

**Chapter 308-10 WAC
PUBLIC RECORDS DISCLOSURE**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-10-020 Operations and procedures. [Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-020, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-020, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-020, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-020, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-020, filed 12/24/75.] Repealed by WSR 23-09-006, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW.

308-10-035 Office hours. [Order MV 348, § 308-10-035, filed 12/24/75.] Repealed by WSR 06-16-039, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110.

308-10-042 Processing of public records requests—Electronic records. [Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-042, filed 4/27/10, effective 5/28/10.] Repealed by WSR 23-09-006, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW.

308-10-050 Exemptions. [Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-050, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-050, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. WSR 97-17-009, § 308-10-050, filed 8/7/97, effective 9/13/97. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-050, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-050, filed 12/24/75.] Repealed by WSR 23-09-006, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW.

308-10-070 Communications with department. [Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-070, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-070, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-070, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-070, filed 12/24/75.] Repealed by WSR 23-09-006, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW.

WAC 308-10-005 Authority and purpose. (1) The purpose of this chapter is to establish rules for the department of licensing to implement the requirements of the Public Records Act, chapter 42.56 RCW.

(2) The department adopts these rules to provide full access to public records concerning the conduct of government, mindful of individuals' privacy rights. The department is guided by the provisions describing its purpose and interpretation when carrying out responsibilities under chapter 42.56 RCW.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-005, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-005, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-005, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-005, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-005, filed 12/24/75.]

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.56.010 apply to this chapter.

(2) "Department" means the department of licensing. Where appropriate, it also refers to the staff and employees of the department of licensing.

(3) "Designee" means a department employee authorized by the public records officer to receive and respond to a public records request.

(4) "Director" means the director of the department of licensing as appointed by the governor.

(5) "Individual" means a natural person.

(6) "Legitimate business," for purposes of RCW 46.12.630, means a company with a valid and unexpired business license that is:

(a) A licensed Washington business; or

(b) Not required to be licensed in this state, but has a federal employer identification number, federal tax number, or uniform business identifier (UBI).

(7) "Listing (list)" means an item-by-item series of names, figures, words, or numbers written or printed one after the other.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-010, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and 46.12.630. WSR 14-20-101, § 308-10-010, filed 9/30/14, effective 10/31/14. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-010, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-010, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. WSR 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

WAC 308-10-015 Function—Organization—Administrative officers—General inquiries to the office. (1) Function, organization, and administrative offices. The department of licensing administers laws relating to the licensing and regulation of professions, businesses, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. More information about the department's roles is available at www.dol.wa.gov.

The main office of the department and its director is located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia, WA 98504. The administrative office of the public records officer is located at 8005-A River Drive Southeast, Olympia, WA 98501.

(2) General inquiries and correspondence unrelated to a Public Records Act request to the office. Inquiries and correspondence concerning a matter unrelated to a Public Records Act request should be directed to the Olympia main office or by visiting www.dol.wa.gov.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-015, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-015, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW

42.17.250. WSR 92-09-107, § 308-10-015, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-015, filed 12/24/75.]

WAC 308-10-025 Public records available. All public records of the department are available for public inspection and copying during normal business hours pursuant to these rules, except as otherwise provided by chapters 42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business hours are from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-025, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-025, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-025, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-025, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-025, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-025, filed 12/24/75.]

WAC 308-10-030 Public records officer. The director designates the public records officer as the point of contact for public records requests. The records officer is located in the administrative office mentioned in WAC 308-10-015. The public records officer is responsible for:

- (1) The implementation of the department's rules regarding release of public records;
- (2) The publishing and maintenance of the department's public records index of all agency records; and
- (3) Ensuring the department's compliance with the public records disclosure act requirements.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-030, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-030, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-030, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-030, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-030, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-030, filed 12/24/75.]

WAC 308-10-040 Requests for public records. In accordance with chapter 42.56 RCW, the public may inspect or copy nonexempt public records, or obtain copies of such records.

- (1) Submit a request through one of the following methods:
 - (a) DOL's preferred method through the department's online portal located at <https://wadolpublicrecords.nextrequest.com/>; or
 - (b) Email addressed to the public records officer or designee sent to recordrequests@dol.wa.gov; or
 - (c) Send a written request, using the department's public records request form or a letter to P.O. Box 2957, Olympia, WA 98507-2957; or
 - (d) Verbally by phone or in person.

(2) DOL may request the following information before releasing certain records:

- (a) The name and address of the person requesting the record.
 - (b) The calendar date on which the request is made.
 - (c) The nature of the request.
 - (d) A specific description of the requested record or type of record as described in the current department record index.
 - (e) The signature and other contact information including telephone number and any email address.
 - (f) If the request is for a record with legal protections, a statement of intended use may be required.
- (3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.
- (4) Requestor should indicate if they want copies of the records made instead of simply inspecting them, and arrange to pay for copies of the records under WAC 308-10-045.
- (5) The department is committed to providing the fullest assistance possible.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-040, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-040, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-040, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-040, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-040, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-040, filed 12/24/75.]

WAC 308-10-041 Processing of public records requests—General.

- (1) The department will provide full access to public records in accordance with RCW 42.56.100, the public records officer or designee will process requests in an efficient order depending on the size and complexity of the request.
- (2) Failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor can contact the public records officer or designee to determine the reason for the failure to respond.
- (3) Third-party notification. If requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may provide notice to persons named in the records, before providing the records to the requestor. Such notice should provide time for those other persons to contact the requestor and ask them to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. Fulfillment of the request may be delayed while third parties consider or pursue their legal options.
- (4) Inspection of physical records.
- (a) The department will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor must indicate which documents they want the agency to copy.

(b) The requestor must review assembled records or collect copied records within 30 days of the department's notification to them that the records are available. The department may notify the requestor in writing of this requirement and ask them to make arrangements to collect or review the records.

(c) The department may close the request and refile the assembled records if the requestor or their representative fails to claim or review the records or make other arrangements within 30 days of the department's notice.

(5) Providing copies of records. After inspection is complete, the public records officer or designee will make the requested copies or arrange for copying.

(6) Retrieving records. The public records officer or designee may provide access for inspection and copying in installments. The public records officer or designee may stop searching for the remaining records and close the request after 30 days if the requestor fails to inspect the entire set of records or one or more of the installments.

(7) Closing withdrawn or abandoned requests. The public records officer or designee will close the request and notify the requestor if the request is withdrawn, the records are not inspected, or the deposit is not paid.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-041, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-041, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-041, filed 7/26/06, effective 8/26/06.]

WAC 308-10-045 Costs of providing copies of public records. (1)

The department does not charge a fee for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the department declares that, for the following reasons, it would be unduly burdensome to calculate the actual costs for providing copies of public records:

(a) Funds were not allocated to perform a study to calculate actual costs, and the agency lacks the necessary funds to perform a study;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs;

(c) A study would interfere with and disrupt other essential department's functions.

(3) The department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and published in the fee schedule available on the department's website at www.dol.wa.gov.

(4) The department will charge the actual amount charged by an external vendor for records copied. This includes records in nonstandard sizes; or in formats identified in the department's fee schedule available on the department of licensing's website at www.dol.wa.gov.

(5) Before copying public records, the public records officer or designee may require the requestor to:

(a) Pay a deposit of up to 10 percent of the estimated costs to copy all the requested records;

(b) Pay the remainder of the copying costs before providing all the records; or

(c) Pay the costs of copying an installment before providing the installment.

(6) At the department's discretion, the department may provide:

(a) Customized data services if the request would require the time of specialized program staff to prepare data compilations; or

(b) Customized electronic access services when such compilations and customized access services are not used by department of licensing for other agency purposes.

(c) Customized data services incur an hourly fee based on the complexity of the service.

(7) At the discretion of the public records officer, the department may waive any charges for providing public records. This determination will be made on a case-by-case basis.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-045, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-045, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-045, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110 and 42.17.260. WSR 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

WAC 308-10-055 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may send a written request for the department to review the decision. The requestor must send the written request to the public records officer. The request must include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer will promptly provide written petitions and any other relevant information to the administrative services assistant director or designee. That person will consider the petition and either affirm or reverse the denial within 10 business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, any persons may request the attorney general to review the matter when the department concludes that a public record is exempt from disclosure. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Pursuant to RCW 42.56.550, a requestor may request a judicial review of the department's denial of public records request.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-055, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-055, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW

42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-055, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-055, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-055, filed 12/24/75.]

WAC 308-10-060 Protection of public records. Pursuant to RCW 42.56.100 the following requirements will apply when inspecting public records held by the department:

(1) The department must have a designated department employee present while a requestor inspects department records.

(2) Requestors must not:

(a) Remove any public record from department premises.

(b) Mark or deface a public record in any manner during inspection.

(c) Dismantle public records maintained in a file or jacket, or in chronological or other filing order which would constitute excessive interference with the department's essential functions.

(d) Stay longer than their scheduled appointment to prevent excessive interference with other essential functions of the agency.

(3) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department employees, unless other arrangements are made with the public records officer and designee.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-060, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-060, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-060, filed 12/24/75.]

WAC 308-10-065 Records index. (1) Index. The department has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, and surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order MV 348, § 308-10-065, filed 12/24/75.]

WAC 308-10-067 Public records indexing system. (1) The department has implemented a system of indexing for identification and location of the following records:

(a) All records issued before July 1, 1990, for which the department has maintained an index.

(b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.

(c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.

(d) Interpretive statements entered after June 30, 1990.

(e) Policy statements entered after June 30, 1990.

(2) The department shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated by the department. The public records officer is responsible for updating the general index. The index of records is available during regular business hours for public inspection at the department's administrative office located at 8005-A River Drive Southeast, Olympia 98501 and is available online at www.dol.wa.gov.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-067, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-067, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-067, filed 2/15/96, effective 3/17/96. Statutory Authority: RCW 42.17.260(4). WSR 91-13-057, § 308-10-067, filed 6/17/91, effective 7/18/91.]

WAC 308-10-075 Disclosure of vehicle owner information. (1) Laws protecting vehicle owner information from disclosure. Vehicle record information may be protected from disclosure under chapters 42.56 and 46.12 RCW, and 18 U.S.C. Sec. 2721.

(2) Disclosing names and addresses of vehicle owners.

(a) Government agencies; or

(b) Business entities who provide proof of business verification;

or

(c) Vehicle manufacturers and vehicle component manufacturers that require vehicle ownership information for recall of their own product(s); or

(d) Individuals who provide proof of identity and:

(i) The owner of record is requesting the information for a vehicle(s) currently registered in their name; or

(ii) They can provide either a letter of testamentary, letter of administration, court order, or a signed and notarized department of licensing form and a death certificate of the deceased; or

(iii) They have documentation showing how they obtained the vehicle; or

(iv) They are following the chattel lien process as required by RCW 60.08.085.

(3) In order for the department to disclose names and addresses of individual vehicle owners, the requestor must provide:

(a) Acceptable verification or proof of identity as stated in subsection (4) or (5) of this section; and
(i) A contract with the department; or
(ii) A disclosure form or agreement with the department as required by RCW 46.12.635.

(b) Any other supporting documentation as requested by the department.

(4) Acceptable business verification.

(a) If the requestor is a business, one of the following:

(i) A copy of its current/valid business or professional license;
or

(ii) If the requestor is a business that is not required to be licensed, its federal employer identification number, federal tax number, or uniform business identifier number on its official business letterhead with a signature of the owner or an authorized representative.

(b) If the requestor is an attorney, a copy of:

(i) Their eligibility to practice law, including proof that their license is in a current/active status; and

(ii) An engagement letter, notice showing the attorney is representing someone, or evidence of an active case in court.

(c) If the requestor is a private investigator, a copy of:

(i) Their current/valid private investigator's license; and
(ii) An engagement letter, notice showing the private investigator is representing someone, or evidence of an active case in court.

(5) Proof of identity.

Acceptable forms of identification include, but are not limited to:

(a) A current/valid driver's license or instruction permit issued by any U.S. state or foreign government. If the requestor's driver license has expired, they must also show a valid temporary driver's license with the expired card; or

(b) A current/valid United States armed forces identification; or

(c) A current/valid merchant marine identification card issued by the United States Coast Guard; or

(d) A current/valid identification card issued by any foreign, federal, or state government; or

(e) A current/valid official U.S. passport or an unexpired foreign passport; or

(f) A current/valid enrollment card issued by the governing authority of a state or federally recognized Indian tribe.

Note: The department, at its own discretion, may waive the requirement in subsection (5) of this section and accept other documentation that clearly establishes the identity of the requestor.

[Statutory Authority: RCW 46.01.110 and chapter 42.56 RCW. WSR 23-09-006, § 308-10-075, filed 4/6/23, effective 5/7/23. Statutory Authority: RCW 46.01.110 and 46.12.635. WSR 14-01-051, § 308-10-075, filed 12/12/13, effective 1/12/14.]