen D. Vlahovich
Fax: 907-465-4268 Date: 1-2-98
Attn: Rep. Norm Roveberg Pages: 2
Re: House Bill #33 CC:

Urgent For your file Please Comment Please Reply Please Recycle

Comments:

NORMAN! THESE ARE MY
COMMENTS AFTER REVIEWING
THE LATEST VERSION OF TTB 33.
SHOULD HAVE GOOD PARTICIPATION
BY CONDO OWNERS AT THIS NEXT
HEARING ON THE BILL - Best Regards
Stephen

January 21, 1998

MEMORANDUM

TO: Representative Norman Rokeberg

FROM: Stephen D. Vlahovich Associated Brokers Inc.

Reference: House Bill #33 Draft 0-LS0197P

Page #7 line #1&2. I both assist in and direct the management of the affairs of a community association as a member of the Board of Directors. Am I required to be licensed? This needs to be clearer.

Page #11 lines 29-31. What if the commission requires a bond in excess of the maximum money to be covered? Are condo owners then obligated to pay this excess coverage?

Page #17 line 11-13 Are condo associations now going to be captive to the banks as to where and how they handle their monies??

Page #20 line 20-21 Does a bookkeeper who receipts in money or prepares resale certificates have to be licensed?

Page #29 Line4-7. This monetary restriction on the self-managed community associations is an infringement on their property rights and is in direct conflict with Article II Sec 3 of the By-Laws of the Anchorage Board of Realtors. "To provide a unified medium for real estate owners and those engaged in the real estate profession whereby their interests may be safeguarded and advanced."

Page 31 line 8-11 What does "or in pursuit of a contract" mean? I thought that we were requiring all contracts to be in writing prior to beginning to work.

I will be testifying at the committee meeting on 1/23/98.

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE ROKEBERG

TO: CSHB 33 (L&C); Draft "P" Version

Page 5, Line 18:

After "which" insert "complete"

Page 11, Line 31:

After "bond" insert "and the granting of exemptions"

Page 12, Line 8:

After "community association management" insert "operations and"

Page 13, Line 19:

After "lapsed"

Delete " ,"

Insert " ."

Page 13, Line 20:

Delete entire line.

Page 29, Line 4:

After "(17)", delete "an"

Insert "a resident"

Page 29, Line 5:

After "community association" insert " ;" and delete remainder of line 5 and lines 6-7

CONCEPTUAL AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 33 (L&C); Draft "P" Version

Reserve and investment accounts are not to be placed in control of a community association manager. A community association manager may not sign on reserve and/or investment accounts of a community.

By contract agreement, with the approval of the association's board, the community association manager may be a signer on the operating account of a community association.

The community association may establish other accounts.

If a community association manager may sign on an account, the community association board or the manager, shall request the financial institution to send one statement to the community association board and one statement to the community association manager. The addresses of the manager and the board may not be the same.

FEB - 9 1998

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 33(L&C)

Page 6, line 27 after "may not"

Insert "for compensation"

Athi Shirley

AMENDMENT #1

TO: CSHB 33 (), Version B

By: Rokeberg

Page 7, lines 8 & 9

Delete after (1) the current language

Insert following: courses required to earn professional designations sponsored by National Association of Realtors, Building Owners and Manager Association, or other recognized national organizations;

⁸
Page ~~12~~, lines 9 and 10:

Change "limited liability company" to "limited liability company" (drafting)

⁶
Page ~~12~~, line 29

Change "limited liability company" to "limited liability company" (drafting)

Page 14, line 28, through Page 15, line 2:

Delete entire Section 18 and renumber following sections accordingly

Page 15, Line 25:

Delete "for less than" before "60"

After "60 days" insert "or less"

Page 15, Line 29:

After "60" delete "or more"

Insert before "60", the words "more than"

Page 16, line 23:

After "reactivate the license" delete "to"

After "[BECOME]", delete "active status"

Page 19, line 28:

After "All" delete "exclusive"

Page 20, Lines 3 and 4

Delete after "OF THE BROKER]", the language "for at least three years,"

*no objection
amendment #1
adopted*

Page 20, line 7

After "provide" insert following: "upon request to any principal in a transaction"

Page 22, lines 16-25

Delete current section 37.

Renumber remaining sections accordingly.

AMENDMENT #2

*Adopted
w/o objection*

TO: CSHB 33 (), Version B, 3/11/97 By Rep. Rokeberg

CONCEPTUAL AMENDMENT.

Whereever in the bill the language "employed" is used, add "or contracted" after "employed" or change the definition of "employed" to include employees and independent contractors.

AMENDMENT #3

TO: CSHB 33 (), Version B

By: Rokeberg

CONCEPTUAL AMENDMENT:

Add commercial broker endorsement.

Commercial broker license includes all activities under sales or property management.

Commercial broker education requirements: to be decided by Commission as with other endorsement educational requirements.

Limit all other sales transactions accomplished by real estate services licensee to sales transactions of \$500,000 or less unless the transaction involves a residential dwelling.

*needs to have
a CPI index*

*from the includes
the ability to do
residential
sales
+ a property management
endorsement to residential
license
+ commercial sales
applied*

Conceptual
Amendment #4

by: Rokberg

New sections

Delete ~~sections~~ page 5, lines 2-3
page 9, lines 5-9

Insert: New sections

A

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Sec. 08.88.162. Violations and penalties: An unlicensed person who performs acts listed in AS 08.88.161 as those for which a license is required, or a person using or attempting to use the license of another, or a person who gives false or forged evidence of any kind to the commission or to a representative of the commission in obtaining or attempting to obtain a license, or a person who impersonates an applicant, or a person who knowingly uses or attempts to use an expired, suspended, revoked or nonexistent license certificate, or a person who falsely claims to be licensed and authorized to practice under this chapter, or a person who violates any of the provisions of this chapter, is guilty of a misdemeanor, and upon conviction, is punishable by a fine of not more than \$10,000, or by imprisonment of not more than one year, or by both.

Remove Architects Engineers

B

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Sec. 08.88.163. Civil penalty for unlicensed or unauthorized practice. (a) In addition to penalties prescribed by any other provision of law, if a person practices or offers to practice real estate as defined in this chapter without being licensed or authorized to practice in accordance with the provisions of this chapter, the commission may enter an order levying a civil penalty:

(b) A civil penalty levied under this section may not exceed \$5,000, or the amount of gain realized plus \$5,000, whichever is greater, for each offense. In levying a civil penalty, the commission shall set the amount of the penalty imposed under this section after taking into account the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and any other facts the commission considers relevant.

(c) ~~After~~ ^{Before issuing an order to} providing a person written notice of an order issued under this section, the commission shall grant a 30 day period during which the person may request a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the commission may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the department to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or within 10 days after the court enters a final judgement in favor of the commission of an order stayed pending an appeal under (e) of this section, the department may initiate other action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.88.037.

adopted section B

Page 24

Page 9 line 5

Page 5 line 2
similar to that
language proposed
in House Bill
in Senate Finance

all appeals
of disciplinary
actions shall
be filed with
the Superior
Court

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

By request

TO: CSHB 33 (L&C); Draft Version "P"

Add new section:

A person holding a valid real estate license under this chapter is exempt from registration under AS 08.67 *for the sale of mobile homes or trailers.*

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Conceptual
Amendment #4

by: Rokberg

New sections

Delete ~~sections~~ page 5, lines 2-3
page 9, lines 5-9

Insert: New sections

A
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concern architects engineers

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adopted section B

Page 24
Page 9 line 5
Page 5 line 2
similar to that
language proposed
H. West
in San Francisco

all appeals
of disciplinary
actions will
please call
the Superior
Court

Cowdery concern -

people who help selling property
long tracts of property
apts, warehouses, property -

does not want to close the
door on owners/operators -
ad ties into

no enforceable
with 4 plex
7 plex
8 plex
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or exceptions

errors and omissions any mandate
contingent upon the state and insures
carrier that will be sold

brokerage sign mis communication
subdivided out of state

family businesses are except -
market their own property
ad family members

commission's ability to designate some of
its staffs - to dept or dept employees
which also includes

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

By request

TO: CSHB 33 (L&C); Draft Version "P"

Add new section:

A person holding a valid real estate license under this chapter is exempt from registration under AS 08.67 *for the sale of mobile homes or trailers.*

Sec. 08.66.290. Ownership interest prohibited. A buyer's agent may not own an interest in the motor vehicle that is the subject of the purchase that the agent is negotiating for the buyer. (§ 5 ch 10 SLA 1993)

Sec. 08.66.300. Certain compensation prohibited. A buyer's agent may not accept a rebate, kickback, commission, or other form of compensation from a financial institution, motor vehicle dealer, or other person, except the buyer, on a motor vehicle purchase that the agent negotiates for a buyer. (§ 5 ch 10 SLA 1993)

Sec. 08.66.310. Dual agency prohibited. When representing a buyer, a buyer's agent may not act as an agent for the motor vehicle dealer. (§ 5 ch 10 SLA 1993)

Sec. 08.66.320. Records of buyer's agent. A buyer's agent shall maintain complete records of each motor vehicle purchase the agent negotiates, including the purchase arrangements and monetary transactions. The records must include

- (1) copies of advertisements, brochures, and pamphlets issued, used, or distributed by the buyer's agent during the sales transaction;
- (2) the original contract between the buyer's agent and the buyer;
- (3) copies of any purchase orders issued by the buyer's agent;
- (4) evidence of the delivery of the motor vehicle to the buyer;
- (5) a copy of the purchase agreement between the buyer and the motor vehicle dealer; and
- (6) a copy of any service agreement between the manufacturer and the motor vehicle dealer. (§ 5 ch 10 SLA 1993)

Sec. 08.66.330. Penalty. A person who knowingly violates AS 08.66.200 — 08.66.350 is guilty of a class A misdemeanor. (§ 5 ch 10 SLA 1993)

Sec. 08.66.350. Definitions. In AS 08.66.200 — 08.66.350,

- (1) "buyer's agent" means a person who does business in the state by negotiating on behalf of a buyer the purchase of a motor vehicle from a motor vehicle dealer;
- (2) "department" means the Department of Public Safety;
- (3) "motor vehicle dealer" means a person who is engaged in the business of buying, selling, or dealing in new or used motor vehicles and maintains an inventory of motor vehicles for sale. (§ 5 ch 10 SLA 1993)

Chapter 67. Mobile Home Dealers.

Section

10. Registration of mobile home dealers. [See effective date note.]
20. Application, bond, and fee. [See effective date note.]
30. Department approval. [See effective date note.]
40. Renewal of registration. [See effective date note.]

Section

50. Bond. [See effective date note.]
60. Action on bond. [See effective date note.]
70. Penalty. [See effective date note.]
80. Definitions. [See effective date note.]

Effective dates. — Section 4, ch. 131, SLA 1996, makes this chapter effective July 1, 1997.

Sec. 08.67.010. Registration of mobile home dealers. [See effective date note.] A mobile home dealer may not do business in the state unless the dealer is registered with the department. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.020. Application, bond, and fee. [See effective date note.] (a) In order to register under AS 08.67.010, a person shall file with the department an application, a bond required by AS 08.67.050, and application and registration fees established by the department by regulation.

(b) The department shall prescribe and furnish the form of application for dealer registration. The application must contain

(1) the name under which the business is conducted;

(2) the location of business;

(3) the name and address of all persons having an interest in the business and, in the case of a corporation, the application must contain the name and address of the two principal officers;

(4) the name and address of all sales representatives;

(5) the name and make of all new mobile homes handled;

(6) whether or not used mobile homes are handled;

(7) a statement that the applicant is a bona fide dealer in mobile home sales with a principal office at the location given;

(8) if the applicant sells a mobile home as a new or current model mobile home having a manufacturer's warranty, the name of the manufacturer of the mobile home and the date and duration of the applicant's sales and service agreement with the manufacturer;

(9) other information the department requires to administer this chapter. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.030. Department approval. [See effective date note.] The department shall approve an application for registration under AS 08.67.020 if the application contains the information required by AS 08.67.020 and the bond complies with AS 08.67.050. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.040. Renewal of registration. [See effective date note.] A dealer shall renew the registration required by AS 08.67.010 every two years by filing with the department a request for renewal, the bond required by AS 08.67.050, and a renewal fee established by the department by regulation. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.050. Bond. [See effective date note.] (a) An applicant for registration under AS 08.67.020 or for renewal of a registration under AS 08.67.040 shall file with the application or request for renewal, and shall maintain in force while registered, a \$50,000 bond that is in favor of the state, that is executed by an authorized corporate surety approved by the department, and that is conditioned upon the applicant's promise to pay all

(1) taxes and contributions due the state or a political subdivision of the state; and
(2) judgments entered against the applicant for fraud, negligence, or breach of contract when acting as a dealer.

(b) The bond required by this section is conditioned on the applicant complying with this chapter and not committing fraud or making fraudulent representations in the course of doing business as a dealer.

(c) A s
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Effective
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(c) A surety may cancel the bond after giving the department 30 days' advance written notice. Cancellation does not relieve a surety of liability arising on the bond from a purchase negotiated by the bonded dealer before cancellation or a liability that accrues against the bond before cancellation. The department shall retain the cancelled bond on file.

(d) If the bond required under this section is cancelled, the department may suspend the dealer's registration until the dealer is bonded as required under this section. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.060. Action on bond. [See effective date note.] If a person suffers loss or damage by reason of a dealer, or a person doing business as a dealer, violating this chapter or committing fraud or making fraudulent representations in the course of doing business as a dealer, the person may bring an action in the appropriate court against the dealer and upon the bond. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.070. Penalty. [See effective date note.] A person who knowingly violates this chapter is guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given in AS 11.81.900. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Sec. 08.67.080. Definitions. [See effective date note.] In this chapter,
 (1) "dealer" means a person who is engaged in the business of buying, selling, or dealing in new or used mobile homes;
 (2) "department" means the Department of Commerce and Economic Development;
 (3) "mobile home" means a vehicle designed and equipped for human habitation, and that may only be moved by another motor vehicle when authorized by permit. (§ 2 ch 131 SLA 1996)

Effective dates. — This section takes effect July 1, 1997.

Chapter 68. Nursing.

Article

1. Board of Nursing (§§ 08.68.010 — 08.68.150)
2. Examination and Licensing (§§ 08.68.160 — 08.68.278)
3. Nursing Education Programs (§§ 08.68.280 — 08.68.330)
4. Unlawful Acts (§§ 08.68.340 — 08.68.390)
5. Miscellaneous Provisions (§ 08.68.395)
6. General Provisions (§§ 08.68.400, 08.68.410)

Cross references. — For duty of nurses to report certain injuries, see AS 08.64.369. cians, Surgeons and Other Healers, § 7.
 State regulation of midwifery. 59 ALR4th 929.

Collateral references. — 61 Am. Jur. 2d, Physi-

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JAN 27 1998

8/28/97
Representative Bill Williams
325 Front Street
225-0713

Dear Bill

The Legislature enacted a new law requiring mobile home dealers to register with the State. This law includes Alaska real estate agents.

We are now required to have a \$50,000 bond and pay an additional \$500 fee.

This means our office needs to shell out another \$1000 to \$1500 before we sell any trailers.

The trailer business in Ketchikan is slow anyway because of the loss of our timber industry. This cost will be passed on the trailer owners ... and they just can't afford another fee.

The real estate professionals are regulated enough. We have bonding, licensing and our fees to the State of Alaska just doubled this year. I heard that the real estate licensees were one of the few State agencies that actually operated at a profit ... so if that was true I don't understand the need for our fees to double.

There is not enough profit in selling a couple \$12,000 trailers on a trailer court lot to justify the new fees.

It is best to have experienced, licensed real estate agents on this transactions ... because they know values, conditions, and they have proven themselves.

As you have so many times in the past Can you take a look at this legislation ... and see if you can help us.

Sincerely

Bill Elberson



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Each Office Independently Owned and Operated

Tongass Realty, Inc.
431 Dock St. Ketchikan, Alaska 99901

August 28, 1997

Representative Bill Williams
325 Front Street
Ketchikan, Alaska 99901



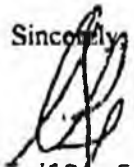
Dear Bill,

As a licensed real estate broker in The State of Alaska, I find it difficult to fathom the new requirement emanating from The Department of Commerce and Economic Development, Division of Occupational Licensing that basically requires real estate agents to become mobile home dealers. This new requirement demands a \$510 dollar biennial fee and a \$50,000 dollar bond in favor of the state. The bond, according to my insurance carrier, will run a minimum of \$1,000 dollars per year--probably more. As such, with a \$1200 to \$1500 dollar per year cost of doing business, and the potential return being not much more than that, I can not see how area realty agencies will be able to justify remaining in the mobile home business without further expanding our fees which will be to the detriment of the mobile home owner. This I feel is not in the public's best interest nor does it protect them in any additional regard.

Licensed real estate agents are required to maintain minimum professional standards which include 20 hours of continuing education every 2 years in courses ranging from marketing classes to real estate law. We are further required to pay a surety fund bond every two years as well. This is in addition to our license fees. From what I understand, mobile home dealers have none of these requirements, all they have to do is post a bond and pay a fee. In my eyes, this is not protecting the greater good of the public at all, in fact it seems to be exposing them to greater risk. I don't think this was the intent of the legislation. Could you see what can be done about changing this legislation? Our industry would appreciate it.

Thank you for your time. God Bless you

Sincerely,


Leif Stenford, Broker
Tongass Realty Inc

Rep. Bill -

I have read this letter
and I agree. We
appreciate your assistance.

- Bill Bolling
Bill Bolling

For Quality Service - Phone Home

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