



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 27, 2018

TIME: 9:19 AM

WSR 18-24-013

Agency: Department of Financial Institutions, Consumer Services

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) 1/1/2019 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain:

Purpose: The rules must be amended to implement c 62, Laws of 2018 to add student education loan servicing and student education loan servicers to those activities and persons regulated under the Consumer Loan Act.

Citation of rules affected by this order:

New: WAC 208-620-324, -442, -569, -950, -960, -970

Repealed: N/A

Amended: WAC 208-620-010, -011, -104, -230, -300, -320, -322, -327, -328, -370, -371, -431, -490, -505, -510, -515, -520, -550

Suspended: N/A

Statutory authority for adoption: RCW 43.320.040, RCW 31.04.165.

Proposed in compliance with OFM Guidance 3.a. dated October 12, 2011

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-15-077 on July 17, 2018 (date).

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

1. WAC 208-620-011: interpreted definition of student education loan servicer to clarify that the definition does not include those collecting on student education loans that are in default when they are collection agencies licensed in Washington or an attorney licensed in Washington under certain circumstances.
2. WAC 208-620-240: this section was repealed because the contents were included either in the statute or in other places in the rules.
3. WAC 208-620-442: added introductory language and the definition of portfolio.
4. WAC 208-620-490: added a new section (5) describing specific information that a student education loan servicer must collect, maintain, and report to the department.
5. WAC 208-620-520: subsection (5) was removed and incorporated in WAC 208-620-490. See number 4 immediately above.
6. WAC 208-620-550: sentence added to (1) to clarify that payoff information must be provided either pursuant to the rule or pursuant to an applicable federal program requirement.
7. WAC 208-620-950: Added language clarifying that the requirements in (4) may be met with a telephonic system providing the borrower speaks with a single point of contact on repayment or loan forgiveness options.

8. WAC 208-620-970: added introductory language clarifying that if a servicers is acquiring, transferring, or selling servicing activities on federal student education loans in compliance with the Department of Education, the requirements of this section do not apply.

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

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**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:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>6</u>	Amended	<u>18</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>6</u>	Amended	<u>18</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>6</u>	Amended	<u>18</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	<u>6</u>	Amended	<u>18</u>	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 11/27/2018

Name: Charles Clark

Title: Director, Division of Consumer Services

Signature:

