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SENATE BILL 6325

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Holmquist Newbry, Kohl-Welles, and Tom

Read first time 01/18/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to exempting common interest community managers  
2 from real estate broker and managing broker licensing requirements; and  
3 amending RCW 18.85.151.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.85.151 and 2008 c 23 s 16 are each amended to read  
6 as follows:

7 This chapter shall not apply to:

8 (1) Any person who purchases or disposes of property and/or a  
9 business opportunity for that individual's own account, or that of a  
10 group of which the person is a member, and their employees;

11 (2) Any duly authorized attorney-in-fact acting under a power of  
12 attorney without compensation;

13 (3) An attorney-at-law in the performance of the practice of law;

14 (4) Any receiver, trustee in bankruptcy, executor, administrator,  
15 guardian, personal representative, or any person acting under the order  
16 of any court, selling under a deed of trust, or acting as trustee under  
17 a trust;

18 (5) Any secretary, bookkeeper, accountant, or other office

1 personnel who does not engage in any conduct or activity specified in  
2 any of the definitions under RCW 18.85.011;

3 (6) Employees of towns, cities, counties, or governmental entities  
4 involved in an acquisition of property for right-of-way, eminent  
5 domain, or threat of eminent domain;

6 (7) Only with respect to the rental or lease of individual storage  
7 space, any person who owns or manages a self-service storage facility  
8 as defined under chapter 19.150 RCW;

9 (8) Any person providing referrals to licensees who is not involved  
10 in the negotiation, execution of documents, or related real estate  
11 brokerage services, and compensation is not contingent upon receipt of  
12 compensation by the licensee or the real estate firm;

13 (9) Certified public accountants if they do not promote the  
14 purchase, listing, sale, exchange, optioning, leasing, or renting of a  
15 specific real property interest;

16 (10) Any natural persons or entities including title or escrow  
17 companies, escrow agents, attorneys, or financial institutions acting  
18 as escrow agents if they do not promote the purchase, listing, sale,  
19 exchange, optioning, leasing, or renting of a specific real property  
20 interest;

21 (11) Investment counselors if they do not promote the purchase,  
22 listing, sale, exchange, optioning, leasing, or renting of a specific  
23 real property interest; (~~and~~)

24 (12) A common interest community manager, who is a natural person  
25 who, in an advisory capacity, for compensation or in expectation of  
26 compensation, whether acting as an independent contractor to, employee  
27 of, general manager or executive director of, or agent of a common  
28 interest development, provides management or financial services,  
29 negotiates an agreement to provide management or financial services, or  
30 represents himself or herself to act in the capacity of providing  
31 management or financial services to an association governed under  
32 chapter 64.32, 64.34, or 64.38 RCW; and

33 (13) Any person employed or retained by, for, or on behalf of the  
34 owner or on behalf of a designated or managing broker if the person is  
35 limited in property management to any of the following activities:

36 (a) Delivering a lease application, a lease, or any amendment  
37 thereof to any person;

- 1           (b) Receiving a lease application, lease, or amendment thereof, a  
2 security deposit, rental payment, or any related payment for delivery  
3 to and made payable to the real estate firm or owner;
- 4           (c) Showing a rental unit to any person, or executing leases or  
5 rental agreements, and the employee or retaineer is acting under the  
6 direct instruction of the owner or designated or managing broker;
- 7           (d) Providing information about a rental unit, a lease, an  
8 application for lease, or a security deposit and rental amounts to any  
9 prospective tenant; or
- 10          (e) Assisting in the performance of property management functions  
11 by carrying out administrative, clerical, financial, or maintenance  
12 tasks.

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