



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

**Agency:** Department of Financial Institutions, Division of CS

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Amending the rules in chapter 208-660 WAC to implement chapters 78, 108, and 109, Laws of 2008, that amended the Mortgage Broker Practices Act, and generally amending the rules for clarity and consistency.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: 208-660-006,008,155,163,195,250,260,300,350,360,370,400,420,430,440,500,600  
 Suspended: None

**Statutory authority for adoption:** RCW 43.320.040

**Other authority :** RCW 19.144.070, chapter 109, Laws of 2008

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-21-165 on 10/22/08 (date).  
 Describe any changes other than editing from proposed to adopted version: See Attached.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** December 23, 2008

**NAME (TYPE OR PRINT)**

Deborah Bortner

**SIGNATURE**

**TITLE**

Director, Division of Consumer Services

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: December 23, 2008  
 TIME: 9:07 AM

**WSR 09-01-156**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>14</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>14</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>17</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>00</u>

Attachment 1 to CR-103  
Filed December 23, 2008

Describe any changes other than editing from proposed to adopted version:

1. 208-660-006 “Application.” The CR-103 version is amended to reflect changes in federal law that were not reflected in the CR-102.
2. 208-660-006 “Business day.” The CR-103 version of the definition amends the CR-102 version after further consideration of industry comments.
3. 208-660-155(11). The CR-103 version amends the CR-102 version to correctly identify a process that must be completed through the NMLS.
4. 208-660-163(12). The CR-103 version amends the CR-102 version to correctly identify a process that must be completed through the NMLS.
5. 208-660-195(4). The CR-103 version amends the CR-102 version to correctly identify a process that must be completed through the NMLS.
6. 208-66-350(2)(c). The CR-103 version amends the CR-102 version to reflect that while federal law authorizes the CR-102 version, state law does not.
7. 208-660-370(2). The CR-103 version amends the CR-102 version to reflect that the state may require clock hours of continuing education in addition to the federally required clock hours.
8. 208-660-430(1). The CR-103 version amends the CR-102 version to give more specificity to the requirement in the rule.
9. 208-660-500(3)(o). The CR-103 version amends the CR-102 version to give an example of the prohibition in the rule.
10. 208-660-500(6). Federal Guidance. The CR-103 version amends the CR-102 version to remove a section on Risk Management after further consideration of industry comments.