

WSR 14-24-004
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 19, 2014, 4:16 p.m., effective December 20, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 181-78A-100 to define the auditing of a program standard by a member of a site review team.

Citation of Existing Rules Affected by this Order: Amending WAC 181-78A-100.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-16-113 on August 6, 2014.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2014.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 14-12-018, filed 5/23/14, effective 6/23/14)

WAC 181-78A-100 Existing approved programs. Chapter 181-78A WAC rules shall govern all policies related to programs upon adoption by the professional educator standards board, which shall provide assistance to programs in the revision of their existing programs.

(1) The professional educator standards board shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under program approval standards. In determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and national accreditation organizations as such agreement relates to the accreditation cycle and allow CAEP accredited programs to follow the CAEP schedule for their review. Non-CAEP accredited programs shall have a review every five years. The professional educator standards board may require more frequent site visits at their discretion pursuant to WAC 181-78A-

110(2). The professional educator standards board will not consider requests for site visit delays.

(2) Each institution shall submit its program for review when requested by the professional educator standards board to ensure that the program meets the state's program approval standards as follows:

(a) At least six months prior to a scheduled on-site visit, the institution shall submit an institutional report that provides evidence and narrative, as needed, that addresses how the program approval standards are met for each preparation program undergoing review. Evidence shall include such data and information from the annual data submissions required per WAC 181-78A-255(2) as have been designated by the professional educator standards board as evidence pertinent to the program approval process.

(b) The institutional report shall be reviewed by a team whose membership is composed of:

(i) One member of the professional educator standards board;

(ii) One peer institution representative;

(iii) One individual with assessment expertise;

(iv) Two K-12 practitioners with expertise related to the programs scheduled for review; and

(v) A site team chair who has completed state site chair training.

(c) Substitutions, drawn from (b)(i) through (iv) of this subsection, may be assigned when individuals are not available. Additions to the team shall be drawn from (b)(i) through (iv) of this subsection when necessary. The professional educator standards board liaison for that institution may be present, but shall not serve in an evaluative role. All members, including substitutes, shall be trained.

(d) Team membership may be reduced for regular continuing visits in which fewer than five standards are being reviewed, initial visits, and focus visits. At a minimum, the team must consist of two members of which one must be a member of the professional educator standards board.

(e) Members of a focus visit team shall, at a minimum, be comprised of one member who served on the on-site team and one member of the professional educator standards board.

(f) Members of the site team may be assigned to conduct an audit of a standard. The standard(s) to be audited during a site review will be determined by the professional educator standards board. The audit must be held during the same semester as the site team review. A site team member conducting an audit will not participate in site team meetings, and will not have a vote in site team decision beyond the standard being audited. The process for an audit shall be published by the professional educator standards board.

(g) The review of the off-site team shall identify additional evidence and clarifications that may be needed to provide adequate support for the institutional report.

~~((g))~~ (h) The report of the off-site team shall be submitted to the institution, which shall provide an addendum to the institutional report no later than five weeks preceding the on-site review.

~~((h))~~ (i) The on-site visit shall be conducted in compliance with the protocol and process adopted and published by the professional educator standards board. The team shall be

comprised of members of the off-site review team whenever possible.

((+)) (j) The final site visit report and other appropriate documentation will be submitted to the professional educator standards board.

((+)) (k) Institutions may submit a reply to the report within two weeks following receipt of the report. The reply ~~((may address issues for consideration, including a request for appeal per this subsection (g);))~~ is limited to evidence that the review disregarded state standards, failed to follow state procedures for review, or failed to consider evidence that was available at the time of the review.

((+)) (l) In considering the report, the professional educator standards board may grant approval according to WAC 181-78A-110 and 181-78A-100(1).

((+)) (m) Institutions may request a hearing in instances where it disagrees with the professional educator standards board's decision. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The institution seeking a hearing will provide a written request to the professional educator standards board in accordance with WAC 10-08-035.

(3) Institutions seeking Council for the Accreditation of Educator Preparation, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the professional educator standards board approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

WSR 14-24-005
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 19, 2014, 4:17 p.m., effective December 20, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adds a new section to chapter 181-79A WAC requiring holders of certain certifications related to student characteristics to add a second academic content endorsement. Applies to new issued certificates only.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-132.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-20-080 on September 29, 2014.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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Date Adopted: November 13, 2014.

David Brenna
Senior Policy Analyst

NEW SECTION

WAC 181-79A-132 Dual endorsement requirement. Per WAC 181-82A-215, all teachers are required to hold at least one endorsement, provided, a teacher who obtains a special education, early childhood special education, bilingual education, or English language learner endorsement after September 1, 2019, must earn and/or hold a second endorsement in another endorsement area. Special education, early childhood special education, bilingual education, English language learner, and traffic safety do not qualify as the other endorsement area. Provided, that individuals applying for a Washington state teacher certificate that have completed an out-of-state teacher preparation program may have two years in which to add the second endorsement.

WSR 14-24-012
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 20, 2014, 12:08 p.m., effective December 21, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 181-86-100, state initiative created Washington charter schools. This amendment adds charter schools to the entities with authority to initiate proceedings for reprimand or certification suspension or revocation.

Citation of Existing Rules Affected by this Order: Amending WAC 181-86-100.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-19-058 on September 12, 2014.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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Date Adopted: November 20, 2014.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-86-100 Reprimand or certificate suspension or revocation—Initiation of proceedings. The initiation of reprimand, suspension, or revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification becomes aware from whatever source that a certificate holder has had a professional license revoked or suspended by a licensing agency, has voluntarily surrendered a license or has been arrested, charged, or convicted for any felony offense included within WAC 181-86-013(1), the superintendent of public instruction or the designated administrative officer shall cause an investigation.

(2) In all other cases, the initiation of investigative proceedings shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school or the chief administrative officer of a charter school. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent

of public instruction shall provide the affected certificate holder with a copy of such written complaint and a copy of WAC 181-86-180.

WSR 14-24-014
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed November 20, 2014, 1:46 p.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.

Purpose: To establish a new tariff for pilotage services in the Puget Sound pilotage district beginning January 1, 2015.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 14-20-089 on September 29, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 18, 2014.

Peggy Larson
Executive Director

AMENDATORY SECTION (Amending WSR 14-02-092, filed 12/31/13, effective 1/1/14)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours January 1, (~~2014~~) 2015, through 2400 hours (~~December 31, 2014~~) June 30, 2015.

CLASSIFICATION

RATE

Ship length overall (LOA)

Charges:

Per LOA rate schedule in this section.

~~((Boarding charge:))~~ Pilot boat fee:

~~\$(53.00))~~ 348.00

Per each boarding/deboarding at the Port Angeles pilot station.

Harbor shift - Live ship (Seattle Port)

LOA Zone I

Harbor shift - Live ship (other than Seattle Port)

LOA Zone I

Harbor shift - Dead ship

Double LOA Zone I

Towing charge - Dead ship:

Double LOA Zone

LOA of tug + LOA of tow + beam of tow

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment	\$359.00
Radio Direction Finder Calibration	\$359.00
Launching Vessels	\$540.00
Trial Trips, 6 hours or less (minimum \$1,014.00)	\$169.00 per hour
Trial Trips, over 6 hours (two pilots)	\$338.00 per hour
Shilshole Bay - Salmon Bay	\$211.00
Salmon Bay - Lake Union	\$164.00
Lake Union - Lake Washington (plus LOA zone from Webster Point)	\$211.00
Cancellation Charge	LOA Zone I
Cancellation Charge - Port Angeles:	LOA Zone II

(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of \$266.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$127.00 per bridge.

Ships 90' beam and/or over:

A charge of \$361.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$251.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:

Applicable harbor shift rate to apply, plus \$274.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$274.00 for every hour or fraction thereof.

Sailing Delay:

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$274.00 for every hour or fraction thereof. The assessment of the standby charge shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$274.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival – Port Angeles:

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$274.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$0.0084 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of ~~\$(0.0871)~~ 0.0814 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be ~~\$(0.1042)~~ 0.0974 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

March Point or Anacortes	\$195.00
Bangor	190.00
Bellingham	225.00
Bremerton	167.50
Cherry Point	260.00
Dupont	120.00
Edmonds	42.50
Everett	72.50
Ferndale	247.50
Manchester	162.50
Mukilteo	65.00
Olympia	155.00
Point Wells	42.50
Port Gamble	230.00
Port Townsend (Indian Island)	277.50
Seattle	18.75
Tacoma	87.50

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

Delinquent Payment Charge:

1 1/2% per month after 30 days from first billing.

Nonuse of Pilots:

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage charges on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

British Columbia Direct Transit Charge:

In the event that a pilot consents to board or disembark a vessel at a British Columbia port, which consent shall not unreasonably be withheld, the following additional charges shall apply in addition to the normal LOA, tonnage and other charges provided in this tariff that apply to the portion of the transit in U.S. waters:

Direct Transit Charge	\$2,107.00
Sailing Delay Charge. Shall be levied for each hour or fraction thereof that the vessel departure is delayed beyond its scheduled departure from a British Columbia port, provided that no charge will be levied for delays of one hour or less and further provided that the charge shall not exceed a period of 12 hours in any 24 hour period.	\$283.00 per hour
Slow Down Charge. Shall be levied for each hour or fraction thereof that a vessel's arrival at a U.S. or BC port is delayed when a vessel chooses not to maintain its normal safe speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater from the arrival time had the vessel maintained its normal safe speed capabilities.	\$283.00 per hour
Cancellation Charge. Shall be levied when a pilot arrives at a vessel for departure from a British Columbia port and the job is canceled. The charge is in addition to the applicable direct transit charge, standby, transportation and expenses.	\$525.00
Transportation Charge Vancouver Area. Vessels departing or arriving at ports in the Vancouver-Victoria-New Westminster Range of British Columbia.	\$514.00
Transportation Charge Outports. Vessels departing or arriving at British Columbia ports other than those in the Vancouver-Victoria-New Westminster Range.	\$649.00

Training Surcharge:

On January 1, 2011, a surcharge of \$15.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each pilotage assignment.

LOA Rate Schedule:

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA (Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
((UP to 449	263	408	695	1,036	1,395	1,810
450-459	274	415	699	1,052	1,417	1,819
460-469	276	419	711	1,069	1,437	1,827
470-479	285	432	719	1,091	1,441	1,830
480-489	294	439	722	1,110	1,450	1,839
490-499	298	445	733	1,131	1,467	1,848
500-509	313	453	744	1,143	1,479	1,859
510-519	315	461	751	1,161	1,495	1,866
520-529	319	478	762	1,166	1,508	1,881
530-539	329	484	771	1,179	1,532	1,902
540-549	334	490	789	1,192	1,555	1,920
550-559	341	507	794	1,209	1,568	1,938
560-569	353	527	810	1,221	1,582	1,956
570-579	361	531	813	1,226	1,599	1,969
580-589	376	540	832	1,235	1,608	1,989
590-599	393	552	837	1,241	1,632	2,013
600-609	408	569	849	1,245	1,652	2,022
610-619	431	574	863	1,250	1,668	2,040
620-629	447	581	871	1,266	1,687	2,064
630-639	468	591	881	1,269	1,702	2,082
640-649	486	605	890	1,271	1,716	2,097
650-659	520	615	906	1,281	1,737	2,119
660-669	530	623	914	1,289	1,756	2,135
670-679	550	639	923	1,312	1,776	2,149
680-689	557	649	935	1,323	1,791	2,169
690-699	574	659	950	1,346	1,810	2,215
700-719	599	681	967	1,364	1,845	2,239
720-739	634	699	992	1,382	1,881	2,276
740-759	659	733	1,011	1,395	1,920	2,318
760-779	685	756	1,036	1,417	1,956	2,347
780-799	719	790	1,052	1,437	1,989	2,390
800-819	748	813	1,072	1,444	2,022	2,426
820-839	771	843	1,097	1,467	2,064	2,453
840-859	804	877	1,119	1,484	2,095	2,496
860-879	834	906	1,138	1,522	2,135	2,532
880-899	863	932	1,161	1,557	2,169	2,569
900-919	889	963	1,180	1,598	2,215	2,604
920-939	917	992	1,209	1,632	2,237	2,640
940-959	950	1,018	1,227	1,668	2,276	2,672
960-979	971	1,048	1,248	1,702	2,318	2,712

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
(Length Overall)	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
980-999	1,003	1,072	1,270	1,737	2,347	2,747
1000-1019	1,065	1,141	1,327	1,829	2,459	2,865
1020-1039	1,094	1,175	1,368	1,881	2,533	2,949
1040-1059	1,127	1,204	1,408	1,938	2,605	3,036
1060-1079	1,161	1,246	1,449	1,996	2,686	3,126
1080-1099	1,196	1,281	1,491	2,054	2,765	3,221
1100-1119	1,230	1,320	1,537	2,118	2,848	3,318
1120-1139	1,268	1,363	1,584	2,179	2,933	3,417
1140-1159	1,304	1,401	1,629	2,244	3,022	3,521
1160-1179	1,343	1,441	1,681	2,312	3,112	3,624
1180-1199	1,384	1,485	1,729	2,381	3,206	3,734
1200-1219	1,427	1,530	1,780	2,453	3,302	3,844
1220-1239	1,467	1,576	1,832	2,527	3,399	3,959
1240-1259	1,511	1,622	1,886	2,602	3,502	4,077
1260-1279	1,555	1,670	1,944	2,680	3,608	4,199
1280-1299	1,602	1,721	2,003	2,760	3,713	4,326
1300-1319	1,651	1,770	2,061	2,842	3,825	4,454
1320-1339	1,701	1,824	2,125	2,927	3,939	4,589
1340-1359	1,749	1,879	2,188	3,014	4,057	4,727
1360-1379	1,803	1,933	2,253	3,106	4,177	4,866
1380-1399	1,855	1,991	2,322	3,197	4,303	5,014
1400-1419	1,912	2,052	2,389	3,292	4,431	5,163
1420-1439	1,968	2,114	2,461	3,392	4,566	5,318
1440-1459	2,029	2,177	2,536	3,493	4,702	5,477
1460-1479	2,086	2,240	2,610	3,597	4,843	5,638
1480-1499	2,150	2,307	2,687	3,704	4,986	5,808
1500-Over	2,215	2,377	2,767	3,817	5,135	5,981))
<u>UP to 449</u>	<u>263</u>	<u>381</u>	<u>650</u>	<u>968</u>	<u>1,304</u>	<u>1,692</u>
<u>450 - 459</u>	<u>274</u>	<u>388</u>	<u>653</u>	<u>983</u>	<u>1,325</u>	<u>1,700</u>
<u>460 - 469</u>	<u>276</u>	<u>392</u>	<u>665</u>	<u>999</u>	<u>1,343</u>	<u>1,708</u>
<u>470 - 479</u>	<u>285</u>	<u>404</u>	<u>672</u>	<u>1,020</u>	<u>1,347</u>	<u>1,711</u>
<u>480 - 489</u>	<u>294</u>	<u>410</u>	<u>675</u>	<u>1,038</u>	<u>1,355</u>	<u>1,719</u>
<u>490 - 499</u>	<u>298</u>	<u>416</u>	<u>685</u>	<u>1,057</u>	<u>1,371</u>	<u>1,728</u>
<u>500 - 509</u>	<u>313</u>	<u>423</u>	<u>695</u>	<u>1,068</u>	<u>1,383</u>	<u>1,738</u>
<u>510 - 519</u>	<u>315</u>	<u>431</u>	<u>702</u>	<u>1,085</u>	<u>1,398</u>	<u>1,744</u>
<u>520 - 529</u>	<u>319</u>	<u>447</u>	<u>712</u>	<u>1,090</u>	<u>1,410</u>	<u>1,758</u>
<u>530 - 539</u>	<u>329</u>	<u>452</u>	<u>721</u>	<u>1,102</u>	<u>1,432</u>	<u>1,778</u>
<u>540 - 549</u>	<u>334</u>	<u>458</u>	<u>738</u>	<u>1,114</u>	<u>1,454</u>	<u>1,795</u>
<u>550 - 559</u>	<u>341</u>	<u>474</u>	<u>742</u>	<u>1,130</u>	<u>1,466</u>	<u>1,812</u>
<u>560 - 569</u>	<u>353</u>	<u>493</u>	<u>757</u>	<u>1,141</u>	<u>1,479</u>	<u>1,828</u>

LOA (Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
<u>570 - 579</u>	<u>361</u>	<u>496</u>	<u>760</u>	<u>1,146</u>	<u>1,495</u>	<u>1,841</u>
<u>580 - 589</u>	<u>376</u>	<u>505</u>	<u>778</u>	<u>1,154</u>	<u>1,503</u>	<u>1,859</u>
<u>590 - 599</u>	<u>393</u>	<u>516</u>	<u>782</u>	<u>1,160</u>	<u>1,526</u>	<u>1,882</u>
<u>600 - 609</u>	<u>408</u>	<u>532</u>	<u>794</u>	<u>1,164</u>	<u>1,544</u>	<u>1,890</u>
<u>610 - 619</u>	<u>431</u>	<u>537</u>	<u>807</u>	<u>1,169</u>	<u>1,559</u>	<u>1,907</u>
<u>620 - 629</u>	<u>447</u>	<u>543</u>	<u>814</u>	<u>1,183</u>	<u>1,577</u>	<u>1,929</u>
<u>630 - 639</u>	<u>468</u>	<u>552</u>	<u>824</u>	<u>1,186</u>	<u>1,591</u>	<u>1,946</u>
<u>640 - 649</u>	<u>486</u>	<u>566</u>	<u>832</u>	<u>1,188</u>	<u>1,604</u>	<u>1,960</u>
<u>650 - 659</u>	<u>520</u>	<u>575</u>	<u>847</u>	<u>1,197</u>	<u>1,624</u>	<u>1,981</u>
<u>660 - 669</u>	<u>530</u>	<u>582</u>	<u>854</u>	<u>1,205</u>	<u>1,642</u>	<u>1,996</u>
<u>670 - 679</u>	<u>550</u>	<u>597</u>	<u>863</u>	<u>1,226</u>	<u>1,660</u>	<u>2,009</u>
<u>680 - 689</u>	<u>557</u>	<u>607</u>	<u>874</u>	<u>1,237</u>	<u>1,674</u>	<u>2,028</u>
<u>690 - 699</u>	<u>574</u>	<u>616</u>	<u>888</u>	<u>1,258</u>	<u>1,692</u>	<u>2,071</u>
<u>700 - 719</u>	<u>599</u>	<u>637</u>	<u>904</u>	<u>1,275</u>	<u>1,725</u>	<u>2,093</u>
<u>720 - 739</u>	<u>634</u>	<u>653</u>	<u>927</u>	<u>1,292</u>	<u>1,758</u>	<u>2,128</u>
<u>740 - 759</u>	<u>659</u>	<u>685</u>	<u>945</u>	<u>1,304</u>	<u>1,795</u>	<u>2,167</u>
<u>760 - 779</u>	<u>685</u>	<u>707</u>	<u>968</u>	<u>1,325</u>	<u>1,828</u>	<u>2,194</u>
<u>780 - 799</u>	<u>719</u>	<u>738</u>	<u>983</u>	<u>1,343</u>	<u>1,859</u>	<u>2,234</u>
<u>800 - 819</u>	<u>748</u>	<u>760</u>	<u>1,002</u>	<u>1,350</u>	<u>1,890</u>	<u>2,268</u>
<u>820 - 839</u>	<u>771</u>	<u>788</u>	<u>1,025</u>	<u>1,371</u>	<u>1,929</u>	<u>2,293</u>
<u>840 - 859</u>	<u>804</u>	<u>820</u>	<u>1,046</u>	<u>1,387</u>	<u>1,958</u>	<u>2,333</u>
<u>860 - 879</u>	<u>834</u>	<u>847</u>	<u>1,064</u>	<u>1,423</u>	<u>1,996</u>	<u>2,367</u>
<u>880 - 899</u>	<u>863</u>	<u>871</u>	<u>1,085</u>	<u>1,455</u>	<u>2,028</u>	<u>2,402</u>
<u>900 - 919</u>	<u>889</u>	<u>900</u>	<u>1,103</u>	<u>1,494</u>	<u>2,071</u>	<u>2,434</u>
<u>920 - 939</u>	<u>917</u>	<u>927</u>	<u>1,130</u>	<u>1,526</u>	<u>2,091</u>	<u>2,468</u>
<u>940 - 959</u>	<u>950</u>	<u>952</u>	<u>1,147</u>	<u>1,559</u>	<u>2,128</u>	<u>2,498</u>
<u>960 - 979</u>	<u>971</u>	<u>980</u>	<u>1,167</u>	<u>1,591</u>	<u>2,167</u>	<u>2,535</u>
<u>980 - 999</u>	<u>1,003</u>	<u>1,002</u>	<u>1,187</u>	<u>1,624</u>	<u>2,194</u>	<u>2,568</u>
<u>1000 - 1019</u>	<u>1,065</u>	<u>1,067</u>	<u>1,240</u>	<u>1,710</u>	<u>2,299</u>	<u>2,678</u>
<u>1020 - 1039</u>	<u>1,094</u>	<u>1,098</u>	<u>1,279</u>	<u>1,758</u>	<u>2,368</u>	<u>2,757</u>
<u>1040 - 1059</u>	<u>1,127</u>	<u>1,125</u>	<u>1,316</u>	<u>1,812</u>	<u>2,435</u>	<u>2,838</u>
<u>1060 - 1079</u>	<u>1,161</u>	<u>1,165</u>	<u>1,355</u>	<u>1,866</u>	<u>2,511</u>	<u>2,922</u>
<u>1080 - 1099</u>	<u>1,196</u>	<u>1,197</u>	<u>1,394</u>	<u>1,920</u>	<u>2,585</u>	<u>3,011</u>
<u>1100 - 1119</u>	<u>1,230</u>	<u>1,234</u>	<u>1,437</u>	<u>1,980</u>	<u>2,662</u>	<u>3,102</u>
<u>1120 - 1139</u>	<u>1,268</u>	<u>1,274</u>	<u>1,481</u>	<u>2,037</u>	<u>2,742</u>	<u>3,194</u>
<u>1140 - 1159</u>	<u>1,304</u>	<u>1,310</u>	<u>1,523</u>	<u>2,098</u>	<u>2,825</u>	<u>3,291</u>
<u>1160 - 1179</u>	<u>1,343</u>	<u>1,347</u>	<u>1,571</u>	<u>2,161</u>	<u>2,909</u>	<u>3,388</u>
<u>1180 - 1199</u>	<u>1,384</u>	<u>1,388</u>	<u>1,616</u>	<u>2,226</u>	<u>2,997</u>	<u>3,491</u>
<u>1200 - 1219</u>	<u>1,427</u>	<u>1,430</u>	<u>1,664</u>	<u>2,293</u>	<u>3,087</u>	<u>3,593</u>
<u>1220 - 1239</u>	<u>1,467</u>	<u>1,473</u>	<u>1,713</u>	<u>2,362</u>	<u>3,177</u>	<u>3,701</u>

LOA (Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
<u>1240 - 1259</u>	<u>1,511</u>	<u>1,516</u>	<u>1,763</u>	<u>2,432</u>	<u>3,274</u>	<u>3,811</u>
<u>1260 - 1279</u>	<u>1,555</u>	<u>1,561</u>	<u>1,817</u>	<u>2,505</u>	<u>3,373</u>	<u>3,925</u>
<u>1280 - 1299</u>	<u>1,602</u>	<u>1,609</u>	<u>1,872</u>	<u>2,580</u>	<u>3,471</u>	<u>4,044</u>
<u>1300 - 1319</u>	<u>1,651</u>	<u>1,655</u>	<u>1,927</u>	<u>2,657</u>	<u>3,576</u>	<u>4,164</u>
<u>1320 - 1339</u>	<u>1,701</u>	<u>1,705</u>	<u>1,986</u>	<u>2,736</u>	<u>3,682</u>	<u>4,290</u>
<u>1340 - 1359</u>	<u>1,749</u>	<u>1,756</u>	<u>2,045</u>	<u>2,817</u>	<u>3,792</u>	<u>4,419</u>
<u>1360 - 1379</u>	<u>1,803</u>	<u>1,807</u>	<u>2,106</u>	<u>2,903</u>	<u>3,905</u>	<u>4,549</u>
<u>1380 - 1399</u>	<u>1,855</u>	<u>1,861</u>	<u>2,171</u>	<u>2,989</u>	<u>4,022</u>	<u>4,687</u>
<u>1400 - 1419</u>	<u>1,912</u>	<u>1,918</u>	<u>2,233</u>	<u>3,077</u>	<u>4,142</u>	<u>4,826</u>
<u>1420 - 1439</u>	<u>1,968</u>	<u>1,976</u>	<u>2,301</u>	<u>3,171</u>	<u>4,268</u>	<u>4,971</u>
<u>1440 - 1459</u>	<u>2,029</u>	<u>2,035</u>	<u>2,371</u>	<u>3,265</u>	<u>4,395</u>	<u>5,120</u>
<u>1460 - 1479</u>	<u>2,086</u>	<u>2,094</u>	<u>2,440</u>	<u>3,362</u>	<u>4,527</u>	<u>5,270</u>
<u>1480 - 1499</u>	<u>2,150</u>	<u>2,157</u>	<u>2,512</u>	<u>3,462</u>	<u>4,661</u>	<u>5,429</u>
<u>1500 - Over</u>	<u>2,215</u>	<u>2,222</u>	<u>2,587</u>	<u>3,568</u>	<u>4,800</u>	<u>5,591</u>

WSR 14-24-023
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed November 21, 2014, 9:17 a.m., effective December 22, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Currently, in rule, we address which Washington management service (WMS) actions may be appealed; however, we do not include WMS rule violations as stated in RCW 41.06.170(2). Based on this, these rule changes will allow WMS employees to file rule violations appeals. These rule changes also address that the rule violation appeals will be appealed directly to the personnel resources board and not through the director's review process.

Citation of Existing Rules Affected by this Order: Amending WAC 357-52-010, 357-52-015, 357-49-010, 357-49-017, 357-58-505, and 357-58-515.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 14-20-078 on September 29, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: November 21, 2014.

Roselyn Marcus
 Assistant Director for Legal
 and Legislative Affairs

AMENDATORY SECTION (Amending WSR 11-23-054, filed 11/10/11, effective 12/13/11)

WAC 357-49-010 For what actions ((may)) can an individual request a director's review? (1) If the department of enterprise services is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results. If the director's office is responsible for the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175 the individual may request a director's review. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.

(2) An individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

~~(4) ((In addition to the subject listed in subsection (2) of this section, an employee who has been adversely affected by a violation of the civil service laws or rules may request a director's review within thirty calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later.)) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the non-permanent appointment or temporary appointment rules.~~

~~(5) An employee may not request a director's review of:~~

~~(a) An alleged violation of civil service laws or rules including those pertaining to layoff, except for removal of his/her name from a layoff list as provided in subsection (2) of this section; or~~

~~(b) The actions of reduction, dismissal, suspension, demotion or separation.~~

~~((5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.))~~

AMENDATORY SECTION (Amending WSR 05-19-011, filed 9/8/05, effective 10/10/05)

WAC 357-49-017 When is a director's review part of the appeal process? When an individual requests a director's review for any of the following types of actions, the director's review constitutes the initial step of the appeal process:

(1) Review of an employee's allocation or reallocation per WAC 357-13-080;

(2) Review of ~~((an alleged violation of civil service law or rules per WAC 357-49-010 (2) and (4))~~ the removal of an employee's name from a layoff list as specified in WAC 357-46-145; and

(3) Review of a remedial action request per WAC 357-49-010(5).

AMENDATORY SECTION (Amending WSR 09-17-065, filed 8/13/09, effective 9/16/09)

WAC 357-52-010 What actions may be appealed? (1) Within WGS, the following actions may be appealed:

(a) Any permanent WGS employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(b) Any employee, subject to the statutory jurisdiction of the board who adversely is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title 357 WAC, ~~((or an employer,))~~ may appeal to the board as follows:

(i) For a violation of state civil service law or rules relating to a layoff action, excluding removal from a layoff list, the employee may appeal directly to the board.

(ii) For a violation of state civil service law or rules relating to any other subject, including removal from a layoff list, the employee ~~((or employer))~~ may appeal directly to the board ~~((by filing written exceptions to the director's review determination)),~~ except as provided in WAC 357-49-010(1).

~~(c) ((Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006,))~~ An employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources board by filing written exceptions to the director's review determination.

(d) An employee whose position has been exempted from chapter 41.06 RCW or the exclusive bargaining unit representative for a vacant position that has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(e) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(2) Within WMS, the following actions may be appealed:

(a) Any permanent Washington management service employee who is dismissed, suspended, demoted, laid off, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a layoff action is not subject to appeal.

(b) For a violation of state civil service law or rules pertaining to WMS employees, a WMS employee who is adversely affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules pertaining to WMS employees (chapter 357-58 WAC) may appeal directly to the board.

(c) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

AMENDATORY SECTION (Amending WSR 06-03-074, filed 1/12/06, effective 2/13/06)

WAC 357-52-015 By when must an appeal be filed and received in order to be considered timely? In order to be considered timely, an appeal must be received in writing at the office of the board within thirty calendar days after:

(1) The effective date of the disciplinary action, layoff, or separation~~((;))~~;

(2) The date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later;

(3) Service of the director's determination unless the rules specifically state that the director's determination is final~~((;))~~; or

~~((;))~~ (4) The effective date of the exemption of a position or the notice of exemption, whichever is later.

AMENDATORY SECTION (Amending WSR 05-21-053, filed 10/13/05, effective 11/15/05)

WAC 357-58-505 Does a WMS employee have appeal rights? Any permanent employee in a WMS position who is laid off, dismissed, suspended, demoted, separated, whose position has been reassigned beyond a reasonable commute without agreeing to the reassignment, or whose base salary is reduced may appeal in accordance with chapter 357-52 WAC. Any WMS employee who is adversely affected by a violation of the state civil service law (chapter 41.06 RCW) or the civil service rules pertaining to WMS employees (chapter 357-58 WAC) may appeal in accordance with chapter 357-52 WAC. The conclusion of an acting appointment is not subject to appeal.

AMENDATORY SECTION (Amending WSR 11-23-054, filed 11/10/11, effective 12/13/11)

WAC 357-58-515 When a WMS employee disagrees with an employer's action, can the employee request the employer reconsider the action that was taken? Each agency will develop procedures to reconsider agency actions at the request of the employee. The agency's procedure must identify those actions for which an employee may request reconsideration. At a minimum, the agency's procedure must allow an employee to request reconsideration of the following:

- (1) Salary adjustment (or lack thereof) when the responsibilities of the permanent employee's position have been changed.
- (2) Placement following reversion of a permanent employee.
- (3) Decisions about whether or not a position is included in the WMS. When reconsidering decisions concerning inclusion in WMS the following apply:
 - (a) The final agency internal decision must be made by the agency director or designee.
 - (b) If the incumbent disagrees with the agency director/designee's decision, he/she may request a ((director's)) review by the director, as long as such request is made within fifteen calendar days of notification of the decision. Such review will be limited to relevant documents and information and will be final.

WSR 14-24-024

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed November 21, 2014, 9:18 a.m., effective December 22, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These changes are a result of the passage of SSB 5173 which allows employees of state agencies and political subdivisions, and institutions of higher education to take two unpaid holidays per calendar year for reason of faith or conscience. The unpaid time off may only be denied if the employee is necessary to maintain public safety or approval results in an "undue hardship" as defined in rule by the office

of financial management (WAC 82-56-020). These new rules and the rule amendment address "undue hardship" for purposes of this bill. In addition, these changes establish a timeframe for when an employee must notify their supervisor to request unpaid leave for reasons of faith or conscience, leave may not be denied due to an employee not meeting the specified timeframe.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-327.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 14-20-076 on September 29, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 1, Repealed 0.

Date Adopted: November 21, 2014.

Roselyn Marcus
Assistant Director for Legal
and Legislative Affairs

NEW SECTION

WAC 357-31-052 Is an employee entitled to any unpaid holidays? Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The employer must allow the employee to take the unpaid holiday when requested unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. For this purpose "undue hardship" is defined in WAC 82-56-020.

NEW SECTION

WAC 357-31-053 Within what time frame must an employee notify their supervisor to request an unpaid holiday in accordance with WAC 357-31-052? When requesting an unpaid holiday in accordance with WAC 357-31-052, an employee must give at least fourteen calendar days' notice to the supervisor in accordance with the employer's leave policy. The employee and supervisor may agree upon a shorter time frame. Unpaid leave for this purpose must not be denied due to not meeting the time frame. Leave may only be denied for undue hardship as defined in WAC 82-56-020.

AMENDATORY SECTION (Amending WSR 09-17-057 and 09-18-112, filed 8/13/09 and 9/2/09, effective 12/3/09)

WAC 357-31-327 When must an employer grant leave without pay? An employer must grant leave without pay under the following conditions:

(1) When an employee who is a volunteer firefighter is called to duty to respond to a fire, natural disaster, or medical emergency;

(2) If the employee or the employee's family member, as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730; or

(3) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(4) When an employee requests a day off for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization in accordance with WAC 357-31-052.

**WSR 14-24-025
PERMANENT RULES
OFFICE OF**

FINANCIAL MANAGEMENT

[Filed November 21, 2014, 9:18 a.m., effective December 22, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes to WAC 357-01-345 and 357-19-025 clarify that if an employee is laid off and is appointed within two years of separation to a position with a higher salary range maximum than the position they were laid off from, they must serve a trial service period. The change to WAC 357-19-115 addresses which employer and position an employee would revert to and addresses when an employee is reverted during their trial service period and the employer's obligation to return an employee to a vacant position or position held by a nonpermanent appointee. Since Washington management service employees do not transfer to Washington general service, we are removing the "transfer" language to WAC 357-19-125 to coincide with the language in WAC 357-58-375. There are also two proposed housekeeping items to WAC 357-19-442 and 357-58-375.

Citation of Existing Rules Affected by this Order: Amending WAC 357-01-345, 357-58-375, 357-19-025, 357-19-115, 357-19-125, and 357-19-442.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 14-20-079 on September 29, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: November 21, 2014.

Roselyn Marcus
Assistant Director for Legal
and Legislative Affairs

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-345 Trial service period. The initial period of employment following:

(1) A promotional appointment to a position in a new class ((or the initial period of employment following)):

(2) A transfer ((or)), voluntary demotion, or elevation when required by the employer under the provisions of WAC 357-19-030; or

(3) An appointment within two years of separation due to layoff to a position with a higher salary range maximum than the position the employee was laid off from.

The trial service period will continue for six to twelve months as determined under the provisions of WAC 357-19-050.

AMENDATORY SECTION (Amending WSR 05-12-077, filed 5/27/05, effective 7/1/05)

WAC 357-19-025 When must an employee serve a trial service period? A permanent employee must serve a trial service period upon promotional appointment to a position in a class in which the employee has not held permanent status. A general government employee laid off in accordance with the provisions of WAC 357-46-010 or 357-58-445 is not considered to have had a break in continuous state service if within two years of separation the employee is appointed to a position. Upon appointment to a position with a higher salary range maximum than the position the employee was laid off from the employee must serve a trial service period.

AMENDATORY SECTION (Amending WSR 07-03-052, filed 1/12/07, effective 2/15/07)

WAC 357-19-115 To which employer and position would an employee revert? (1) A permanent employee who does not satisfactorily complete the trial service period or a Washington management service (WMS) review period or has failed to progress to the next step of an in-training plan in accordance with WAC 357-19-285, has reversion rights with

the current employer at the time of reversion. An employee has the right to revert to a position, if available, in accordance with the following:

~~((+))~~ (a) For employees reverting from trial service following a promotion, transfer or elevation, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies competencies and other position requirements and which is:

~~((+))~~ (i) Allocated to the class the employee last held permanent status in; or

~~((+))~~ (ii) If no positions are available, allocated to a class which has the same or lower salary range maximum.

~~((+))~~ (b) For employees reverting from trial service following a voluntary demotion, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies the competencies and other position requirements and which is allocated to a class which has the same or lower salary range maximum as the class from which the employee is reverting.

(2) If no vacant position or position filled by a nonpermanent appointee as defined in WAC 357-01-210 is available, the employee is eligible to be placed on the employer's internal layoff list upon request in accordance with WAC 357-19-117.

AMENDATORY SECTION (Amending WSR 05-12-089, filed 5/27/05, effective 7/1/05)

WAC 357-19-125 What happens to a permanent Washington management service (WMS) employee who promotes(~~(-transfers)~~) or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period? A permanent Washington management service (WMS) employee who promotes(~~(-transfers)~~) or demotes to a Washington general service (WGS) position but fails to satisfactorily complete the trial service period has reversion rights in accordance with WAC 357-58-375.

AMENDATORY SECTION (Amending WSR 05-01-192, filed 12/21/04, effective 7/1/05)

WAC 357-19-442 What happens to an employee's salary and periodic increment date when he/she is temporarily appointed to the higher level class under provisions of WAC 357-19-435(2)? Upon temporary appointment under the provisions (~~(the [of])~~) of WAC 357-19-435(2), the employee's base salary is determined in accordance with WAC 357-28-110 and his/her periodic increment date is unchanged.

AMENDATORY SECTION (Amending WSR 05-21-053, filed 10/13/05, effective 11/15/05)

WAC 357-58-375 When permanent WMS employees promote or demote to positions in the general service and fail to complete the trial service period what reversion rights do permanent WMS employees have? (1) When a permanent WMS employee promotes to a WGS position

within the **same** agency and is reverted during the trial service period, the agency must place the employee in a vacant funded WMS position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the WGS appointment. If no vacant funded positions are available, the agency must place the employee in a WMS position for which the employee is qualified and which is similar to the employee's previous position and salary. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

(2) When a permanent WMS employee **demotes** to a WGS position in the **same** agency and is reverted during the trial service period the agency must place the employee in a vacant funded WMS position for which the employee is qualified and with a salary that is equal to or less than the salary range maximum of the class from which the employee is reverting. If the reversion of the employee causes the total number of employees to exceed the total number of positions to be filled, the employer may implement a layoff.

(3) When a permanent WMS employee **promotes or demotes** to a WGS position in a **different** agency and is reverted during the trial service period, the employer may separate the employee by providing fifteen calendar days' written notice. The employee may apply for the general government transition pool.

WSR 14-24-026
PERMANENT RULES
OFFICE OF

FINANCIAL MANAGEMENT

[Filed November 21, 2014, 9:18 a.m., effective December 22, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These changes correspond with the recent changes made for represented employees. This change allows employees upon promotion or reallocation be placed at step M of the salary range if that step falls within the required percentage of increase or minimum number of step increase.

Citation of Existing Rules Affected by this Order: Amending WAC 357-13-090, 357-28-035, 357-28-082, 357-28-088, 357-28-110, 357-28-115, 357-28-120, and 357-28-135.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 14-20-077 on September 29, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

Date Adopted: November 21, 2014.

Roselyn Marcus
Assistant Director for Legal
and Legislative Affairs

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-13-090 How is an employee affected when his/her position is reallocated?

This table is used to determine how an employee whose position is reallocated is affected.			
	Employee's position reallocated to:		
	Class with a higher salary range maximum	Class with an equal salary range maximum	Class with a lower salary range maximum
Reallocation results from:			
A position review requested by the employee or initiated by the employer	<p><i>If the employee has performed the higher level duties for at least six months and meets the competencies and other position requirements:</i></p> <p>→ The employee remains in the position and is appointed with permanent status provided the probationary or trial service period for the class to which the position is reallocated is six months in duration. If the probationary period or trial service period is longer than six months and the employee has not performed higher level duties for the length of the probationary period or trial service period, the employer may require the employee serve the remainder of the probationary or trial service period before gaining permanent status in the reallocated position.</p> <p><i>If the reallocation is the result of a change in the duties of the position and the employee has not performed the higher level duties for six months or more:</i></p> <p>→ The employer must give the employee the opportunity to compete for the position. The employer may choose to promote the employee without competition as long as the employee meets the competencies and any other position requirements.</p> <p>If the employee is not selected for the position, the employer's layoff procedure applies. If the employee is appointed and he/she has already gained permanent status, the employee must serve a trial service period. If the employee has not completed the probationary period, then the new trial service period will overlap provided the higher and lower classes are in the same or a closely related field. If the classes are not</p>	<p><i>If the employee meets the competencies and other position requirements:</i></p> <p>→ The employee remains in the position and retains existing appointment status.</p> <p>→ The employee retains the previous base salary in accordance with WAC 357-28-120.</p> <p><i>If the employee does not meet the competencies and other position requirements:</i></p>	<p><i>If the employee meets the competencies and other position requirements and chooses to remain in the reallocated position:</i></p> <p>→ The employee retains appointment status; has the right to be placed on the employer's internal layoff list; and has his/her salary set in accordance with WAC 357-28-120.</p> <p><i>If the employee chooses to vacate the position or does not meet the competencies and other position requirements:</i></p> <p>→ The employer's layoff procedure applies.</p>

This table is used to determine how an employee whose position is reallocated is affected.			
	Employee's position reallocated to:		
	Class with a higher salary range maximum	Class with an equal salary range maximum	Class with a lower salary range maximum
Reallocation results from:			
A position review requested by the employee or initiated by the employer	<i>If the employee has performed the higher level duties for at least six months and meets the competencies and other position requirements:</i> sin the same or closely related field, then the employee will start their probationary period over in the new class. Upon appointment to the higher class, the employee's base salary must be increased a minimum of a two step increase, not to exceed step ((L)) <u>M</u> of the range as provided in WAC 357-28-115.	<i>If the employee meets the competencies and other position requirements:</i> → The employer's layoff procedure applies.	<i>If the employee meets the competencies and other position requirements and chooses to remain in the reallocated position:</i>
The director revising the classification plan.	The employee remains in the position and keeps existing appointment status. See WAC 357-28-130 for determining the employee's salary.		

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-035 What must be addressed in the employer's salary determination policy? The employer's salary determination policy must minimally address the following:

- (1) Setting base salary for new employees;
- (2) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a position in a new class;
- (3) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a permanent position while in a nonpermanent appointment;
- (4) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;
- (5) Setting base salary when an employee is appointed from an internal or statewide layoff list;
- (6) Setting base salary when an employee is reallocated to a position with a lower salary range and the employee's previous base salary is above step ((L)) M of the new salary range as permitted in WAC 357-28-120. Under no circumstance should an employee's salary exceed their previous base salary;
- (7) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated;
- (8) Setting base salary when an employee is reverted following a voluntary demotion;
- (9) Authorizing premiums for recruitment and retention as provided in WAC 357-28-095 and 357-28-100; and
- (10) Setting base salary and progression based on recruitment and retention rather than years of experience for

the nurse special pay salary schedules, if allowed by the employer.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-082 Is step M on the salary schedule different than other salary steps? Step M is a longevity step. An employee cannot be appointed to step M upon initial hire (~~(or progress to step M upon promotion)~~).

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-088 If an employee (~~(accepts a new appointment)~~) transfers or demotes will the time spent at step L count towards the six years to qualify for step M in the new position? If an employee (~~(accepts a new appointment)~~) transfers to a position (~~(which is the same pay range as the previous position,)~~) the time at step L in the previous position will count towards the six years to qualify for step M in the new position.

If an employee (~~(accepts a new appointment to a position which is a different pay range as the previous position)~~) is demoted (voluntary or involuntary), the time at step L in the previous position will not count towards the six years to qualify for step M (~~(in the new salary range. An exception to this is if the new appointment is due to an employee accepting a demotion in lieu of layoff or a layoff option to a position with a lower salary range maximum. In that case, the time spent at step L in the previous position will count towards the six years to qualify for step M in the new salary range)~~) except in accordance with WAC 357-28-135(2).

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-110 ~~Must an employee who is promoted ((to a position in a class with a higher salary range)) receive a salary increase?~~ An employee who is promoted ((to a position in a class with a higher salary range)) must receive a minimum increase of two steps not to exceed step ((~~L~~) M) of the salary range. The employer may grant ((higher increases)) more than an increase of two steps not to exceed step L if:

(1) Significant increases in duties and responsibilities, as documented by the employer, warrant greater compensation;

(2) The increase is necessary for internal salary alignment, retention of the employee, or other documented business needs; or

(3) The increase is necessary to bring the employee to the minimum of the salary range for the position.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-115 **Must an employee occupying a position that is reallocated to a class with a higher salary range receive a salary increase?** An employee occupying a position that is reallocated to a class with a higher salary range must receive a minimum increase of at least two steps not to exceed step ((~~L~~) M) of the salary range in accordance with WAC 357-28-110.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-120 **What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range?** An employee occupying a position that is reallocated to a class with the same or lower salary range must be placed within the new salary range at an amount equal to his/her previous base salary. If the previous base salary exceeds the new salary range, the employee's base salary must be set equal to step ((~~L~~) M) of the salary range for the reallocated position. The employee's base salary may be set ((~~at~~) higher than step M ((~~or higher than the range maximum~~)) but not exceeding the previous base salary, if allowed by the employer's salary determination policy.

AMENDATORY SECTION (Amending WSR 13-19-043, filed 9/13/13, effective 10/18/13)

WAC 357-28-135 **How is an employee's salary determined when the employee is appointed to a position due to a layoff action?** The base salary of an employee appointed to a position due to a layoff action must be determined as follows:

(1) An employee who accepts a layoff option to a different position with the same salary range keeps the same base salary.

(2) An employee who accepts a demotion in lieu of layoff or accepts a layoff option to a position with a lower salary range maximum must be placed within the new range at a sal-

ary equal to the employee's previous base salary. If the previous base salary exceeds the new range, the employee's base salary must be set equal to step ((~~L~~) M) of the new salary range. If the employee's previous base salary was at step M of the salary range the employee must be placed at step M of the new salary range.

(3) An employee who is appointed from an internal or statewide layoff list to a position with the same range as the position from which the employee was laid off must be placed within the range at a salary equal to the employee's previous base salary.

(4) An employee who is appointed from an internal or statewide layoff list to a position with a lower range maximum than the position from which the employee was laid off must have the salary determined by the employer's salary determination policy.

WSR 14-24-031

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 21, 2014, 2:51 p.m., effective December 22, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Housekeeping changes were made to correct a rule reference error in WAC 16-228-1546 (1) and (2), created when the soil fumigation RMM category was added to WAC 16-228-1545(3). The reference to these categories was not updated and incorrect categories have been referenced since the soil fumigation RMM category was inserted into WAC 16-228-1545 (3)(g), changing the lettering order of the subsequent, existing categories including changing the agricultural insect and disease category from (h) to (i) and the aquatic category from (t) to (u).

Citation of Existing Rules Affected by this Order:
Amending WAC 16-228-1546.

Statutory Authority for Adoption: RCW 15.58.040 and 17.21.060.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 14-19-048 on September 10, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Don R. Hover
Director

AMENDATORY SECTION (Amending WSR 13-02-024, filed 12/20/12, effective 1/20/13)

WAC 16-228-1546 What are the requirements for a private applicator license? (1) To qualify for a private applicator license, an individual must pass a private applicator examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted. Individuals holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) or ~~((H))~~ (i) or the now retired statewide classification, are exempt from this examination requirement.

(2) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3)~~((H))~~ (u). Private applicators applying soil fumigants may obtain the soil fumigation classification described in WAC 16-228-1545 (3)(g) as an option to meet label required active ingredient training.

(3) A passing score of seventy percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(4) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or provincial certification program with comparable examination and recertification standards.

WSR 14-24-032

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 8:19 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising chapter 172-06 WAC, Organization and operation, to update rules reflecting the organization and operation of Eastern Washington University. These revisions are intended to update informational rules which inform the public about the organization, operation, description and general course and method of decision making at Eastern Washington University. These revisions are needed to better comply with state law and better reflect current practice.

Citation of Existing Rules Affected by this Order: Amending chapter 172-06 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-084 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

AMENDATORY SECTION (Amending WSR 13-24-118, filed 12/4/13, effective 1/4/14)

WAC 172-06-010 Organization (~~and operation~~). (1) ~~(Organization.)~~ Eastern Washington University is established in Title 28B RCW as a public institution of higher education. ~~((The institution is governed by a board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.~~

~~(2) Operation. The administrative office is located at 214 Showalter Hall, Cheney, WA 99004-2496. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except state legal holidays. Educational operations are also located at the Riverpoint Campus, 668 N. Riverpoint Blvd., Spokane, WA 99202-1677.~~

~~(3) Information. Additional and detailed information concerning the university's educational offerings is available through the university's web site at www.ewu.edu.) The university's central office is located at 214 Showalter Hall, Cheney, WA 99004-2496. Normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except state legal holidays. The university also has several satellite educational programs located throughout the state; however, the administration of satellite programs is carried out through the central office.~~

~~(2) The institution is governed by a board of trustees, appointed by the governor. The board consists of eight members. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.~~

~~(3) The university is organized into divisions, administered by vice-presidents, including academic affairs, business and finance, student affairs, information technology, and university advancement. All vice-presidents are directly responsible for operations within their divisions. The vice-presidents directly report to the president of the university.~~

~~(4) The public may obtain information, make submittals or requests, and obtain copies of university decisions by contacting the university president's staff located in the central office. Additional and detailed information concerning the university is available through the university's web site at www.ewu.edu.~~

NEW SECTION**WAC 172-06-020 Operations and procedures.** (1)

University rules are promulgated in accordance with the Administrative Procedure Act (APA), chapter 34.05 RCW and approved by the board of trustees.

(2) The university may promulgate internal policies that are not governed by the APA. Policies that are generally applicable to the university are approved by the board of trustees. Under special circumstances, interim policies may be adopted by the university president acting with authority delegated by the board of trustees. Units of the university may adopt policies that govern their area of responsibility. The university may consult with the academic senate and/or the associated students of Eastern Washington University when considering a change in policies or rules.

(3) Informal procedures regarding university operations typically include:

(a) Decisions made by persons authorized by board resolution, the president, vice-president or any designee to make a decision within the scope of responsibility assigned to such person; or

(b) Methods of persuasion used by any person in an attempt to influence university decisions.

NEW SECTION

WAC 172-06-030 University rules library. The university maintains a repository of its WAC and university policies, which is open to the general public, at www.ewu.edu/policy. This repository includes current substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the university. Historical amendments, revisions, and/or former provisions may be obtained through the university president's office.

WSR 14-24-033**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Denture Technology)

[Filed November 24, 2014, 8:36 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-812 WAC, Board of dentist[s] (board), SHB 1270 amended chapter 18.30 RCW, making the board of denturists the disciplining authority for licensed denturists. Rules are aligned with the bill by amending continuing competency requirements; clarifying the inactive status license requirements; adopting sexual misconduct rules; changing the board's title to board of denturists; adding retired active status, and repealing obsolete reporting rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-812-170, 246-812-400, 246-812-410, 246-812-420, 246-812-430, 246-812-440 and 246-812-450; and amending WAC 246-812-010, 246-812-015, 246-812-020, 246-812-120, 246-812-125, 246-812-150, 246-812-155, 246-812-160, 246-812-161, 246-812-320, 246-812-330, 246-812-340, 246-812-350, 246-812-360, 246-812-390, 246-812-

510, 246-812-520, 246-812-601, 246-812-610, 246-812-620, and 246-812-630.

Statutory Authority for Adoption: Chapter 18.30 RCW, SHB 1270 (chapter 171, Laws of 2013).

Adopted under notice filed as WSR 14-17-041 on August 14, 2014.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-812-020 [(3)](d) changed the word "licensee" to "denturist." WAC 246-812-480(2) changed "conviction of a sexual offense" to "conviction of a sex offense." WAC 246-812-135 changed "assure" to "ensure" in the first sentence.

A final cost-benefit analysis is available by contacting Vicki Brown, Health Professions and Facilities, Board of Denturists, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, e-mail vicki.brown@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 11, Amended 21, Repealed 7.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 11, Amended 21, Repealed 7.

Date Adopted: September 26, 2014.

Michael Gillispie, Chairperson
Board of Denturists

Chapter 246-812 WAC**BOARD OF ((~~DENTURE TECHNOLOGY~~))
DENTURISTS**

AMENDATORY SECTION (Amending WSR 03-12-061, filed 6/2/03, effective 7/3/03)

WAC 246-812-010 Definitions. The ((following terms are so defined for the purposes of)) definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "**Acquired immunodeficiency syndrome**" or "**AIDS**" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "**Approval**" and "**accreditation**" are used interchangeably with reference to sanctioning of courses.

(3) "**Board**" means the Washington state board of denturists(~~whose address is:~~

Department of Health
Health Profession Quality Assurance
Washington State Board of Denturists
310 Israel Rd. SE, PO Box 47867
Olympia, WA 98504-7867))

(4) **"Bruxism"** means the excessive grinding of the teeth and/or excessive clenching of the jaw.

(5) **"Department"** means the department of health.

(6) **"Office on AIDS"** means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-015 Adjudicative proceedings—Procedural rules. ~~(Adjudicative proceedings are conducted pursuant to)~~ The board adopts the model procedural rules for adjudicative proceedings as ~~((adopted by the department of health and))~~ contained in chapter ~~((246-10))~~ 246-11 WAC ~~((including subsequent amendments))~~.

AMENDATORY SECTION (Amending WSR 05-23-101, filed 11/17/05, effective 1/1/06)

WAC 246-812-020 Continuing competency requirements. (1) ~~((Purpose. The board in agreement with the secretary of the department of health has determined that the public health, safety and welfare of the citizens of the state will be served by requiring all denturists, licensed under chapter 18.30 RCW, to continue their professional development via continuing competency after receiving their licenses.~~

(2) ~~Effective date. The effective date for the continuing competency requirements for denturists is January 1, 2006. The reporting cycle for verifying completion of continuing competency hours will begin on January 1, 2008, and each renewal date thereafter.~~

(3) ~~Requirements. A licensed)~~ To renew a license a denturist must complete ((thirty)) fifteen clock hours of continuing competency, ~~((every two))~~ each year ~~((s, prior to his or her biennial renewal date))~~ following the first license renewal. The ~~((licensee))~~ denturist must sign a declaration attesting to the completion of the required number of hours as part of the ~~((biennial))~~ annual renewal requirement. ~~((The department of health may randomly audit up to twenty-five percent of practitioners for compliance with these rules, after the credential is renewed as allowed by chapter 246-12 WAC, Part 7.~~

(4) ~~(2)~~ A denturist who has an endorsement to provide nonorthodontic removable oral devices must complete two hours of continuing competency every three years. This must include continuing competency in the making, placing, constructing, altering, reproducing, or repairing of bruxism devices and snoring devices.

(a) These continuing competency credit hours may be used to meet the renewal requirements for the denturist license.

(b) Continuing competency credit hours will not be counted for instruction regarding devices or services intended to treat obstructive sleep apnea or temporomandibular joint dysfunction.

(3) Acceptable continuing competency ~~((—))~~ Qualification of courses for continuing competency credit. The board will not authorize or approve specific continuing competency courses. Continuing competency course work must contribute to the professional knowledge and development of

the practitioner, or enhance services provided to ~~((clients))~~ patients.

For the purposes of this chapter, acceptable continuing competency means courses offered or authorized by industry recognized state, local, private, national and international organizations, agencies or institutions of higher learning. Examples of sponsors or types of continuing competency courses include, but are not limited to:

(a) Courses offered or sponsored by the Washington ~~((State))~~ Denturist Association, Oregon State Denturist Association, National Denturist Association, International Federation of Denturists, Washington State Dental Association or by programs approved by the board under WAC 246-812-200 through 246-812-230.

(b) Basic first aid, cardio pulmonary resuscitation, basic life support, advanced cardiac life support, or emergency related training such as courses offered or authorized by the American Heart Association, the American Cancer Society; training offered or sponsored by Occupational Safety and Health Administration (OSHA) or Washington Industrial Safety and Health Act (WISHA); or any other organizations or agencies.

(c) All forms of educational media related to denturism, available through internet, mail or independent reading, that include an assessment tool upon completion, ~~((may))~~ not to exceed ((ten)) five hours ~~((for the two-year period))~~ per year.

(d) A ~~((licensee))~~ denturist who serves as a teacher or who lectures in continuing competency programs ~~((and/or))~~ or courses, that contribute to the professional competence of a licensed denturist may accumulate the same number of hours obtained by licensed denturists attending the program ~~((and/or))~~ or course ~~((may))~~ not to exceed ((sixteen)) eight hours ~~((for the two-year period))~~ per year.

(e) Attendance at a continuing competency program with a featured speaker(s) ~~((may))~~ not to exceed ((sixteen)) eight hours ~~((for the two-year period))~~ per year.

(f) Time spent preparing an original technical or clinical article for a professional publication ~~((may))~~ not to exceed ((twelve)) six hours ~~((for the two-year period))~~ per year.

(g) Nonclinical courses relating to denturist practice organization and management, patient management, or methods of health delivery ~~((may))~~ not to exceed ((eight)) four hours ~~((for the two-year period))~~ per year.

(h) Denturist licensure examination standardization and calibration workshops and clinical examination administration not to exceed five hours per year.

(i) Provision of clinical denturist services in a documented volunteer capacity when preceded by educational/instructional training prior to provision of services not to exceed five hours per year.

(j) Successful passage of the denturist jurisprudence examination not to exceed two hours every three years.

(k) Estate planning, financial planning, investments, and personal health courses are not acceptable.

~~((5))~~ (4) The board may disallow any claim of credit for a continuing competency course that does not meet the requirements of subsection ~~((4))~~ (2) of this section.

~~((6))~~ (5) Failure to complete the continued competency requirements by time of license renewal, or failure to provide adequate documentation of completion, is grounds for deny-

ing renewal of ~~((his or her))~~ the individual's license until such time as the ~~((licensee))~~ denturist demonstrates compliance.

~~((7))~~ (6) Documentation required. Credit for a continuing competency course may not be claimed by a ~~((licensee))~~ denturist unless the course organizer provides the ~~((licensee))~~ denturist with documentation of course attendance.

~~((8))~~ (7) Exceptions. ~~((The following are exceptions from the continuing competency requirements:))~~ Upon a showing of good cause by the ~~((licensee))~~ denturist, the board may waive the ~~((licensee))~~ denturist from any, all, or part of the continuing competency requirements in this chapter or may grant additional time for the ~~((licensee))~~ denturist to complete the requirements. Good cause includes, but is not limited to:

- (a) Illness;
- (b) Medical necessity or family emergency;
- (c) Hardship to practice; or
- (d) Other extenuating circumstances.

~~((9))~~ (8) The requirements of this section are in addition to the requirements in chapter 246-12 WAC, Part 7, related to continuing competency. The board may randomly audit up to twenty-five percent of licensed denturists for compliance with these rules, after the credential is renewed.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements. ~~((To be eligible for Washington state denturist licensure, the applicant shall complete an application and shall include written documentation to meet eligibility criteria. Each applicant shall provide:))~~ An applicant for a denturist license must submit to the board:

(1) A ~~((signed, notarized))~~ completed application ~~((and required fee. (Refer to WAC 246-812-990 for fee schedule.))~~

(2) ~~Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.~~

~~((3) Applicants must complete));~~

(2) The application fee required under WAC 246-812-990;

(3) An official transcript from an educational institution approved by the board; and

(4) Verification of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

~~((4) Photograph. A recent photograph, signed and dated, shall be attached to the application.))~~

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-125 Denturist licensure—Endorsement. (1) For the purposes of endorsement as provided in RCW 18.30.090 (1)(a) licensing ~~((authorities shall be))~~ standards are determined to be substantially equivalent that meet the following criteria:

~~((1))~~ (a) A written examination~~((— applicants must have successfully completed a written examination))~~ which ~~((included))~~ includes:

(i) Testing in the areas of:

~~((a))~~ (A) Oral pathology;

~~((b))~~ (B) Head and oral anatomy and physiology; and

~~((c))~~ (C) Dental laboratory technology;

~~((Additionally, the examination must include))~~ (ii) Testing in four of the following test categories:

~~((d))~~ (A) Partial denture construction and design;

~~((e))~~ (B) Microbiology;

~~((f))~~ (C) Clinical dental technology;

~~((g))~~ (D) Clinical jurisprudence;

~~((h))~~ (E) Asepsis;

~~((i))~~ (F) Medical emergencies;

~~((j))~~ (G) Cardiopulmonary resuscitation.

~~((2))~~ (b) A practical examination~~((— applicants must have successfully completed))~~ which includes a clinical examination.

(2) An applicant for licensure as a denturist who is currently licensed to practice denturism in another state, territory of the United States, District of Columbia, or Puerto Rico must file an application with the board and submit:

(a) Documentation verifying that the applicant has successfully completed the testing requirements in subsection (1) of this section; and

(b) The application fee required in WAC 246-812-990.

NEW SECTION

WAC 246-812-131 Temporary practice permit—Military spouse. A military spouse or state registered domestic partner of a military person may receive a temporary practice permit while completing any specific additional requirements that are not related to training or practice standards for the profession. The board adopts the procedural rules as adopted by the department of health in WAC 246-12-051.

NEW SECTION

WAC 246-812-135 Background check—Temporary practice permit. The board conducts background checks on all applicants to ensure safe patient care. Completion of a national criminal background check may require additional time. The board may issue a temporary practice permit when the applicant has met all other licensure requirements, except the national criminal background check requirement. The applicant must not be subject to denial of a license or issuance of a conditional license under this chapter.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active denturist license in another state that has substantially equivalent licensing standards to those in Washington state;

(b) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(c) Does not have a criminal record in Washington.

(2) A temporary practice permit grants the individual the full denturist scope of practice.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision specifically extends the duration of the temporary practice permit; or

(c) One hundred eighty days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license;

(b) Meet all requirements and qualifications for the license, except the results from a fingerprint-based national background check, if required;

(c) Provide verification of having an active unrestricted dentist license from another state, territory of the United States, District of Columbia or Puerto Rico that has substantially equivalent licensing standards to those in Washington state; and

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-150 Examination—Content and scores. An applicant (~~(seeking licensure in Washington)~~) for licensure as a dentist by examination must successfully complete a written and practical examination as specified in RCW 18.30.100. In order to be licensed, an applicant (~~(shall be)~~) is required to obtain at least an overall passing score of seventy percent on both the written examination and (~~(an overall score of seventy percent)~~) on the practical examination.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-155 Denturist examination scores. An applicant must pass (~~(all sections of the)~~) both the written examination and the practical demonstration of skills within three attempts. After three failures on either exam, the applicant must petition the board for permission to take any further examination. The board shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

NEW SECTION

WAC 246-812-158 Examination review procedures.

(1) A candidate who does not pass the written or clinical examination may request informal review of their examination results by the board of denturists.

(a) The request must be in writing and must be received by the department within thirty calendar days of the postmark date of the examination results letter.

(b) The board will not set aside its prior determination unless the candidate shows error in examination content or procedure, bias, prejudice, or discrimination in the examination process.

(c) The board will not consider any challenges to examination scores unless the total revised score on any examina-

tion section would result in a passing score on that section of the examination.

(2) The procedure for filing an informal review is as follows:

(a) The candidate must contact the denturist program at the department of health for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed clinical portion of the examination.

(b) During the appointment the candidate will be provided a standardized form to defend their examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed.

(d) The candidate may not take more than two hours to complete the form for the written portion and two hours to complete the form for the clinical portion.

(e) The candidate may bring in notes, texts, or appropriate documentation to the appointment. The candidate may not be accompanied by another person.

(f) The candidate may not bring any electronic or other equipment to the review appointment that records audio, records visual images, allows two-way communication, or otherwise retains or transmits information.

(g) The candidate is not allowed to retain a copy of the examination, examination results, or the standardized form. Nor may the candidate take written notes or pictures away from the appointment.

(h) Following the informal review, the candidate can decide not to challenge the examination results. The candidate must sign a statement on department forms indicating that the request for informal review is withdrawn. Withdrawal will not affect the right of the candidate to retake the examination at a later date.

(3) The board will only review and consider the standardized form completed by the candidate. The consideration will take place in open session at the board's next regularly scheduled meeting. The board will notify the candidate in writing, within thirty days of the meeting, of its decision.

(4) A candidate's failure to follow the informal review process may result in the loss of the right to formal review.

(5) Any candidate who has completed the informal review process and is not satisfied with the result may submit a request for a formal hearing to be held before the board of denturists.

(a) The request must be made in writing and must be received by the department within thirty calendar days of the postmark date of the results of the board's informal examination review.

(b) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed.

(c) The board will not set aside its prior determination unless the candidate shows error in examination content or procedure, bias, prejudice, or discrimination in the examination process.

(d) The board will not consider any challenges to the written examination score unless the total revised score would result in a passing score.

(6) The formal hearing will be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW, and the model procedural rules for adjudicative proceeding of the department, chapter 246-11 WAC.

AMENDATORY SECTION (Amending WSR 03-12-061, filed 6/2/03, effective 7/3/03)

WAC 246-812-160 Expired license. A dentist with an expired license may return his or her license to active license.

(1) If ~~((the))~~ a dentist's license has expired for three years or less, the ~~((practitioner))~~ dentist must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If ~~((the))~~ a dentist's license has expired for more than three years, the ~~((practitioner))~~ dentist must:

(a) Successfully pass the examinations as provided in RCW 18.30.100; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-161 Inactive ~~((credential))~~ license. (1) A ~~((practitioner))~~ licensed dentist may obtain an inactive ~~((credential. Refer to))~~ license by meeting the requirements of ~~((chapter 246-12 WAC, Part 4))~~ WAC 246-12-090.

(2) An inactive license must be renewed every year on the dentist's birthday according to WAC 246-12-100 and 246-812-990.

(3) A dentist with an inactive license may return to active status.

(a) If a license is inactive for three years or less, to return to active status the dentist must meet the requirements of WAC 246-12-110 and 246-812-990.

(b) If a license is inactive for more than three years and the dentist has been actively practicing in a jurisdiction approved by board under RCW 18.30.090(1), to return to active status the dentist must:

(i) Submit to the board primary source verification of the active dentist license, submitted directly from another licensing entity. The verification must include:

(A) The license number;

(B) Issue date;

(C) Expiration date; and

(D) Whether the dentist is or has been the subject of final or pending disciplinary action;

(ii) Submit to the board verification of current active practice in a jurisdiction approved by the board under RCW 18.30.090(1) for the last three years; and

(iii) Meet the requirements of WAC 246-12-110 and 246-812-990.

(c) If a license is inactive for more than three years, and the dentist has not been actively practicing in a jurisdiction approved by the board under RCW 18.30.090(1), to return to active status the dentist must submit to the board:

(i) A written request to change licensure status;

(ii) The applicable fees according to WAC 246-812-990;

(iii) Documentation of successful completion of the examinations as required in RCW 18.30.100;

(iv) Primary source verification of all dentist or health care licenses held, submitted directly from the licensing agency. The certification must include:

(A) The license number;

(B) Issue date;

(C) Expiration date; and

(D) Whether the practitioner is or has been the subject of final or pending disciplinary action;

(v) Written declaration that continuing competency requirements for the two most recent years have been met according to WAC 246-812-090;

(vi) Proof of successful completion of the approved written jurisprudence examination within the past year; and

(vii) Proof of AIDS education according to WAC 246-817-120.

NEW SECTION

WAC 246-812-165 Retired active license. (1) A licensed dentist may place their credential in "retired active" status by meeting the requirements of this section.

(2) A licensed dentist who holds a retired active license may only practice in intermittent or emergent circumstances.

(a) Intermittent means the licensed dentist will practice no more than ninety days a year.

(b) Emergent means the licensed dentist will practice only in emergency circumstances such as earthquakes, floods, times of declared war, or other states of emergency.

(3) To obtain a retired active license a licensed dentist must:

(a) Meet the requirements of WAC 246-12-120; and

(b) Pay the appropriate fee in WAC 246-812-990.

(4) To renew a retired active license the licensed dentist must:

(a) Meet the requirements in WAC 246-12-130. The retired active license fee is in WAC 246-812-990.

(b) Have completed fifteen hours of continuing competency every year in compliance with WAC 246-812-020.

(c) Renew their retired active license every year on their birthday.

(5) To return to active status the licensed dentist must:

(a) Meet the requirements in WAC 246-12-140. The active renewal fee is in WAC 246-812-990.

(b) Meet the continuing competency requirements in WAC 246-812-020.

(6) A licensed dentist who holds a retired active license is subject to a continuing competency audit.

EDUCATION AND PROGRAM APPROVAL

NEW SECTION

WAC 246-812-200 Approval of dentist program.

At the board's discretion, the board may accept proof of a national professional association's approval of a program based on standards and requirements which are substantially equivalent to those identified in this chapter, in lieu of the

requirements contained in this chapter. Approval in this manner must be on a form provided by the board. The board will consider for approval any program which meets the requirements as outlined in this chapter.

(1) To request board approval of a denturist education program, the authorized representative must submit to the board an application provided by the board.

(2) The authorized representative may request approval of the program as of the date of the application or retroactively to a specified date. The board approval is valid for five years. The approved program must reapply for renewed approval not less than one hundred eighty days prior to the expiration date.

(3) The application for approval of a program must include, but not be limited to, the standards identified in WAC 246-812-220.

(4) The board may conduct a site inspection of the program prior to granting approval.

(5) After completing the evaluation of the application, the board may grant or deny approval, or grant approval conditional upon appropriate modification to the application.

(6) If the board denies an application or grants conditional approval, the authorized representative of the applicant program may request a review within ninety days of the board's decision. After ninety days, the applicant program may only obtain review by submitting a new application.

(7) The authorized representative must notify the board within thirty days of any significant changes including, but not limited to, educational administration, instructor qualifications, facilities, or content of training.

(8) The board may inspect an approved program at reasonable intervals for compliance. Approval may be withdrawn if the board finds failure to comply with the requirements of law, this chapter, or representations in the program's application under this chapter.

(9) The authorized representative must correct deficiencies which resulted in withdrawal of the board's approval within timelines specified by the board. The program must present its correction plan and evidence of actions taken to the board for approval.

NEW SECTION

WAC 246-812-220 Standards required for approval of schools or programs of denturism. The following standards are used by the board in considering a denturism program application for approval:

(1) Curriculum. The curriculum must consist of a list of courses offered and the number of course hours or credits. Courses offered must include:

- (a) Head and oral anatomy and physiology;
- (b) Oral pathology;
- (c) Partial denture construction and design;
- (d) Microbiology;
- (e) Dental laboratory technology;
- (f) Clinical jurisprudence;
- (g) Asepsis;
- (h) Medical emergencies; and
- (i) Cardiopulmonary resuscitation.

(2) Academic standards. The program must have policies and procedures on:

- (a) Minimum standards for measuring student progress;
- (b) Admission;
- (c) Progression;
- (d) Graduation;
- (e) Withdrawal;
- (f) Dismissal; and
- (g) Transfer of credits, both in and out of the program.

(3) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subjects taught. The program must have:

- (a) A policy on minimum competency standards for instructors;
 - (b) A statement or policy on faculty members' participation in curriculum development and evaluation; and
 - (c) Professional resumes for each instructor or trainer.
- (4) Clinical and laboratory instruction. The program must have the following policies and forms:
- (a) Policies pertaining to clinical and laboratory instruction, including:

- (i) Supervision of students; and
- (ii) Treatment decision making.
- (b) Disclosure statement to provide to clients;
- (c) Client intake and screen form; and
- (d) Client feedback form.

(5) Facilities. The facilities must effectively accommodate the number of students, faculty, and staff and include appropriate provisions for safety. The program must have:

- (a) A floor plan of the facility, including classrooms, clinic, and laboratory;
- (b) A list of equipment in each classroom;
- (c) A list of the equipment in the clinic;
- (d) A list of the equipment in the laboratory; and
- (e) A list of contents of the library.

(6) Records. The program shall maintain a system of records for each student beginning with application credentials through the entire period of attendance. The program must have:

- (a) A transcript;
- (b) A completion certificate; and
- (c) A policy on release of student records.

(7) Other information. Any other information about the program as required by the board.

NEW SECTION

WAC 246-812-230 Site review procedures for approval of programs of denturism. (1) The board, at its discretion, may send a representative or evaluation committee to inspect any program requesting approval or renewed approval as an approved denturist program.

(2) Such inspections may be at any reasonable time during the normal operating hours of the program. The report of the representative or evaluation committee and the program's response shall be submitted as part of the documentation necessary for the board's action on the program's application for approval.

NEW SECTION

WAC 246-812-310 Record content. (1) A licensed dentist who treats patients shall maintain legible, complete, and accurate patient records.

(2) The patient record must reflect diagnosis, treatment performed, and financial records.

(3) The patient record must include at least the following information:

(a) For each record entry, documented verification or signature by the responsible dentist;

(b) The date of each patient record entry, document, radiograph or model;

(c) Up-to-date treatment plan;

(d) The physical examination findings documented by subjective complaints, objective findings, and an assessment or diagnosis of the patient's condition;

(e) An up-to-date dental and medical history that may affect treatment;

(f) Any diagnostic aid used including, but not limited to, images, radiographs, and recommended tests and test results. Retention of molds or study models for full mouth reconstruction is at the discretion of the dentist;

(g) A complete description of all treatment/procedures administered at each visit;

(h) Referrals and any communication to and from any health care provider; and

(i) Notation of communication to or from patients or patient guardians, including:

(i) Notation or documentation of the discussion of potential risk(s) and benefit(s) of proposed treatment and alternative to treatment, including no treatment;

(ii) Post treatment instructions;

(iii) Patient complaints and resolutions; and

(iv) Termination of dentist-patient relationship.

(4) A patient record may contain manual or electronic treatment notes:

(a) Complete manual treatment notes must not be erased or deleted from the record.

(i) Mistaken manual entries must be corrected with a single line drawn through the incorrect information.

(ii) New or corrected information must be initialed and dated.

(b) Complete electronic treatment notes must include deletions, edits, and corrections.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-320 ((Maintenance and)) Record retention ((of patient records)) and accessibility requirements. ((Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the secretary or its authorized representative. Copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. In such

cases, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

~~In offices where more than one dentist is performing the services, the records must specify the dentist who performed the services.))~~ (1) A licensed dentist who treats patients eighteen years and older shall keep readily accessible patient records for at least six years from the date of the last treatment.

(2) A licensed dentist who treats patients under the age of eighteen years old shall keep readily accessible patient records for at least six years after the patient reaches eighteen years old.

(3) A licensed dentist shall respond to a written request to examine or copy a patient's record within fifteen working days after receipt of the request. A licensed dentist shall comply with chapter 70.02 RCW for all patient requests.

(4) A licensed dentist shall comply with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act, 45 C.F.R. destruction and privacy regulations.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-330 Privileged communications. A dentist shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the dentist to treat the patient. This ((shall)) does not apply to the release of information in an official proceeding where the release of information may be compelled by law.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-340 Patient abandonment. ((The)) A dentist ((shall always be free to)) may accept or reject a ((particular)) patient, ((bearing in mind that whenever possible a dentist)) but shall respond to any reasonable request for ((his/her)) services in the interest of public health and welfare.

The attending dentist, without reasonable cause, shall not neglect, ignore, abandon, or refuse to complete the current procedure for a patient. If the dentist chooses to withdraw responsibility for a patient of record, the dentist shall:

(1) Advise the patient that termination of treatment is contemplated and that another dentist should be sought to complete the current procedure and for future care; and

(2) Advise the patient that the dentist shall remain reasonably available under the circumstances for up to fifteen calendar days from the date of such notice to render emergency care related to that current procedure.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-350 License display—Notification of address. Every person who engages in the practice of dentistry in this state ((shall)) must display their license, at all times, in a ((conspicuous)) place ((within their office. When

~~ever requested, they shall exhibit their license to the secretary or the secretary's authorized agent))~~ plainly visible to individuals receiving services on the premises and be readily available for inspection by any designee of the board. Every licensee shall notify the ~~((secretary))~~ board of the physical business address or addresses, including changes, where the licensee shall engage in the practice of denturism.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-360 Identification of new dentures.

Every complete upper and lower denture and removable partial denture fabricated by a dentist licensed under the provisions of chapter 18.30 RCW, or fabricated pursuant to the dentist's work order or under the dentist's direction or supervision, ~~((shall))~~ must be marked with the name of the patient for whom the denture is intended. The markings ~~((shall))~~ must be done during fabrication and ~~((shall))~~ must be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them ~~((shall))~~ must be determined by the dentist fabricating the denture. If, in the professional judgment of the dentist, this identification is not practical, identification ~~((shall))~~ must be provided as follows:

- (1) The initials of the patient may be shown alone, if use of the patient's name is impracticable; or
- (2) The identification marks may be omitted in their entirety if none of the forms of identification specified in subsection (1) of this section is practicable, clinically safe, or the patient declines.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-390 Improper billing practices.

~~((following acts shall constitute grounds for which disciplinary action may be taken))~~ board may take disciplinary action for billing practices including, but not limited to, the following:

- (1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.
- (2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge other than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

NEW SECTION

WAC 246-812-395 Mandatory reporting. The board adopts the model rules for mandatory reporting as contained in chapter 246-16 WAC.

SEXUAL MISCONDUCT

NEW SECTION

WAC 246-812-470 Definitions. The definitions in this section apply throughout this section and WAC 246-812-480 unless the context requires otherwise.

(1) "Denturist" means an individual applying for a credential or credentialed specifically as defined in chapter 18.30 RCW.

(2) "Health care information" means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of, and relates to, the health care of a patient.

(3) "Key party" means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian, and person authorized to make health care decisions of the patient.

(4) "Legitimate health care purpose" means activities for examination, diagnosis, treatment, and personal care of patients, including palliative care, as consistent with community standards of practice for the dentist profession. The activity must be within the scope of practice of the dentist.

(5) "Patient" means an individual who receives health care services from a dentist. The determination of when a person is a patient is made on a case-by-case basis with consideration given to a number of factors, including the nature, extent, and context of the professional relationship between the dentist and the person. The person that is not receiving treatment or professional services is not the sole determining factor.

NEW SECTION

WAC 246-812-480 Sexual misconduct. (1) A dentist shall not engage, or attempt to engage, in sexual misconduct with a current patient, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes, but is not limited to:

- (a) Sexual intercourse;
- (b) Touching the breasts, genitals, anus, or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis, and treatment and within the dentist's scope of practice;
- (c) Rubbing against a patient or key party for sexual gratification;
- (d) Kissing;
- (e) Hugging, touching, fondling, or caressing of a romantic or sexual nature;
- (f) Examination of or touching genitals without using gloves;
- (g) Not allowing a patient privacy to dress or undress except as may be necessary in emergencies or custodial situations;
- (h) Not providing the patient a gown or draping except as may be necessary in emergencies;
- (i) Dressing or undressing in the presence of the patient or key party;
- (j) Removing patient or client's clothing, or gown, or draping without consent, emergent medical necessity or being in a custodial setting;
- (k) Encouraging masturbation or other sex act in the presence of the dentist;

(l) Masturbation or other sex act by the dentist in the presence of the patient or key party;

(m) Suggesting or discussing the possibility of a dating, sexual, or romantic relationship after the professional relationship ends;

(n) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;

(o) Soliciting a date with a patient or key party;

(p) Discussing the sexual history, preferences or fantasies of the dentist;

(q) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;

(r) Making statements regarding the patient or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;

(s) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening, or harming a patient or key party;

(t) Photographing or filming the body or any body part or pose of a patient or key party, other than for legitimate health care purposes; or for the educational or marketing purposes with the consent of the patient or key party; and

(u) Showing a patient or key party sexually explicit photographs, other than for legitimate health care purposes.

(2) Sexual misconduct also includes sexual contact with any person involving force, intimidation, or lack of consent; or a conviction of a sex offense listed in RCW 9.94A.030.

(3) A dentist shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient or key party for the purpose of engaging in sexual misconduct;

(c) Use health care information or access to health care information to meet or attempt to meet the health care provider's sexual needs.

(4) A dentist shall not engage or attempt to engage in the activities listed in subsection (1) of this section with a former patient or key party within two years after the provider-patient/provider-client relationship ends.

(5) After the two-year period of time described in subsection (3) of this section, a dentist shall not engage or attempt to engage in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient or key party will seek or require additional services from the dentist; or

(b) There is an imbalance of power, influence, opportunity and/or special knowledge of the professional relationship.

(6) When evaluating whether a dentist has engaged or has attempted to engage in sexual misconduct, the board will consider factors including, but not limited to:

(a) Documentation of a formal termination and the circumstances of termination of the provider-patient relationship;

(b) Transfer of care to another dentist;

(c) Duration of the provider-patient relationship;

(d) Amount of time that has passed since the last health care services to the patient or client;

(e) Communication between the dentist and the patient or client between the last health care services rendered and commencement of the personal relationship;

(f) Extent to which the patient's or client's personal or private information was shared with the dentist;

(g) Nature of the patient or client's health condition during and since the professional relationship;

(h) The patient or client's emotional dependence and vulnerability; and

(i) Normal revisit cycle for the profession and service.

(7) Patient or key party initiation or consent does not excuse or negate the dentist's responsibility.

(8) These rules do not prohibit:

(a) Providing health care services in case of emergency where the services cannot or will not be provided by another dentist;

(b) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to the dentist profession; or

(c) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the dentist where there is no evidence of or potential for exploiting the patient or client.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-510 Definitions—Sterilization. ~~The ((following definitions pertain to))~~ definitions in this section apply throughout WAC 246-812-501 through 246-812-520, unless the context clearly requires otherwise.

(1) **"Communicable diseases"** means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(2) **"Decontamination"** means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

(3) **"Direct care staff"** are the dentist staff who directly provide dentist care to patients.

(4) **"Sterilize"** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-520 Use of barriers and sterilization techniques. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from dentist and staff to patients, from patient to patient and from patient to dentist and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated

with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Denturists shall comply with the following barrier techniques:

(a) Gloves ~~((shall))~~ must be used by the dentist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves ~~((shall))~~ must be used for every intraoral patient contact. Gloves ~~((shall))~~ must not be washed or reused for any purpose. The same pair of gloves ~~((shall))~~ must not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dentist treatment ~~((shall))~~ must not be reused for any nondentist purpose.

(b) Masks ~~((shall))~~ must be worn by the dentist and direct care staff when splatter or aerosol is likely.

(c) Unless effective surface decontamination methods are used, protective barriers ~~((shall))~~ must be placed over areas which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit;
- (ii) Chair controls (not including foot controls);
- (iii) Light handles;
- (iv) Head rest;
- (v) Instrument trays;
- (vi) Treatment area and laboratory countertops/benches.

(d) Protective eyewear shields ~~((shall))~~ must be worn by the dentist and direct care staff and provided to all patients during times when splatter or aerosol is expected.

(2) Denturists shall comply with the following sterilization requirements:

(a) Every dentist office ~~((shall))~~ must have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave®) or ethylene oxide, where adequate ventilation is provided. Sterilizers ~~((shall))~~ must be tested by a biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation ~~((shall))~~ must be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation ~~((shall))~~ must be maintained for a period of at least five years.

(b) The following items ~~((shall))~~ must be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave®) or ethylene oxide sterilization method between patients:

- (i) Hand instruments;
- (ii) Air-water syringe tips;
- (iii) High volume evacuator tips;
- (iv) Nose cone sleeves;
- (v) Metal impression trays.

(c) Gross debris ~~((shall))~~ must be removed from items prior to sterilization. Ultrasonic ~~((disinfectant))~~ solution cleaning ~~((shall))~~ must be used whenever possible.

(d) Nondisposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave®) or ethylene oxide sterilized ~~((shall))~~ must be immersed ~~((and ultrasonically cleaned))~~ in a chemical sterilant. If such a technique is used, the solution ~~((shall))~~ must be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva ~~((shall))~~ must be thoroughly rinsed, appropriately disinfected, placed in and transported to the dentist laboratory in an appropriate case containment device that is properly sealed and separately labeled.

(f) In the laboratory: Ragwheels ~~((shall))~~ must be sterilized or disinfected; patient pumice ~~((shall))~~ must be discarded after each use; and, patient burrs and stones ~~((shall))~~ must be sterilized or disinfected.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-601 Purpose. The ~~((secretary))~~ board recognizes the need to establish a means of proactively providing early recognition and treatment options for denturists whose competency may be impaired due to the abuse of drugs or alcohol. The ~~((secretary))~~ board intends that such denturists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the ~~((secretary))~~ board shall approve voluntary substance abuse monitoring programs and shall refer denturists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-610 Definitions. The ~~((following general terms are defined within the context used in this chapter:))~~ definitions in this section apply throughout WAC 246-812-601 through 246-812-630 unless the context clearly requires otherwise.

(1) "Aftercare" is that period of time after intensive treatment that provides the dentist and the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment or monitoring program staff.

(2) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the ~~((secretary))~~ board has determined meets the requirements of the law and the criteria established by the ~~((secretary))~~ board in WAC 246-812-620 which enters into a contract with denturists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating denturists.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse,

department of social and health services according to RCW 70.96A.020(~~((2) or 69.54.030))~~ (3) to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(~~((2) or 69.54.030))~~ (3).

(4) **"Contract"** is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program stipulating the dentist's consent to comply with the monitoring program and its required components of the dentist's recovery activity.

(5) **"Health care professional"** is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

(6) **"Random drug screens"** are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(7) **"Substance abuse"** means the impairment, as determined by the ~~((secretary))~~ board, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(8) **"Support group"** is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which dentists may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(9) **"Twelve-step groups"** are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-620 Approval of substance abuse monitoring programs. The ~~((secretary))~~ board shall approve the monitoring program(s) which shall participate in the substance abuse monitoring program. A monitoring program approved by the ~~((secretary))~~ board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating dentists.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The dentist work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the dentist and the ~~((secretary))~~ board to over-

see the dentist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall ~~((recommend))~~ determine, on an individual basis, whether a dentist shall be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program ~~((shall be))~~ is responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the ~~((secretary))~~ board any dentist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the ~~((secretary))~~ board guidelines on treatment, monitoring, and limitations on the practice of dentistry for those participating in the program.

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-630 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the dentist may accept ~~((secretary))~~ board referral into the approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation ~~((shall))~~ must be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The dentist shall enter into a contract with the ~~((secretary))~~ board and the approved substance abuse monitoring program to comply with the requirements of the program which ~~((shall))~~ must include, but not be limited to:

(i) The dentist shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The dentist shall agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports ~~((shall))~~ must include treatment, prognosis, and goals.

(v) The dentist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the ~~((secretary))~~ board if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160, if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the ~~((secretary))~~ board or subject to current disciplinary action or currently being monitored by the ~~((secretary))~~ board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the ~~((secretary))~~ board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the ~~((secretary))~~ board if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the ~~((secretary))~~ board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-812-170 License renewal form.
- WAC 246-812-400 Denturist associations or societies.
- WAC 246-812-410 Insurance carriers.
- WAC 246-812-420 Professional liability carriers.
- WAC 246-812-430 Courts.
- WAC 246-812-440 State and federal agencies.
- WAC 246-812-450 Professional standards review organizations.

WSR 14-24-034

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 8:47 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing chapter 172-09 WAC, Administration of duties and obligations required by Initiative 276—Academic transcripts of Eastern Washington State College students; and adopting chapter 172-10 WAC, Public records requests, to update rules and associated procedures related to public records requests submitted to Eastern Washington University. These rules constitute a significant revision that is more easily implemented by repealing the existing chapter and adopting a new chapter. These revisions are needed to update university standards and processes for responding to requests for public records. These changes are needed to better comply with state law and better reflect current practices.

Citation of Existing Rules Affected by this Order: Repealing chapter 172-09 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-096 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 9, Amended 0, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 0, Repealed 14.

Number of Sections Adopted Using Negotiated Rule Making: New 9, Amended 0, Repealed 14; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

Chapter 172-10 WAC

PUBLIC RECORDS REQUESTS

NEW SECTION

WAC 172-10-010 Authority and purpose. (1) Per RCW 42.56.070(1), Eastern Washington University makes available for inspection and copying nonexempt "public records" as described in these rules. Public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Eastern Washington University, regardless of the physical form or characteristics.

(2) The purpose of these rules is to establish the procedures Eastern Washington University will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Eastern Washington University and establish processes for both requestors and Eastern Washington Univer-

sity staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the Public Records Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, Eastern Washington University will be guided by the provisions of the act describing its purposes and interpretation.

NEW SECTION

WAC 172-10-020 Public records officer. (1) Any person wishing to request access to public records of Eastern Washington University, or seeking assistance in making such a request should contact the public records officer of Eastern Washington University. Throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

(2) Contact information:

Public Records Officer
Eastern Washington University
Business and Finance Office
307 Showalter Hall
Cheney, WA 99004
Phone: 509-359-4210
Fax: 509-359-6705
E-mail: prr@ewu.edu

(3) Information is also available at the Eastern Washington University web site at <http://access.ewu.edu/public-records>.

(4) The public records officer and Eastern Washington University shall assist requestors, comply with the Public Records Act, and provide public records training and assistance to university employees.

NEW SECTION

WAC 172-10-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of Eastern Washington University, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays, unless the requestor and the public records officer agree on a different time. Records must be inspected at the offices of Eastern Washington University.

(2) *University Policy Index.* An index of Eastern Washington University's generally applicable rules, policies, and procedures is available for use by members of the public and may be accessed online at www.ewu.edu/policy.

(3) Organization of records. Eastern Washington University will maintain its records in a reasonably organized manner. Eastern Washington University will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Eastern Washington University records from Eastern Washington University offices without the permission of the public records officer. A variety of records are available on the Eastern Washington University web site at www.ewu.edu. Requestors are encouraged to

view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of Eastern Washington University should make the request in writing on the Eastern Washington University public records request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Other contact information, including telephone number and any e-mail address;

(iv) Adequate identification of the public records for the public records officer to locate the records;

(v) The date and time of day of the request; and

(vi) A verification that the records requested shall not be used to compile a commercial sales list.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 172-10-080, standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer and online at <http://access.ewu.edu/Documents/Public%20Records/public-records-request-form.pdf>.

(d) The public records officer may accept requests for public records that contain the above information by telephone or in person, but is not required to do so. If the public records officer accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

WAC 172-10-040 Processing of public records requests—General. (1) The public records officer will process requests in the order that allows the most requests to be processed in the most efficient manner. University employees who receive a request for public records shall immediately forward the request to the university public records officer.

(2) Acknowledging receipt of request. Within five business days of receipt of a request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available;

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Follow-up on requests. If Eastern Washington University does not respond in writing within five business days of receipt of the request for disclosure, the requestor should

consider contacting the public records officer to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for the affected persons to 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.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If Eastern Washington University believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, Eastern Washington University shall promptly 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 shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the university's notification to him or her that the records are available for inspection or copying. Eastern Washington University will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the university to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, Eastern Washington University may close the request and refile the assembled records. Subsequent requests from the same person will be processed as a new request.

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

(8) Providing records in installments. When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

(9) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that Eastern Washington University has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) Closing withdrawn or abandoned request. When the requestor withdraws the request, fails to respond to a request

for clarification, or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that Eastern Washington University has closed the request.

(11) Later discovered documents. If, after Eastern Washington University has informed the requestor that it has provided all available records, Eastern Washington University becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

NEW SECTION

WAC 172-10-050 Obligations of requestors. (1) Reasonable notice that request is for public records. A requestor must give Eastern Washington University reasonable notice that the request is being made pursuant to the Public Records Act. Requestors should refer to the Public Records Act; however, requests using terms such as "public records," "public disclosure," "FOIA," or "Freedom of Information Act" shall be considered by the university as requests for information under the Public Records Act.

(2) Identifiable record. A requestor must request an "identifiable record" or "class of records" before the university can respond. An "identifiable record" is one that university staff can reasonably locate. An identifiable record is not a request for "information" in general. When a request uses an inexact phrase such as all records "relating to" a topic, the university may seek clarification of the request from the requestor.

NEW SECTION

WAC 172-10-060 Processing of public records requests—Electronic records. (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 172-10-080.

(3) Customized access to data bases. With the consent of the requestor, the university may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. Eastern Washington University may charge a fee consistent with RCW 43.41A.130 for such customized access.

NEW SECTION

WAC 172-10-070 Exemptions. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other law exempts or pro-

hibits disclosure. Eastern Washington University maintains a nonexclusive list of records that it considers exempt from disclosure, along with the associated federal or state law that exempts those records, on its public records web site at <http://access.ewu.edu/public-records>.

NEW SECTION

WAC 172-10-080 Costs of providing copies of public records. (1) Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain standard photocopies for fifteen cents per page. Before beginning to make the copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Eastern Washington University will not charge sales tax when it makes copies of public records.

(2) Costs for electronic records. The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing university paper or other nonelectronic records is ten cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) Costs of mailing. Eastern Washington University may also charge actual costs of mailing, including the cost of the shipping container.

(4) Payment. Payment may be made by cash, check, or money order to Eastern Washington University.

NEW SECTION

WAC 172-10-090 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 petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the **associate to the president**, who will immediately consider the petition and either affirm or reverse the denial within two business days following the university's receipt of the petition, or within such other time as Eastern Washington University and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the university denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160. A requestor may initiate such a review by sending a request for review to: Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100 or publicrecords@atg.wa.gov.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 172-09-010	Purpose.
WAC 172-09-020	Definition of public record.
WAC 172-09-025	Exempted records.
WAC 172-09-030	Description of central and field organization at Eastern Washington State College.
WAC 172-09-040	General course and method of decision making.
WAC 172-09-050	Informal procedures regarding the general course and methods of decision.
WAC 172-09-060	Designation of public records officers.
WAC 172-09-070	Availability for public inspection and copying of public records.
WAC 172-09-080	Requests for public records.
WAC 172-09-090	Charges for copying.
WAC 172-09-100	Determination regarding exempt records.
WAC 172-09-110	Review of denials of public records requests.
WAC 172-09-120	Repealer.
WAC 172-09-200	Academic transcripts of Eastern Washington State College students.

WSR 14-24-035

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 8:57 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing chapter 172-65 WAC, Use of alcoholic beverages by students twenty-one years and older in residence halls and other student housing at Eastern Washington University. These rules are being incorporated into chapter 172-64 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 172-65 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-098 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 9; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 172-65-010 Introduction and purpose.
- WAC 172-65-020 Jurisdiction.
- WAC 172-65-030 General prohibition against drinking in public places.
- WAC 172-65-040 Limited rights to consume and possess alcoholic beverages accorded.
- WAC 172-65-050 Sales of alcoholic beverages prohibited.
- WAC 172-65-060 Roommate preference allowed.
- WAC 172-65-070 Information relative to rules must be provided.
- WAC 172-65-080 Reports of violations required.
- WAC 172-65-090 Organizations responsible for conduct.

WSR 14-24-036

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 8:57 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing chapter 172-66 WAC, Application for a liquor license permitting beer to be sold for on-campus premises consumption. These rules are being incorporated into chapter 172-64 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 172-66 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-099 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 172-66-010 Purpose.
- WAC 172-66-020 Initial procedures.

WSR 14-24-037

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 8:59 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising chapter 172-64 WAC, Alcohol policy at Eastern Washington University, to update rules and associated procedures related to the use of alcohol on property owned or controlled by Eastern Washington University. These revisions are needed to update university standards and processes concerning the use of alcohol on property owned or controlled by Eastern Washington University. These changes are needed to update existing rules in order to better comply with state laws and to better reflect current practice.

Citation of Existing Rules Affected by this Order: Amending chapter 172-64 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-120 on September 17, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 10, Repealed 4; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-010 ((Statement of purpose.)) Policy. ((The purpose of this policy is to further the university mission by creating a safe environment for student learning. To accomplish this, the university will support the enforcement of federal, state, and local laws, as well as its own alcohol and drug policies and procedures. The university will also encourage university functions in a controlled environment that reduces risk and creates positive experiences. This policy recognizes community standards of responsibility and accountability in the use of alcohol and the expectation that individuals have a right to learn, to work, and to live free from the disruptions and consequences of alcohol abuse by others. It is the responsibility of every member of the university community to know the risks associated with the use and abuse of alcohol and to assist the university, its faculty, staff, administrators, and students in creating an environment that promotes health enhancing attitudes and activities.)) Alcoholic beverages may be possessed, sold, served, and/or consumed on university owned or operated property and/or at university sponsored events and activities only as provided for in this chapter.

Members of the university community are responsible for complying with these rules as well as all state laws regarding the use, possession and/or distribution of alcohol.

The university will respond to reported or suspected violations of these rules and take appropriate action, up to and including referral to law enforcement agencies for criminal prosecution.

University employees, students, and student organizations are subject to disciplinary action for violations of these rules and associated state laws, local ordinances, and university policies.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-020 ((Introduction.)) Alcohol use in university residence halls. ((At Eastern Washington University, diversity of opinion and freedom of choice involves the exercise of personal responsibility that includes the obligation to make sound judgments regarding the use of alcohol. This alcohol policy was developed by a community wide committee of faculty, administrators, students, and Cheney and Spokane community members as a reasonable set of standards to enhance a positive campus environment. These rules and regulations are an important and necessary part of

the overall commitment of a comprehensive alcohol education program at EWU. In addition to these guidelines, the most important factor in the reduction of alcohol related problems is the human capacity to act responsibly. Therefore, the university has an expectation that individuals and groups know and understand the risk and liability associated with the consumption of alcoholic beverages.)) (1) Applicability. This section establishes rules for alcoholic beverages in residence halls that are owned or operated by Eastern Washington University.

(2) General policy. Persons, who are at least twenty-one years old, may possess and consume alcoholic beverages in the privacy of individual residence hall rooms subject to the requirements of this section.

(3) Restrictions.

(a) Consumption of alcoholic beverages is prohibited in any areas of residence halls outside of individual rooms including, but not limited to, hallways, entrances, corridors, lounges, and reception areas.

(b) Doors to individual residence hall rooms must remain closed while alcohol is being consumed.

(c) Kegs, common source containers, and nonalcoholic brews such as "near beer" are prohibited.

(d) Selling or providing alcohol to minors is prohibited.

(e) Alcohol is prohibited in any residence hall room where any student living in the room is under twenty-one years old, regardless of whether the under-age student is present or not.

(f) Alcohol may not be consumed in any room where any person present is under twenty-one years old.

(g) Alcohol may not be consumed in any area designated as alcohol-free housing.

(h) Residents in Brewster Hall, who are at least twenty-one years old, may have alcohol in their individual room but not in their common room areas if any of their suitemates are under twenty-one.

(i) Vendors may not deliver alcohol to residence halls or any other campus area except as provided for in WAC 172-64-090.

(j) Alcohol must not be visible to the public when carried into a residence hall.

(k) Alcohol containers may not be used as decorative pieces in residence halls.

(l) Students shall comply with reasonable requests by university staff to provide identification, proof of age, and/or show contents of a container when requested.

(m) Possession and consumption of alcohol in the privacy of individual residence hall rooms must not infringe on the privacy and peace of other individuals.

(n) Residence hall or housing funds may not be used to purchase alcoholic beverages.

(4) Roommate preference. A student planning to live in a residence hall may indicate their preference for a roommate who drinks alcohol or one who does not. Whenever possible, such requests will be honored by university housing officials.

(5) Alcohol-free housing. Per RCW 28B.10.575, the university shall notify all students applying for student housing of the availability of housing where all alcoholic beverage use is prohibited. The university shall accommodate student requests for alcohol-free housing.

(6) Awareness.

(a) Each residence hall will hold a quarterly meeting for hall residents for the express purpose of discussing university rules regarding possession and consumption of alcohol.

(b) These rules, and related laws, ordinances, and university policies, will be conspicuously posted in each residence hall.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-030 ((Policy statement.)) **Alcohol use in private university residences.** ((Eastern Washington University allows the legal use, possession, and distribution of alcohol on campus under the conditions stipulated in this policy and complies with and upholds all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol. Violations of such laws that come to the attention of university officials will be addressed within the university or through prosecution in the courts, or both. All university faculty, staff, administrators, and students are hereby notified of the following standards of conduct that the university will apply to all activities conducted on university owned property and at university sponsored events. Furthermore, these standards will apply to all guests on university owned property and at university sponsored events. It is the responsibility of all members of the university community to familiarize themselves and their guests with relevant federal, state, and local laws as well as the following standards, procedures, and guidelines for the possession, use, and distribution of alcohol, and act accordingly.)) **Persons of legal age may possess, consume, and/or serve alcohol inside university-owned buildings other than residence halls when the buildings are being used as private residence, such as university apartments and the University House.**

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-040 ((Washington state law.)) **Alcohol use at on- or off-campus events.** ((Members of the university community are responsible for the observance of state and federal laws including those that apply to alcohol. Some of the laws most relevant to the university community are the following:

(1) **It is unlawful:**

(a) For anyone under twenty-one years of age to possess alcohol (RCW 66.44.270);

(b) To sell, purchase, deliver, or furnish alcohol, except a parent or legal guardian, to anyone under twenty-one years of age (RCW 66.44.270);

(c) To sell purchase, deliver, or furnish alcohol to an intoxicated person (RCW 66.44.200);

(d) To consume alcohol in a public place, exceptions defined in RCW 66.44.100;

(e) To misrepresent one's age to obtain alcohol (RCW 66.44.310);

(f) To drive under the influence of alcohol (RCW 46.61.502 and 46.61.503).

(2) **Driving under the influence:**

(a) It is unlawful to drive if your blood or breath alcohol concentration (BAC) meets or exceeds 0.08 percent or under the influence of drugs (RCW 46.61.502);

(b) It is unlawful to drive if alcohol has impaired your ability to drive safely, even if your BAC is under the legal limit (RCW 46.61.503);

(c) For a person under the age of twenty-one, it is unlawful to drive if your blood or BAC meets or exceeds 0.02 percent (RCW 46.61.503).

(3) **Open container law:**

(a) Alcoholic beverages may not be consumed in a vehicle nor be carried within reach of the driver or passengers. Open containers may be carried in a trunk or nonpassenger areas (not glove boxes). Does not apply to vehicles commercially chartered by groups or to the living quarters of motor homes or campers (RCW 66.44.100 and 46.61.519).) (1) **Applicability.** This section establishes rules for possessing, consuming, selling, and/or serving alcoholic beverages:

(a) At events on university-owned or operated property, regardless of whether the event is sponsored by the university and regardless of whether event sponsors are affiliated with the university; and

(b) At off-campus events that are sponsored, in whole or in part, by the university.

(2) **Sponsor requirements.** Sponsors of an event, as described in subsection (1) of this section, where alcohol is to be possessed, sold, served and/or consumed, must comply with the following requirements:

(a) Obtain written permission from the appropriate official(s):

(i) Student clubs and organizations must obtain permission from the student activities office;

(ii) For all other requests, sponsors must obtain permission from the vice-president for business and finance or designee;

(b) Contact event planning to request a banquet permit or a special occasion license per WAC 172-64-070;

(c) Comply with all Washington state laws, chapter 172-64 WAC, all other university rules and policies; and any additional instructions provided to the event/activity sponsor as a condition of approval;

(d) Ensure Washington state alcohol serving requirements are enforced:

(i) Event sponsors must ensure that all persons designated to serve alcohol are at least twenty-one years old and have received alcohol server training.

(ii) Event sponsors must ensure that servers check ID and do not serve alcohol to any person who is under twenty-one years old or who appears intoxicated;

(e) Prohibit serving alcohol during normal, university business hours unless an exception has been granted as part of the request under (a) of this subsection;

(f) Prohibit persons from bringing alcoholic beverages into the event unless specifically authorized by the banquet permit or special occasion license;

(g) Prohibit persons from taking alcoholic beverages outside of the approved alcohol use area, except for beer/wine in the original unopened container that is sold or auc-

tioned for off-premises consumption as specifically authorized by a special occasion license:

(h) Provide nonalcoholic beverages at the same place as alcoholic beverages and feature nonalcoholic beverages at least as prominently as alcoholic beverages; and

(i) For an event on university owned or operated property, inform university police of the event and consult with the university police about appropriate security measures as provided for in subsection (5) of this section.

(3) Publicity and advertising.

(a) Events conducted under a banquet permit are by invitation only and may not be advertised to the public.

(b) All announcements and advertisements concerning an event including, but not limited to, flyers, notices, posters, banners, tee-shirts and newspaper and radio announcements, must:

(i) Note the availability of nonalcoholic beverages at least as prominently as the availability of alcoholic beverages;

(ii) State that proper identification is required in order to be served or sold alcoholic beverages; and

(iii) Not make reference to the amount of alcoholic beverages available at the event.

(c) All announcements and advertisements, as well as any promotions of specific alcoholic beverage brands at the event:

(i) Must not make reference to any form of drinking contest. Drinking contests and similar activities which encourage the rapid and/or excessive consumption of alcoholic beverages are prohibited.

(ii) Must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success; and

(iii) Must not encourage any form of alcohol abuse or place emphasis on quantity or frequency of consumption.

(4) Gifts, awards, and rewards. Alcoholic beverages may not be provided as gifts or awards to any person as part of any event conducted under a special occasion license.

(5) Security measures. The university police shall determine appropriate security measures to be taken for on-campus events where alcohol is to be possessed, consumed, sold, and/or served. University police shall coordinate with the events' sponsor and appropriate university personnel to assist in compliance with state laws and university rules.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-050 (~~Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages.~~) **Alcohol use during group field trips.** ((1) Inside individual rooms of residence halls, where all residents of the room are of legal drinking age (whether or not all residents are home), all present in the room are of legal drinking age, and the residence hall is not designated substance free and/or clean and sober.

(2) Inside fraternity and sorority facilities, in accordance with respective national organizational policies and university guidelines.

(3) Areas owned or controlled by the university, in accordance with the following guidelines for the use, possession, and sale of alcohol:)) (1) This section applies to the possession and consumption of alcoholic beverages by university employees and/or students when participating in a university sponsored or supported group field trip including, but not limited to, group attendance at conferences, conventions, seminars, training, etc.

(2) During a field trip, employees and students shall not:

(a) Possess or consume alcohol;

(b) Transport alcoholic beverages in any vehicle, including personal and rental vehicles, used in support of a field trip.

(3) Exceptions may be granted if the field trip involves attending a social function where the consumption of alcohol is a cultural expectation. Requests for exceptions must be made to the provost (for academic related events), or to the vice-president for business and finance (for all other events). For approved requests, participants must:

(a) Comply with all applicable local laws; and

(b) Comply with all additional requirements and/or instructions provided as a condition of the approval.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-060 (~~Guidelines for university recognized events serving alcohol.~~) **Sponsorship by alcohol manufacturers, distributors, and vendors.** ((Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this policy shall abide by the following regulations in preparing for and conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(1) **Obtaining permission to serve alcohol.**

(a) Written permission for a function sponsored by an individual or group, at which alcohol will be available, must be obtained from the president or his/her designee, along with a banquet permit application. Decisions regarding the approval or denial of permission to serve alcohol shall be made according to what is deemed to be in the best interest of the institution as expressed by the university mission statement and this policy's statement of purpose. Reasons for denial of a permit may include but are not limited to: Conflict with primary academic use of facilities; performance record of sponsors in prior events; or failure to satisfy guidelines.

(b) Such approved function shall be subject to the regulations set forth in this policy. Complete information on procedures to obtain permission is available at numerous locations on campus.

(c) Permission to serve or consume alcohol must be requested seven days prior to the event.

(2) **Proof of age and access to alcohol.**

(a) The person or group(s) holding the event must establish precautionary measures (check identification) at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear intoxicated.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). It is the responsibility of the designated server(s) to enforce proof of age and access to alcohol regulations as outlined in the banquet permit application and this policy.

(c) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is held.

~~(3) **Alternative beverages.** Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.~~

~~(4) **Security measures.** The university police department shall, when informed of activities and events involving alcoholic beverages, determine appropriate security measures to be taken and coordinated with the events' sponsor and appropriate administrative staff of the university as may be necessary to assist in compliance with state laws and university regulations.~~

~~(5) **Publicity and advertising.**~~

~~(a) All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirts(s) and newspaper and radio announcement(s), concerning the function shall note the availability of nonalcoholic beverages as prominently as the availability of alcoholic beverages; and that proper identification is required in order to be served or sold alcoholic beverages; and must not make reference to the amount of alcoholic beverages available, as, for example, the number of kegs of beer available at the event; nor to any form of drinking contest.~~

~~(b) Advertising which promotes university events must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.~~

~~(c) Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.~~

~~(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.~~

~~(6) **Prohibition of drinking games.** Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.) University groups may accept donations of alcoholic beverages, funds, or other sponsorship from manufacturers, distributors, or vendors of alcoholic beverages, so long as such sponsorship is in compliance with state laws and regulations and has been approved by the vice-president for business and finance.~~

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-070 ((**Guidelines for the selling of alcohol at university recognized events.**)) **Banquet permits and special occasion licenses.** ((1) Any function sponsored by faculty, staff, administrators, or students or a faculty, staff, administrator, or student group(s) at which alcoholic beverages are sold or served, whether or not the function is open to

the public, may be held in those areas permitted under the provisions of this policy only after a banquet permit and written approval is obtained for such function from the president or his/her designee.

~~(2) Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which an admission fee is charged, at which cups are sold, at which tickets are sold, at which cash or anything else of value is exchanged for alcoholic beverages, or at which donations are collected by the group, or members thereof, sponsoring the function. Functions open to the public shall be defined as those functions to which the general public has been invited through oral, written, or printed announcement(s), advertisement(s) or invitation(s).~~

~~(3) Consideration of all the policy guidelines already outlined must be presented when requesting permission to serve or sell alcohol.) A banquet permit or a special occasion license must be obtained in order to permit alcoholic beverages to be possessed, sold, served, and/or consumed on university owned or operated property and/or at university-sponsored events and activities.~~

Banquet permits and special occasion licenses have specific rules concerning alcohol serving, sales (including raffles and gifts), event advertising, and related issues as contained in chapters 314-05 and 314-18 WAC.

Event organizers must contact EWU event planning to initiate the process for obtaining a banquet permit or special occasion license. Banquet permits and special occasion licenses are issued by the Washington state liquor control board.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-080 ((**Guidelines for university social events in conjunction with alcohol vendors.**)) **Application for a liquor license.** ((Faculty, staff, administrator, or student group(s) may sponsor an activity involving a commercial off-campus vendor involved in the manufacture, distribution, or retail sales of alcoholic beverages. Sponsors of university events may invite vendors of alcoholic beverages to provide and/or sell alcoholic beverages for the event; however, vendors of alcoholic beverages cannot sponsor university activities. University groups(s) and organization(s) may involve the services of a vendor of alcoholic beverages under the following guidelines:

(1) The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(2) Advertising and publicity must reflect sole sponsorship of the event as being that of the group(s).

(3) Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, etc.) may reflect a vendor's involvement, but must not indicate or convey sponsorship by the vendor.) The board of trustees of Eastern Washington University approves the sale of alcohol on the premises of Eastern Washington University, and reserves the right to subsequently adopt rules and regulations governing the same.

The board of trustees delegates to the university president, or designee, the responsibility for investigating and establishing a program to implement the board's policy of permitting alcohol to be sold on campus. Such program may only be implemented with board approval.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-090 (~~**(Guidelines for off-campus events.)**~~ **Alcohol sales and delivery on university owned or operated property.** ~~(University recognized events held off-campus, are expected to abide by the university alcohol policy guidelines for proof of age and access to alcohol; alternative beverages; publicity and advertising; and prohibition of drinking games, in addition to all applicable state laws and local ordinances. Faculty, staff, administrators, students, and their organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules.)~~ Vendors may not sell and/or deliver alcohol on property owned or operated by the university except as is necessary to support a function that has obtained a banquet permit or a special occasion license, or for sales or deliveries to an on-campus entity or business holding a valid liquor license.

AMENDATORY SECTION (Amending WSR 03-18-070, filed 8/29/03, effective 9/29/03)

WAC 172-64-100 (~~**(Guidelines for serving alcohol at nonuniversity sponsored events.)**~~ **University enforcement of alcohol policy.** ~~(Any individual or group of individuals who are not affiliated with Eastern Washington University, who wish to use university property for an event (i.e., weddings, community group meetings, etc.), must comply with all state and local laws and with this policy.)~~ The university may take action under this chapter for any violations over which it has jurisdiction.

Violations of this chapter may also be violations of federal, state, or local laws. A person may face criminal and civil prosecution as well as university disciplinary action for violation of these regulations and/or related laws. University enforcement of this chapter may be carried out prior to, simultaneously with, or following civil or criminal proceedings in the courts.

(1) Student violations. Violations of these rules by students and/or recognized student organizations will be reported to the dean of students for possible action under the Student conduct code, chapter 172-121 WAC.

(2) Employee violations. Violations by university employees may result in disciplinary action, up to and including termination of employment, in accordance with applicable rules, collective bargaining agreements, and university policies.

(3) Guest violations. Guests who violate this chapter may be removed from campus or be given a notice against trespass.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-64-110	University enforcement of alcohol policy.
WAC 172-64-120	Violations of local, state, and federal law.
WAC 172-64-130	Student violations of the university alcohol policy.
WAC 172-64-140	Employee violations of the university alcohol policy.

WSR 14-24-038

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 9:10 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising chapter 172-108 WAC, Procedural rules for brief adjudicative proceedings, to update rules and associated procedures related to the matters subject to, and the process for conducting adjudicative proceedings at Eastern Washington University. These revisions are needed to update university standards and processes for initiating and conducting adjudicative proceedings. These changes are intended to update current rules to better comply with state law and better reflect current practices.

Citation of Existing Rules Affected by this Order: Amending chapter 172-108 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-094 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 7, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 7, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 7, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

Chapter 172-108 WAC
((PROCEDURAL RULES))
ADJUDICATIVE PROCEEDINGS

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-010 ((Matters subject to brief adjudication)) Introduction. ((This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings;
- (3) Student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings;
- (4) Outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and
- (5) Traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175-)) Eastern Washington University conducts adjudicative proceedings as required by the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-020 Appointment of presiding officer. The president of Eastern Washington University or an authorized designee shall have the power to appoint a presiding officer for formal and brief adjudicative proceedings. The term((s)) presiding officer((s)) shall mean one or more presiding officers as appointed by the president or authorized designee. ((The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above.)) Where more than one individual is designated to be the presiding officer, one person may be designated ((by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters)) to make procedural decisions.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-030 Method of recording and recording devices. The presiding officer is responsible for maintaining a record of the proceedings which shall include all documents prepared for and used in the adjudicative proceeding. The university may record proceedings ((shall be recorded by)) using a method determined by the presiding officer, among those available pursuant to the model rules of

procedure in WAC 10-08-170. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

NEW SECTION

WAC 172-108-035 Advising and representation of parties. Parties to an adjudicative proceeding may be assisted by one advisor of their choice, subject to the following provisions:

- (1) Any fees or expenses associated with the services of an advisor are the responsibility of the person who employed the advisor;
- (2) The advisor may be an attorney;
- (3) Advisors may not speak or participate directly in any proceeding; the person requesting an adjudicative proceeding is responsible for presenting their own case but may speak quietly with their advisor during such proceedings;
- (4) If an attorney is used as an advisor, the person using the attorney shall inform the presiding officer of their intent to do so at least two business days prior to any adjudicative proceeding; and
- (5) The presiding officer shall have the power to impose reasonable conditions upon participation of advisors and representatives.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-040 ((Application for)) Formal adjudicative proceedings. (1) In formal adjudicative proceedings required pursuant to RCW 34.05.413 through 34.05.476, Eastern Washington University adopts the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, except for those rules which are in conflict with the provisions set forth in this chapter. The model rules are contained in chapter 10-08 WAC. In the case of a conflict between the model rules of procedure and these procedural rules, the procedural rules adopted by Eastern Washington University shall govern.

(2) An application for a formal adjudicative proceeding shall be in writing. Application forms are available from: University Policy Administration; Office of the ((Rules Coordinator)) President; Eastern Washington University; Showalter 214, Cheney, WA 99004-2496. Written application for ((an)) a formal adjudicative proceeding in response to the institution's action ((should)) must be submitted to the above address within ((20)) twenty-one calendar days of the action, unless otherwise provided by statute or rule.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-050 ((Discovery)) Brief adjudicative proceedings. ((Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery the presiding officer shall make reference to the civil rules of procedure. The presiding officer has the

power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.) In accordance with RCW 34.05.410 (1)(a), the procedures identified in RCW 34.05.482 through 34.05.494 apply to all brief adjudicative proceedings at Eastern Washington University. All applications for a brief adjudicative proceeding shall be in writing. Application forms are available from: University Policy Administration; Office of the President; Showalter 214; Eastern Washington University; Cheney, WA 99004-2496. Written application for a brief adjudicative proceeding in response to the institution's action must be submitted to the university within twenty-one calendar days of the action, unless a different time frame is specified in the regulations identified below that apply to the type of decision being challenged. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to:

(1) Residency determinations made pursuant to RCW 28B.15.013 and chapter 250-18 WAC;

(2) Challenges to contents of education records, review of the denial to inspect such records, or challenges to the disclosure of such records. In addition to the rules identified below, these challenges are governed by chapter 172-191 WAC;

(3) Student conduct proceedings. In addition to the rules identified below, these proceedings are governed by chapter 172-121 WAC;

(4) Outstanding debts owed by students or employees, pursuant to chapters 172-124 and 172-144 WAC;

(5) Traffic and parking violations and revocations of any parking permit pursuant to chapter 172-100 WAC;

(6) Student academic integrity proceedings. In addition to the rules identified in this section, these proceedings are governed by chapter 172-90 WAC.

(7) Library fines and charges;

(8) Reduction, cancellation, or nonrenewal of institutional financial aid when based in any degree on athletics ability per National Collegiate Athletic Association rules;

(9) Administrative decisions regarding mandatory tuition and/or fee waivers;

(10) Intellectual property ownership determinations in accordance with EWU Policy 302-04;

(11) Ethics in research violations in accordance with EWU Policy 302-05;

(12) Matters subject to review by the academic appeals board in accordance with EWU Policy 303-21;

(13) Matters subject to review regarding graduate students in accordance with EWU Policy 303-22;

(14) Citations issued by university police regarding the use of golf carts and utility vehicles, in accordance with EWU Policy 603-06;

(15) Fines imposed for impermissible use of tobacco, electronic cigarettes, and related products in accordance with WAC 172-122-310;

(16) Financial aid appeals as provided for by federal law and in accordance with EWU policies for satisfactory academic progress for undergraduate, post-baccalaureate, and graduate students;

(17) Denial of work study or termination from a work study position when required by federal law;

(18) Notice against trespass issued per WAC 172-122-200;

(19) Denial of request to waive undergraduate housing requirement under chapter 172-130 WAC;

(20) Fines assessed under a university housing agreement; and

(21) Penalties imposed for violations of pet control regulations in accordance with chapter 172-115 WAC.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-060 (~~Procedure for closing parts of the hearings.~~) **Brief adjudicative proceedings closed.** Brief adjudicative proceedings shall be closed to the public unless the Open Public Meetings Act, chapter 42.30 RCW, requires otherwise. If the act requires an open proceeding, then a party may apply to the presiding officer for a protective order to close part of (~~a hearing~~) the proceeding. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within (~~ten~~) ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within (~~twenty~~) twenty days of receiving the request. No cameras or recording devices, other than the official recording method, shall be allowed in proceedings or parts of proceedings which have been closed.

AMENDATORY SECTION (Amending WSR 92-09-100, filed 4/20/92, effective 5/21/92)

WAC 172-108-070 (~~Recording devices.~~) **Procedures for brief adjudicative proceedings.** (~~No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.~~) For those proceedings identified as brief adjudicative proceedings in WAC 172-108-010, the model rules of procedure, chapter 10-08 WAC shall not apply. Brief adjudicative proceedings shall be governed by the procedures below and RCW 34.05.482 through 34.05.494:

(1) The presiding officer for a brief adjudicative proceeding shall be selected in accordance with WAC 172-108-020.

(2) For any matters subject to review under WAC 172-108-010, the presiding officer shall provide an individual with the opportunity to explain his or her position. If, after considering the information provided, the presiding officer makes a decision that is unfavorable to the individual, such decision shall be conveyed to the individual in writing. Within ten days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available. The brief written statement shall be considered the university's initial order.

(3) An individual may appeal the initial order by filing a written appeal with the appropriate authority. The appropriate authority is identified in the rules, policies and procedures

adopted by the university regarding such determinations. If the rule, policy, or procedure does not specify who an appeal should be filed with, an appeal may be filed in writing in accordance with WAC 172-108-040.

(4) All appeals from initial orders must be received by the university within twenty-one calendar days from the date the initial order was delivered to the affected individual. If a timely appeal is not received, the initial order becomes the university's final order unless the university, on its own motion, chooses to review an order resulting from a brief adjudicative proceeding in accordance with RCW 34.05.491 (1).

(5) Upon receipt of an appeal, a reviewing officer will be appointed. The reviewing officer may be the presiding officer who issued the initial order or any other person or group who would qualify as a presiding officer under WAC 172-108-020.

(6) The reviewing officer shall give each party an opportunity to explain the party's position and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative proceeding. The reviewing officer is not required to conduct a hearing, but may do so if he or she feels it would be helpful or necessary.

(7) Within twenty days of the filing of the appeal, the reviewing officer must issue a written order containing a brief statement of the reasons for his or her decision. The order shall also include a description of any further available administrative review or, if none is available, a notice that judicial review may be available under chapter 34.05 RCW.

(8) The university shall maintain as its official record any documents regarding its decision that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-108-080 Petitions for stay of effectiveness.

WAC 172-108-090 Adoption of model rules of procedure.

WSR 14-24-039

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 9:12 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising WAC 172-121-200 Violations of chapter 172-121 WAC, Student conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University. These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

Citation of Existing Rules Affected by this Order:
Amending WAC 172-121-200.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-093 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey

University Policy Administrator

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-200 Violations. The following are defined as offenses which are subject to disciplinary action by the university.

(1) Acts of academic dishonesty. University policy regarding academic dishonesty is governed by the university academic integrity policy. However, repeated violations, as described in the academic integrity policy, are subject to action under the student conduct code. Academic dishonesty includes, but is not limited to, any of the following activities:

(a) Plagiarism: Representing the work of another as one's own work;

(b) Preparing work for another that is to be used as that person's own work;

(c) Cheating by any method or means;

(d) Knowingly and willfully falsifying or manufacturing scientific or educational data and representing the same to be the result of scientific or scholarly experiment or research; or

(e) Knowingly furnishing false information to a university official relative to academic matters.

(2) Acts of social misconduct.

(a) Abuse. Physical abuse, verbal abuse, and/or other conduct which threatens or endangers the health or safety of any person.

(b) Bullying. Bullying is behavior that is:

(i) Intentional;

(ii) Targeted at an individual or group;

(iii) Repeated;

(iv) Objectively hostile or offensive; and

(v) Creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm.

(c) Domestic violence and dating violence.

(i) Domestic violence means:

(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

(B) Sexual assault of one family or household member by another; or

(C) Stalking of one family or household member by another family or household member.

(ii) Dating violence is a type of domestic violence, except the acts specified above are committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. In determining whether such a relationship exists, the following factors are considered:

(A) The length of time the relationship has existed;

(B) The nature of the relationship; and

(C) The frequency of interaction between the parties involved in the relationship.

(d) Harassment, gender-based harassment, and sexual harassment.

(i) Harassment is conduct by any means that is sufficiently severe, pervasive, or persistent, and objectively offensive so as to threaten an individual or limit the individual's ability to work, study, participate in, or benefit from the university's programs or activities.

(ii) Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with gender stereotypes. Gender-based harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

(iii) Sexual harassment is unwelcome conduct of a sexual nature and may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

In determining whether any of the above-listed types of harassment are severe, pervasive, or persistent, the university shall consider all relevant circumstances from both an objective and subjective perspective, including the type of harassment (verbal or physical); the frequency and severity of the conduct; the age, sex, and relationship of the individuals involved; the degree to which the conduct affected the victim; the setting and context in which the harassment occurred; whether other incidents have occurred at the university; and other relevant factors.

(e) Retaliation. Any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting of a violation of this code is prohibited and is a separate violation of this code. Any actual or threatened retaliation or act of intimidation directed towards a person who participates in an investigation or disciplinary process under this code is prohibited and is a separate violation of this code.

(f) Sexual misconduct. Sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion, are types of sexual misconduct. Sexual violence is sexual intercourse

or sexual contact with a person without his or her consent or when the person is incapable of giving consent. Consent means actual words or conduct indicating freely given agreement to the sexual act. Consent cannot be inferred from silence, passivity, or lack of active resistance. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Sexual activity is nonconsensual when the victim is incapable of consent by reason of mental incapacity, drug/alcohol use, illness, unconsciousness, or physical condition. Sexual misconduct also includes, but is not limited to, indecent liberties, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent, such as by allowing others to view consensual sex or the nonconsensual recording of sexual activity.

(g) Stalking. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for their health and/or safety or the health/safety of others; or

(ii) Suffer substantial emotional distress.

(h) Unauthorized use of electronic or other devices: Making an audio or video recording of any person while on university premises without the person's prior knowledge or without their effective consent, when such a recording is of a private conversation or of images taken of a person(s) at a time and place where the person would reasonably expect privacy and where such recordings are likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, but does not include taking pictures of persons in areas which are considered by the reasonable person to be open to public view.

(3) Property violations. Theft of, damage to, or misuse of another person's or entity's property.

(4) Weapons. ~~((No individual shall have on their person, in their vehicle or otherwise in their possession any weapon, explosive, dangerous chemical or other dangerous instrument except as described))~~ Possession, carrying, discharge or other use of any weapon is prohibited on property owned or controlled by Eastern Washington University, except as permitted in (a) through ((e)) (d) of this subsection. Examples of weapons under this section include, but are not limited to: Explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

~~(a) ((Authorized law enforcement officers are permitted to carry arms while on duty and engaged in their regular duties;~~

~~(b) Activities requiring use of the prohibited items may be conducted on approval of the activity by the board of trustees;~~

~~(c) Persons are permitted to have firearms in their possession directly en route to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms.))~~ Commis-

sioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university controlled property, including residence halls. Law enforcement officers must notify the university police of their presence on campus upon arrival.

(b) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University.

(c) A person may bring a weapon onto campus for display or demonstration purposes directly related to a class or other educational activity, provided that they obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(d) Weapons that are owned by the institution for use in organized recreational activities or by special groups, such as EWU ROTC or university-sponsored clubs or teams, must be stored in a location approved by the university police department. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

(5) Failure to comply.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus;

(b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so;

(c) Failure to attend any medical treatment or evaluation program when directed to do so by the dean of students or other authorized university official.

(6) Trespassing/unauthorized use of keys.

(a) Trespass. Entering or remaining on university property without authorization.

(b) Unauthorized use of keys. Unauthorized possession, duplication, or use of university keys or access cards.

(7) Deception, forgery, fraud, unauthorized representation.

(a) Knowingly furnishing false information to the university.

(b) Forgery, alteration, or misuse of university documents, records, or instruments of identification. This includes situations of identity theft where a person knowingly uses or transfers another person's identification for any purpose.

(c) Forgery or issuing a bad check with intent to defraud.

(d) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(8) Safety.

(a) Intentionally activating a false fire alarm.

(b) Making a bomb threat.

(c) Tampering with fire extinguishers, alarms, or safety equipment.

(d) Tampering with elevator controls and/or equipment.

(e) Failure to evacuate during a fire, fire drill, or false alarm.

(9) Alcohol, drugs, and controlled substances.

(a) Alcohol and substance violations. Use, possession, distribution, or sale of alcoholic beverages (except as permitted by university policy and state law) is prohibited. Under no circumstances may individuals under the age of twenty-one use, possess, distribute, manufacture or sell alcoholic beverages. Public intoxication is prohibited.

(b) Drugs and paraphernalia.

(i) Use, possession, distribution, manufacture, or sale of marijuana, drug paraphernalia and/or illegal drugs, narcotics or controlled substances, is prohibited.

(ii) Being under the influence of marijuana or an illegal substance, while on property owned or operated by the university, is prohibited. Being under the influence of a controlled substance, except when legally prescribed by a licensed medical practitioner, is also prohibited while on property owned or operated by the university.

(10) Hazing. Any act which, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization:

(a) Endangers the mental or physical health or safety of any student or other person;

(b) Destroys or removes public or private property; or

(c) Compels an individual to participate in any activity which is illegal or contrary to university rules, regulations or policies.

The express or implied consent of any participant is not a defense. A person who is apathetic or acquiesces in the presence of hazing violates this rule.

(11) Disruptive conduct/obstruction.

(a) Disruptive conduct. Conduct which unreasonably interferes with any person's ability to work or study, or obstructs university operations or campus activities.

(b) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace.

(c) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(d) Demonstration. Participation in a campus demonstration which violates university regulations.

(12) Violations of other laws, regulations and policies.

(a) Violation of a local, county, state, or federal law.

(b) Violation of other university policies, regulations, or handbook provisions.

(13) Assisting/attempts. Soliciting, aiding, abetting, concealing, or attempting conduct in violation of this code.

(14) Acts against the administration of this code.

(a) Initiation of a complaint or charge knowing that the charge was false or with reckless disregard of its truth.

(b) Interference with or attempt to interfere with the enforcement of this code, including but not limited to, intimidation or bribery of hearing participants, acceptance of bribes, dishonesty, or disruption of proceedings and hearings held under this code.

(c) Knowing violation of the terms of any disciplinary sanction or attached conditions imposed in accordance with this code.

(15) Other responsibilities:

(a) Guests. A student, student group or student organization is responsible for the conduct of guests on or in univer-

sity property and at functions sponsored by the university or sponsored by any recognized university organization.

(b) Students studying abroad. Students who participate in any university sponsored or sanctioned foreign country study program shall observe the following rules and regulations:

(i) The laws of the host country;

(ii) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;

(iii) Any other agreements related to the student's study program in the foreign country; and

(iv) The student conduct code.

(16) Student organization and/or group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in this section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

WSR 14-24-040

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 9:14 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising WAC 172-122-120 Firearms/weapons, of chapter 172-122 WAC, General conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University. These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

Citation of Existing Rules Affected by this Order: Amending WAC 172-122-120.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-090 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

AMENDATORY SECTION (Amending WSR 92-22-001, filed 10/21/92, effective 11/21/92)

WAC 172-122-120 ((Firearms/weapons)) Weapons.

Violations of ~~((the subsections of))~~ this section are subject to appropriate disciplinary or legal action.

(1) Possession, carrying, ~~((or))~~ discharge or other use of any ~~((explosive, firearm, chemical weapon (or dangerous chemical) or other weapon; including shotguns, pistols, air guns, pellet guns, and paint ball guns, whether loaded or unloaded;))~~ weapon is prohibited on property owned or controlled by Eastern Washington University~~((:~~

~~((2) Only people who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other university controlled property, including residence halls. A law enforcement agent must notify the university police of his or her presence on campus on arrival.~~

~~((3) Other than the people referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university provided storage facility, located at the red barn. The storage facility is controlled by the university police office and is accessible twenty four hours per day throughout the year.~~

~~((4) Anyone seeking to)), except as permitted in subsections (2) through (5) of this section. Examples of weapons under this section include, but are not limited to: Explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.~~

~~((2) Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university controlled property, including residence halls. Law enforcement officers must notify the university police of their presence on campus upon arrival.~~

~~((3) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University.~~

~~((4) A person may bring a ((firearm or other)) weapon onto campus for display or demonstration purposes directly related to a class or other educational activity ((must)), provided that they obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.~~

~~((5) ((Firearms)) Weapons that are owned by the institution for use in organized recreational activities or by special~~

~~((interest))~~ groups, such as EWU ROTC or university-sponsored ((gun clubs, ROTC, or intercollegiate shooting)) clubs or teams, must be stored in a location approved by the university police department. These ~~((firearms))~~ weapons must be checked out by the ~~((club))~~ advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

WSR 14-24-041

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed November 24, 2014, 9:17 a.m., effective December 25, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing WAC 172-122-400 Pet control and 172-122-410 Penalties for violations of pet control regulations; and adopting chapter 172-115 WAC, Animal control, to update rules and associated procedures related to animals and pets on property owned or operated by Eastern Washington University. These revisions update university standards and processes concerning the presence of pets and other animals on property owned or controlled by Eastern Washington University. These changes are needed to better support local ordinances and better reflect current practices.

Citation of Existing Rules Affected by this Order: Repealing WAC 172-122-400 and 172-122-410.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 14-19-095 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 0, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 21, 2014.

Trent Lutey
University Policy Administrator

Chapter 172-115 WAC

PET CONTROL

NEW SECTION

WAC 172-115-010 Definitions. (1) "Owner" means any person having control, custody, or possession of a pet.

(2) "Pet" includes all nonhuman mammals, birds, reptiles, and amphibians. Pet does not include service or working animals.

(3) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability, as defined by applicable state and/or federal laws.

(4) "University property" means property that the university owns, operates, leases, rents, or otherwise controls.

(5) "Working animal" means an animal that is trained for specific tasks and under the control of police, security or emergency personnel, or of a university employee. Examples of working animals include, but are not limited to, patrol, rescue, or sentry dogs.

NEW SECTION

WAC 172-115-020 Compliance with local regulations. Title 7 of the municipal code of the city of Cheney, Washington, relating to animal control applies to university property within the city of Cheney, Washington. Relevant state, county, and municipal laws relating to animal control shall apply to all university property outside the city of Cheney, Washington.

NEW SECTION

WAC 172-115-030 Pets on campus. Pets are permitted on university property only when their presence complies with all of the following requirements:

(1) All pets brought onto university property must be licensed and leashed as required by local ordinances and/or state law.

(2) Pets are not permitted inside university buildings, except pets may be permitted in housing facilities when the pet's presence fully complies with all applicable housing agreements and policies or when required by state or federal law.

(3) Owners shall maintain direct and continuous control of any pet brought onto university property. Owners shall not permit any pet to run at large on university property. Pets that are tethered in the owner's absence and not under the owner's direct control are considered to be running at large.

(4) Owners shall not permit any pet to enter any pond, fountain, or stream located on university property.

(5) Owners shall remove from university property any pet that disturbs or disrupts university activities or operations.

(6) Owners shall immediately remove from university property any pet that exhibits behavior that is threatening to people, other animals, or university property.

(7) Owners shall immediately cleanup and properly dispose of any feces or vomit created by their pets.

(8) Further restrictions to pets may apply to specific areas of university property, consistent with university policies and/or state and federal laws including, but not limited to, food preparation areas, animal research facilities, and biologically sensitive or hazardous areas.

NEW SECTION**WAC 172-115-040 Enforcement and penalties.** (1)

Any pet found on university property in violation of the city of Cheney's municipal code may be reported to city of Cheney authorities.

(2) Owners found in violation of any provision of this chapter may be cited, banned from university property, or otherwise disciplined by the university.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-122-400 Pet control.

WAC 172-122-410 Penalties for violations of pet control regulations.

WSR 14-24-048
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Consumer Services)

[Filed November 25, 2014, 8:36 a.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.

Purpose: The amended rules clarify the department's interpretation of chapter 31.45 RCW as to the small loan agents regulated under the act.

Citation of Existing Rules Affected by this Order: Amending WAC 208-630-110.

Statutory Authority for Adoption: Chapter 43.320 RCW and RCW 31.45.200.

Adopted under notice filed as WSR 14-19-112 on September 17, 2014.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 208-630-110 is further amended to make technical changes to the definition of "small loan agent services" under subsections (c) and (e) (formerly labelled (3) and (5)).

2. WAC 208-630-110 is further amended to add new language to the definition of "small loan agent services." The new language provides that entities licensed or exempt from licensing under chapter 19.16 RCW or those who are otherwise authorized under Washington law to act as a collection agent are not conducting activities considered small loan agent services.

3. New WAC 208-630-135 (1)(e) is further amended with one technical change and to require an applicant to advise the department of having been subject to a cease and desist or injunctive action issued pursuant to any state or federal law applicable to the business activity.

4. New WAC 208-630-135 [(1)](f) is further amended to require an applicant to advise the department of charges or findings through administrative, civil or criminal proceedings under provisions of any state or federal law applicable to the business activity.

5. New WAC 208-630-136 (2) and (3) are further amended to make technical changes.

6. New WAC 208-630-136(5) is further amended to make one technical change and to provide that entities may collect on small loans if licensed or exempt under chapter 19.16 RCW or are otherwise authorized by Washington law to act as a collection agent.

7. New WAC 208-630-137(2) is further amended to add the department's telephone number.

8. New WAC 208-630-138(1) is further amended to make one technical change to include "other entities" consistent with the definition of small loan agent services.

The proposed rule was filed pursuant to OFM Guideline 3.d.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 25, 2014.

Deborah Bortner, Director
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 13-05-005, filed 2/6/13, effective 3/9/13)

WAC 208-630-110 What definitions are required to understand these rules? The definitions in RCW 31.45.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

"ACH" means automated clearing house, an electronic network for financial transactions that processes credit and debit transactions.

"Act" means chapter 31.45 RCW.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is in common control with another person.

"Agent" for purposes of RCW 31.45.079 means a person who engages in the business of making small loans by performing small loan agent services (~~on behalf of a licensee or exempt entity~~).

"Annual percentage rate" or "APR" means the cost of credit expressed as a yearly rate, determined in accordance with the federal Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.), and Regulation Z (12 C.F.R. Part ~~(226)~~ 1026 et seq.), as amended.

The Office of the Comptroller of the Currency (OCC) has developed an APR calculator (APRWIN) that licensees may download and use without charge. APRWIN is available

on the OCC's web site at <http://www.occ.treas.gov/aprwin.htm>.

"Board director" means a director of a corporation or a person occupying a similar status and performing a similar function with respect to an organization, whether incorporated or unincorporated.

"Check" means the same as defined in RCW 62A.3-104(f) and, for purposes of conducting the business of making small loans, includes other electronic forms of payment, including stored value cards, internet transfers, and automated clearing house transactions.

"Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

"Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose.

"Close of business" for the purposes of RCW 31.45.86 and these regulations means the actual time a licensee closes for business at the location from which a small loan was originated or 11:59 p.m. Pacific Time, whichever is earlier.

"Default" means:

~~((+))~~ (a) The borrower's failure to repay a small loan in compliance with the terms contained in the small loan agreement or note; or

~~((2))~~ (b) Failure to pay any installment plan payment within ten days after the date upon which the installment was scheduled to be paid. See WAC 208-630-556 (12)(b).

"Department" means the department of financial institutions.

"Exempt entity" means a person described in RCW 31.45.020 that is engaged in the business of making small loans.

"Gross monthly income" means an individual's total personal income earned during a month prior to any taxes or deductions.

"Installment plan" is a contract between a licensee and borrower that provides that the loaned amount will be repaid in substantially equal installments scheduled on or after a borrower's pay dates and no less than fourteen days apart.

"Investigation" means an examination undertaken for the purpose of detecting violations of chapter 31.45 RCW or these rules or obtaining information lawfully required under chapter 31.45 RCW or these rules.

"License" means a license issued by the director to engage in the business of check cashing or check selling under the provision of chapter 31.45 RCW.

"Loaned amount" means the outstanding principal balance and any fees authorized under RCW 31.45.073 that have not been paid by the borrower.

"Monetary instrument" means a check, draft, money order or other commercial paper serving the same purpose.

"Paid" means that moment in time when the licensee deposits the borrower's check, accepts cash, or initiates an ACH withdrawal from the borrower's account for the full amount owed on a valid small loan. If the borrower's check is

dishonored and returned unpaid by the borrower's bank, the loan is not paid. If an ACH authorization is denied, the loan is not paid.

"Payday advance lender" or "payday lender" means a licensee under this chapter who has obtained a small loan endorsement under RCW 31.45.073.

"Payday advance loan," "payday loan" or "deferred deposit loan" means the same as a small loan.

"Postdated check" means a check delivered prior to its date, generally payable at sight or on presentation on or after the day of its date. "Postdated check" does not include any promise or order made or submitted electronically by a borrower to a licensee.

"RCW" means the *Revised Code of Washington*.

"Small loan" or "loan" means a loan of up to the maximum amount and for a period of time up to the maximum term specified in RCW 31.45.073.

"Small loan agent services" include, but are not limited to:

~~((+))~~ (a) Marketing and advertising small loans;

~~((2))~~ Taking small loan applications;

~~((3))~~ (b) Collecting nonpublic personal information from consumers in anticipation of selling the information to potential licensed lenders or other entities providing small loan agent services;

(c) Assisting ~~((customers))~~ consumers in completing small loan documentation;

~~((4))~~ (d) Providing required applicable state and federal disclosures;

~~((5))~~ Disbursing small loan proceeds;

~~((6))~~ in connection with small loans; and

(e) Collecting on small loans;

~~((7))~~ Retaining documents and records; and

~~((8))~~ Making reports).

Small loan agent services do not include (a) services performed by any person holding a small loan endorsement or (b) collection of small loans by a person licensed under chapter 19.16 RCW or exempt from that chapter or otherwise authorized under Washington law to act as a collection agent.

"State" means the state of Washington.

"Unsafe or unsound financial practice" means any action, or lack of action, the likely consequences of which, if continued, would materially impair the net worth of a licensee or create an abnormal risk of loss to its customers.

NEW SECTION

WAC 208-630-135 What must I do to be authorized to offer small loan agent services? (1) Persons providing small loan agent services must license with the department. To license you must provide the following information:

(a) The legal name, residence, and business address if an individual or sole proprietorship, and in addition, if a partnership, corporation, limited liability company, limited liability partnership, trust, company, or association, the name and address of every member, partner, officer, controlling person, and board director.

(b) The trade or business name under which you will do business. Please note, your request may be denied if the pro-

posed trade or business name is similar to a currently existing licensee name, including trade names.

(c) The street and mailing address of each location where you will engage in business.

(d) The location at which your records will be kept.

(e) Whether the applicant or other person subject to the act is, or has been, subject to a cease and desist order or an injunction issued pursuant to the act or rules or any state or federal law applicable to the business activity.

(f) Whether the applicant or other person subject to the act has been charged or found through an administrative, civil, or criminal proceeding to have violated the provisions of the act or rules, or any state or federal law applicable to the business activity.

(g) Whether the applicant or other person subject to the act has been convicted of, or pled guilty or nolo contendere, in a domestic, foreign, or military court to:

(i) A gross misdemeanor involving dishonesty or financial misconduct within the prior seven years;

(ii) A felony within the prior seven years; or

(iii) A felony that involved an act of fraud, dishonesty, breach of trust, or money laundering at any time preceding the date of application.

(h) Any other pertinent information the director may require.

(2) You must also provide to the department a declaration that the company will not sell consumers' nonpublic personal information to unlicensed entities making loans or to unlicensed small loan agents.

NEW SECTION

WAC 208-630-136 If I am licensed to provide small loan agent services, what activities may I engage in? The small loan agent services license is a limited license. You may only provide the following services:

(1) Marketing and advertising small loans;

(2) Collecting nonpublic personal information, including social security, bank account, or credit card numbers, from consumers in anticipation of selling the information to potential licensed lenders or other entities providing small loan agent services;

(3) Assisting consumers in completing small loan documentation;

(4) Providing required disclosures;

(5) Collecting on small loans if licensed under chapter 19.16 RCW or exempt from that chapter or otherwise authorized under Washington law to act as a collection agent.

NEW SECTION

WAC 208-630-137 What disclosures must I provide when conducting business pursuant to a small loan agent services license? You must display the following information on your internet home (landing) page in a clear and conspicuous manner:

(1) That you are not a lender and will not be the entity lending money to the consumer.

(2) The department's name and telephone number for consumers to contact with complaints.

The information required in subsections (1) and (2) of this section must be displayed in a manner substantially similar to the following:

"Your use of this web site is not an offer or solicitation to lend you money. The owner of this web site is not a lender and does not make loans or credit decisions. The owner of this web site may sell all or part of your information to lenders and other persons and you may be contacted by lenders and other persons. Contact the Department of Financial Institutions (1-877-746-4334) with complaints."

(3) Your privacy policy that describes all actions you may take with consumers' nonpublic personal information.

NEW SECTION

WAC 208-630-138 What laws govern my conduct as a small loan agent licensee? Small loan agent licensees are subject to chapter 31.45 RCW and chapter 208-630 WAC, including being subject to the following prohibitions:

(1) Selling nonpublic personal information, including Social Security, bank account, or credit card numbers, to potential lenders or other entities providing small loan agent services without first verifying that the lender or other entity is licensed under the act, or is exempt from licensing.

(2) Selling nonpublic personal information, including Social Security, bank account, or credit card numbers, to persons not required to license under the act without first giving the consumer an opportunity to prohibit the sale of their information.

(3) Failing to comply with the applicable provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801-6809 and 15 U.S.C. 6821-6827.

WSR 14-24-049

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed November 25, 2014, 9:04 a.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.

Purpose: Reclassifying tree care and pruning services N.O.C. from a subclassification of classification 0101 to an independently rated classification, 0106-00, to achieve more equitable rating and homogeneous classifications for all of the industries currently included in classification 0101. An agency study concluded that the hazards for tree care and pruning services were distinct from other industries in classification 0101, and that loss and exposure data did not support combining these operations for rating purposes.

Citation of Existing Rules Affected by this Order:

2015 Tree Services

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17-31013	Building construction	Updated list of construction classifications to include the new tree care and pruning classification 0106. Classification 0101, from where the tree services subclassification is being removed, is a construction classification, so this will not be a change for customers or stakeholders.	Tree removal and upkeep generally requires contractor registration and so businesses assigned this classification are entitled to be classified according to the building construction rules. This requires updating the list of classifications that apply to the construction rules with the new classification for tree care and pruning services.
296-17A-0101-36	Tree care and pruning services, N.O.C.	Remove this subclassification from classification 0101.	Tree care and pruning services are being taken out of classification 0101, because their risks and hazards are different than those for other businesses reporting in classification 0101.
296-17A-0106	Tree care and pruning services, N.O.C.	New section; reassign tree care and pruning services to classification 0106-00.	Tree care and pruning services are being taken out of classification 0101, because their risks and hazards are different than those for other businesses reporting in classification 0101 or any of the other classifications.
296-17A-0308-01	Lawn care maintenance	Update language to clarify that excluded tree services operations are reported in classification 0106 and not 0101.	This will help ensure the new classification for tree care and pruning services is applied consistently.
296-17A-0509	New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor; 00 - Overhead telephone or telegraph lines; 01 - Overhead television lines; 02 - Overhead electric transmission lines; 03 - Overhead transmission lines, N.O.C.	Update language to clarify that excluded tree services operations are reported in classification 0106 and not 0101.	This will help ensure the new classification for tree care and pruning services is applied consistently.

Statutory Authority for Adoption: RCW 51.16.035 (directs the department to classify all businesses by degree of hazard in accordance with recognized insurance principles).

Other Authority: WAC 296-17-31029 (outlines our insurance principles for classifying).

Adopted under notice filed as WSR 14-19-085 on September 16, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Date Adopted: November 25, 2014.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 08-15-132, filed 7/22/08, effective 10/1/08)

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0106, 0107, 0108, 0112, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(8) I am a general construction or erection contractor(§); I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are collecting and/or removing construction site debris, you would report in classification 4305-22. If your employees are collecting and/or removing nonconstruction debris such as household junk, garden waste,

basement debris, furniture and appliances, you would also report in classification 4305-22. If you have contracts to clean up construction debris and also provide preoccupancy clean up work and are not a construction contractor, then you can divide hours between the two risk classifications 4305-22 and 6602-03 providing accurate accounting records are kept for both activities.

(12) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site? We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site? Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification? No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

AMENDATORY SECTION (Amending WSR 09-24-082, filed 11/30/09, effective 1/1/10)

WAC 296-17A-0101 Classification 0101.

0101-00 Land clearing: Highway, street and road construction, N.O.C.

Applies to contractors engaged in clearing right of ways for subsurface construction on a new or existing highway, street, or roadway project that is not covered by another classification (N.O.C.). The subsurface is the roadbed foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is a compressed gravel road, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees which is to be reported separately in the applicable logging classification; and logging road construction which is to be reported separately in classification 6902.

0101-01 Land clearing: Airport landing strips, runways and taxi ways; alleys and parking lots

Applies to contractors primarily engaged in clearing right of ways for subsurface construction on a new or existing airport landing strip, runway, and taxi way. This classification also includes clearing of right of ways for alley and parking lot projects. The subsurface is the foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is compressed gravel, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed or project site to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and felling of trees which is to be reported separately in the applicable logging classification.

0101-02 Excavation work, N.O.C.

Applies to contractors engaged in general excavation work for others that is not covered by another classification (N.O.C.). Work contemplated by this classification involves excavating or digging of earth to form the foundation hole such as for a wood-frame or nonwood-frame building and side sewer hookups (street to house) when performed as part of the excavation contract. Activities include, but are not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cut and fill work, backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210 and felling of trees which is to be reported separately in the applicable logging classification.

0101-03 Grading work, N.O.C.

Applies to contractors engaged in various forms of grading work for others that are not covered by another classification (N.O.C.). Typical equipment used is a grader, but other equipment such as a bulldozer and a front end loader may also be used. Work contemplated by this classification includes, but is not limited to, leveling and grading lands, spreading dirt, sand, gravel and/or ballast to desired contour on farm lands or other tracts of land.

0101-04 Land clearing, N.O.C.

Applies to contractors engaged in general land clearing work that is not covered by another classification (N.O.C.). This classification includes, but is not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth to rearrange the terrain, earth excavation, cut and fill work, backfilling, and slope grooming. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes felling of trees which is to be reported separately in the applicable logging classification.

0101-16 Railroad line: Construction, maintenance and repair, N.O.C.

Applies to contractors engaged in the construction, maintenance and repair of railroad tracks not covered by another classification (N.O.C.), including the dismantling of track and the sale of salvaged track metal and ties. Work contemplated by this classification includes all operations on new or existing main lines, side tracks and spurs to industrial properties. This classification includes, but is not limited to, the laying of rock or ballast, laying of ties and track, installation of crossover frogs and switches, erection of switch stands and switch mechanism, erection of cattle guards, the placing of grade crossing planks, and similar activities related to the laying or relaying of railroad lines and also includes the dismantling of railroad main lines, side tracks and spurs to include track, ties, etc., and the subsequent storage and sale of salvaged material after the railroad line is dismantled.

This classification excludes asphalt surfacing/resurfacing and all concrete construction work which is to be reported separately in the applicable asphalt or concrete construction classification; logging railroad construction which is to be reported separately in classification 6902; and the construction, maintenance, or repair of an elevated railway which is to be reported separately in classification 0508.

0101-17 Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Applies to contractors engaged in the construction or repair of retaining walls in connection with highway, street, or roadway projects that are not covered by another classification (N.O.C.). Retaining walls are often constructed to protect against potential problems such as earth slides or erosion of banks alongside a roadway or overpass. Work contemplated by this classification involves large scale excavation to contour a specific area of earth serving as a retaining wall. Activities include, but are not limited to, excavation, clearing, cut and fill work, backfilling, grading and slope grooming. Fill material used may include dirt, sand, stone or boulder. Equipment used by contractors subject to this classification includes, but is not limited to, scrapers, bulldozers, graders, backhoes and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; concrete construction which is to be reported separately in the applicable concrete construction classification; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees by chain saw which is to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caissons which is to be reported separately in classification 0201.

(0101-36 Tree care and pruning services, N.O.C.)

~~Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to, incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree care service, spraying or fumigating of trees, debris removal and stump removal when conducted by employees of an employer subject to this classification.~~

~~This classification excludes tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees; tree care services done in connection with a nursery operation which is to be reported separately in classifica-~~

~~tion 4805; tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004; tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and felling trees which is to be reported separately in classification 5001-.)~~

0101-37 Soil remediation

Applies to establishments engaged in various types of remediation of soil contaminated with hazardous or toxic materials. Soil remediation can take place at the site of the contamination, or the contaminated soil may be hauled to another area for remediation. This classification also includes oil spill cleanup on land. Equipment used will include backhoes and front end loaders, as well as other types of dirt moving equipment.

The methods used for soil remediation include, but are not limited to:

- Bio-remediation: Contaminated soil is mixed with nutrients, sawdust, and various other additives. Naturally occurring bacteria in the soil break down the pollutants.

- Encapsulation: Contaminated soil is enclosed in some type of protective material to prevent drainage into surrounding soil.

- Excavation and hauling to an approved disposal site.

- Hot air vapor extraction: A burner unit is mounted on a trailer. Contaminated soil is arranged in layers on which an aluminum perforated pipe system is placed at 2' intervals, with a return pipe on the top layer. The soil stack is enclosed in visqueen, then hot air is pumped into the piping system which creates the steam that is recycled through the system and carries the contaminants back through the catalytic burner. Because of the catalytic action there are virtually no contaminants exhausted into the atmosphere.

- Soil vapor extraction: A series of holes are bored in the ground and vacuum pumps are used to suck the trapped gases which are drawn through carbon filters for decontamination.

- In situ vitrification: Graphite electrodes are fed into contaminated soil at a specified rate, where high voltage "melts" the organic and inorganic materials in the soil and forms a solid, glasslike substance.

- Land farming: Contaminated soil is deposited and spread out by a farm type spreader on an area of ground dedicated for this purpose. Chemical or manure fertilizer is added to provide a medium for naturally occurring bacteria to thrive. (This part is similar to bio-remediation.) The soil is turned frequently by tillers or rototillers to assist in the aeration of the soil and in the growth of the bacteria. It may take anywhere from a month to two years to cleanse the soil, depending on the volatility of the contaminants. This method is used particularly with soil that is heavily contaminated with oil.

- Mobile incineration: Contaminated soil is loaded onto a conveyor belt which carries it into the hopper of a mobile unit mounted on a lowboy trailer. The unit is heated to burn off the contaminants in the soil. The mobile unit contains a type of dust-collecting mechanism which filters out gases and other nondesirable elements so only clean air enters the atmosphere as the refreshed soil is produced. There are various methods of mobile incineration, but the general process and the end result are similar.

- Thermal disabsorption: A process similar to mobile incineration.

- Stabilization: Concrete landfill cells are created by mixing cement with refuse or other contaminated soil to stabilize the material and reduce the seepage into the surrounding soil.

This classification excludes oil spill cleanup involving diking or ditching work which is to be reported separately in classification 0201.

0101-39 Pool or pond excavation

Placement of pool or pond liners

Applies to contractors engaged in the excavation of pools or ponds. Work contemplated by this classification involves excavating or digging of earth to form the hole such as for a swimming pool or pond. Work contemplated by this classification includes excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cutting, filling or backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, bulldozers, backhoes and dump trucks. This classification includes the placement of plastic pool and pond liners provided it is not in connection with concrete work.

This classification excludes concrete construction which is to be reported separately in the applicable concrete construction classification.

0101-40 Mowing or chemical spraying of roadway median strips, roadsides, and/or power line right of ways

Applies to contractors engaged in mowing, grooming, picking up litter, and chemical spraying of roadway median strips and edges, roadsides, and power line right of ways. Work contemplated by this classification includes spraying chemicals to control weeds and unwanted vegetation, tall grass, brush, brambles and tree seedlings as part of a roadway, roadside or right of way maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, a variety of equipment such as backhoes, tractors, push mowers, brush mowers, weed eaters, as well as hand tools such as machetes, sickles, and pruners.

This classification excludes mowing and/or grooming of roadway median strips, roadsides, and power line right of ways when performed by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; forest, timber or range land contract work which is to be reported separately in the classification applicable to the work being performed; and the felling and removal of trees by chain saw which is to be reported separately in classification 5001.

Special note: Classification 0301, "landscape construction," and classification 0308, "landscape maintenance," are not to be assigned to mowing and/or grooming of roadway median strips, roadsides, and power line right of ways.

NEW SECTION

WAC 296-17A-0106 Classification 0106.

0106-00 Tree care and pruning services, N.O.C.

Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to:

- Incidental ground operations such as picking up branches and limbs;
- Operating mobile chip machines used in connection with a tree care service;
- Spraying or fumigating of trees;
- Debris removal and stump removal when conducted by employees of an employer subject to this classification.

This classification excludes:

- Tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees;
- Tree care services done in connection with a nursery operation which is to be reported separately in classification 4805;
- Tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004;
- Tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and
- Felling trees which is to be reported separately in classification 5001.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0509 Classification 0509.

0509-00 Overhead telephone or telegraph lines: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead telephone or telegraph lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines to cross long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or

towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0101)) 0106; service connections which are to be reported separately in classification 0608; underground telephone line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company the work described above is included in classification 1303. A contractor engaged in the installation of electric and/or cable television overhead lines in addition to telephone and telegraph lines is to be reported in classification 0509-03. If a specialty contractor is only stringing telephone or telegraph lines, and not erecting poles or towers, classification 0509-00 is still applicable.

0509-01 Overhead television lines: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead television lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0101)) 0106; service connections which are to be reported separately in classification 0601; underground television line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a cable television company the work described above is included in classification 1305. A contractor engaged in the installation of overhead electric and/or telephone or telegraph lines in addition to overhead television lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead television lines, and not erecting poles or towers, classification 0509-01 is still applicable.

0509-02 Overhead electric transmission lines: New construction or extension of lines - Including poles, or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead electric transmission lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, installing circuit breakers and transformers, incidental tree topping, tying into the high-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ((0101)) 0106; underground electric line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by an electric power company the work described above is included in classification 1301. A contractor engaged in the installation of overhead telephone or telegraph lines and/or television lines in addition to overhead electric lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead electric lines, and not erecting poles or towers, classification 0509-02 is still applicable.

0509-03 Overhead transmission lines, N.O.C.: New construction or extension of lines - Including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of more than one type of overhead transmission line, including poles and towers which are not covered by another classification (N.O.C.). If the contractor specializes in either telephone, telegraph, television or electric lines, they can be specifically defined elsewhere within classification 0509. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, installing circuit breakers and transformers, tying into the power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet,

and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae, receivers or electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification ~~((0101))~~ 0106; service connections for cable television lines which is to be reported separately in classification 0601; underground line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company, the work described above is included in classification 1303; if done by a cable television company it is included in classification 1305; if done by an electric utility company it is included in classification 1301. If a specialty contractor is only stringing a combination of types of overhead lines, and not erecting poles or towers, classification 0509-03 is still applicable.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-0308 Classification 0308.

0308-00 Chemical spraying and fumigating

Applies to establishments engaged in providing chemical spraying and fumigating services only to established residential landscaping and commercial properties. Work contemplated by this classification includes, but is not limited to, the application of various liquid and granular chemicals (fertilizers, herbicides, pesticides, insecticides, iron, nitrogen, slow release food stakes) for use on grass, plants, shrubs, flowers, trees, moss, ivy or weeds. Employees of establishments subject to this classification arrive at the location site in a tank truck equipped with a premixed solution that is dispensed with a spray hose, or by fertilizer spreaders, injection guns, and back pack dispensers.

This classification excludes chemical spraying of roadway median strips by nonmunicipal employees adjacent to state, city or town roadways which is to be reported separately in classification 0101; chemical spraying done in connection with forest roads or reforestation projects which is to be reported in the applicable forestry classification; pest and termite control which is to be reported separately in classification 6602; chemical spraying and fumigating by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; chemical spraying of agricultural farms or orchards which *may* be reported separately in classification 4808 or in the agricultural classification applicable to the employer's operation; and crop dusting by aircraft which is to be reported separately in classification 6903.

0308-01 Lawn care maintenance

Applies to contractors engaged in maintenance of established lawns and gardens. Work contemplated by this classification includes, but is not limited to, mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. Also included is minor landscape renovation and/or restoration activities incidental to, and performed as part of, the lawn care maintenance contract for an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the spreading of decorative rock, topsoil, or bark. This classification includes replacement of sprinkler heads and cleaning of lawn type sprinkler systems only when performed in connection with and incidental to the lawn care maintenance contract. Contractors who provide snow blowing and snow removal services using hand-held or push-propelled equipment are included in this classification. Equipment used by contractors subject to this classification includes, but is not limited to, riding or power lawn mowers, power sweepers, edgers, thatchers, weed eaters, grass blowers, fertilizer spreaders, sprayers, gas or electric power tools, and hand tools.

This classification excludes new landscape construction which is to be reported separately in classification 0301; tree care and pruning services which are to be reported separately in classification ~~((0101))~~ 0106; grading, clearing, or contouring of land which is to be reported separately in classification 0101; installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301; the installation, service or repair of above or below ground agricultural irrigation systems which is to be reported separately in classification 0301; the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing, which is to be reported in classification 0507; any installation or maintenance of a landscape roofing irrigation system, which is reported in classification 0507.

Special notes: Classifications 0308 and 0301 may be assigned to the same business provided that the conditions of the general reporting rule covering the operation of a secondary business have been met.

Care should be exercised in the assignment of this classification when tree services are included. Tree care service contracts generally call for the radical topping, pruning or cutting of tree limbs to remove or eliminate a hazard to buildings, property, or power lines. Tree trimming as part of this classification is only for the purpose of shaping and maintaining healthy trees and to control size for the visual relationship to other landscape material.

WSR 14-24-053

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed November 25, 2014, 1:17 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-11R WAC, to modify requirements in the Washington State Energy Code, Residential provisions. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11R-40340.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.020, 19.27.074.

Adopted under notice filed as WSR 14-15-053 on July 11, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-20-121, filed 10/1/13, effective 11/1/13)

WAC 51-11R-40340 Section R403.4—Service hot water systems.

R403.4 Service hot water systems. Energy conservation measures for service hot water systems shall be in accordance with Sections R403.4.1 through R403.4.3.

R403.4.1 Circulating hot water systems (Mandatory). Circulating hot water systems shall be provided with an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

R403.4.2 Hot water pipe insulation (Prescriptive). Insulation for hot water pipe shall have a minimum thermal resistance (*R*-value) of ~~((R-4))~~ R-3.

R403.4.3 Electric water heater insulation. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

WSR 14-24-054

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed November 25, 2014, 1:18 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make editorial changes to chapter 51-11C WAC, to clarify and correct requirements in the Washington State Energy Code, Commercial provisions.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-20218, 51-11C-40245, and 51-11C-403244.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.020, 19.27.074.

Adopted under notice filed as WSR 14-15-054 on July 11, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-20218 Section C202.18—R.

READILY ACCESSIBLE. Capable of being reached quickly for operation, renewal or inspection without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders or access equipment (see "*Accessible*").

REFRIGERATED WAREHOUSE COOLER. An enclosed storage space (~~(capable of being refrigerated to temperatures above 32°F that can be walked into and)~~ that has a total chilled storage area of 3,000 ft² or greater and is designed to maintain a temperature of greater than 32°F but less than 55°F.

REFRIGERATED WAREHOUSE FREEZER. An enclosed storage space (~~(capable of being refrigerated to temperatures at or below 32°F that can be walked into and)~~ that has a total chilled storage area of 3,000 ft² or greater and is designed to maintain a temperature at or below 32°F.

REPAIR. The reconstruction or renewal of any part of an existing building.

RESIDENTIAL BUILDING. For this code, includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane.

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly

includes the roof covering, underlayment, roof deck, insulation, vapor retarder and interior finish.

R-VALUE (THERMAL RESISTANCE). The inverse of the time rate of heat flow through a body from one of its bounding surfaces to the other surface for a unit temperature difference between the two surfaces, under steady state conditions, per unit area ($h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$) [$\text{m}^2 \cdot \text{K}/\text{W}$].

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40245 Section C402.4.5—Air intakes, exhaust openings, stairways and shafts.

C402.4.5 Air intakes, exhaust openings, stairways and shafts. Stairway enclosures and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be provided with dampers in accordance with Sections C402.4.5.1 and C402.4.5.2.

C402.4.5.1 Stairway and shaft vents. Stairway and shaft vents shall be provided with Class I motorized dampers with a maximum leakage rate of 4 cfm/ft² (20.3 L/s • m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D.

Stairway and shaft vent dampers shall be installed with controls so that they are capable of automatically opening upon:

1. The activation of any fire alarm initiating device of the building's fire alarm system; or
2. The interruption of power to the damper.

C402.4.5.2 Outdoor air intakes (~~and~~), exhaust(~~s~~) outlets, relief outlets, and return openings. *Outdoor air supply, exhaust openings and relief outlets shall be provided with Class I(A) motorized dampers which close automatically when the system is off. (~~Return air dampers shall be equipped with motorized dampers.~~)* Dampers shall have a maximum leakage rate of 4 cfm/ft² (20.3 L/s • m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D.

Return air openings used for airside economizer operation shall be equipped with Class I motorized dampers. Dampers shall have a maximum leakage rate of 4 cfm/ft² (20.3 L/s • m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D.

See also section C403.2.4.4 for additional requirements from damper shut-off controls.

- EXCEPTIONS:
1. Gravity (nonmotorized) dampers having a maximum leakage rate of 20 cfm/ft² (101.6 L/s • m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D are permitted to be used for relief openings in buildings less than three stories in height above grade if equipment has less than 5,000 cfm total supply flow. Gravity (nonmotorized) dampers for ventilation air intakes shall be protected from direct exposure to wind.
 2. (~~Gravity (nonmotorized) dampers for ventilation air intakes shall be protected from direct exposure to wind.~~)

3-) Gravity dampers smaller than 24 inches (610 mm) in either dimension shall be permitted to have a leakage of 40 cfm/ft² (203.2 L/s • m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D.

~~(4-) 3.~~ Gravity (nonmotorized) dampers in Group R occupancies where the design outdoor air intake or exhaust capacity does not exceed 400 cfm (189 L/s).

4. Motorized dampers on return air openings in unitary packaged equipment that have the minimum leakage rate available from the manufacturer shall be deemed to comply.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-403244 Section C403.2.4.4—Shutoff damper controls.

C403.2.4.4 Shutoff damper controls. Both outdoor air supply and exhaust ducts shall be equipped with motorized dampers that will automatically shut when the systems or spaces served are not in use or during building warm-up, cooldown, and setback.

See also section C402.4.5 for additional damper requirements and maximum leakage rates.

- EXCEPTIONS:
1. Gravity relief dampers serving systems less than 5,000 cfm total supply shall be permitted in buildings less than three stories in height.
 2. Gravity dampers shall be permitted for buildings of any height located in Climate Zones 1, 2 and 3.
 3. Gravity (nonmotorized) dampers in Group R occupancies where the design outdoor air intake or exhaust capacity does not exceed 400 cfm (189 L/s).
 4. Systems serving areas which require continuous operation.
 5. Combustion air intakes.
 6. Operation of dampers shall be allowed during ventilation prepurge one hour before expected occupancy and for unoccupied period precooling during the cooling season.
 7. Dampers are not required in systems where specifically prohibited by the *International Mechanical Code*.

WSR 14-24-055

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed November 25, 2014, 1:25 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapters 51-50 and 51-51 WAC, to modify requirements in the Washington State Building Code and Residential Code regarding ground cover in crawlspaces. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order:
Amending WAC 51-50-1203, 51-51-0408.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-15-051 on July 11, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-1203 Section 1203—Ventilation.

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

1203.2 Attic spaces. Enclosed *attics* and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof framing members shall have cross ventilation for each separate space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. An airspace of not less than 1 inch (25 mm) shall be provided between the insulation and the roof sheathing. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated.

- EXCEPTIONS:
1. The net free cross-ventilation area shall be permitted to be reduced to 1/300 provided not less than 50 percent and not more than 80 percent of the required ventilating area provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required *ventilation* provided by eave or cornice vents.
 2. The net free cross-ventilation area shall be permitted to be reduced to 1/300 where a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.
 3. *Attic* ventilation shall not be required when determined not necessary by the *building official* due to atmospheric or climatic conditions.
 4. Unvented attic assemblies (spaces between the ceiling joists of the top story and the roof rafters) shall be permitted if all the following conditions are met:
 - 4.1 The unvented attic space is completely contained within the building thermal envelope.
 - 4.2 No interior vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly.
 - 4.3 Where wood shingles or shakes are used, a minimum 1/4 inch (6 mm) vented air space separates the shingles or shakes and the roofing underlayment above the structural sheathing.
 - 4.4 In Climate Zones 5B and 6B, any air-impermeable insulation shall be a Class II vapor retarder, or shall have a Class II vapor retarder coating or covering in direct contact with the underside of the insulation.
 - 4.5 Either items a, b, or c below shall be met, depending on the air permeability of the insulation directly under the structural roof sheathing.
 - a. Air-impermeable insulation only. Insulation shall be applied in direct contact to the underside of the structural roof sheathing.
 - b. Air-permeable insulation only. In addition to the air-permeable insulation installed directly below the structural sheathing, rigid board or sheet insulation shall be installed directly above the structural roof sheathing as specified in Table 1203.2.1 for condensation control.
 - c. Air-impermeable and air-permeable insulation. The air-impermeable insulation shall be applied in direct contact to the underside of the structural roof sheathing as specified in Table 1203.2.1 for condensation control. The air-permeable insulation shall be installed directly under the air-impermeable insulation.
 - i. Climate Zone #1 - R-10 minimum rigid board or air-impermeable insulation R-value.
 - ii. Climate Zone #2 - R-25 minimum rigid board or air-impermeable insulation R-value.
 - d. Where preformed insulation board is used as the air-impermeable insulation layer, it shall be sealed at the perimeter of each individual sheet interior surface to form a continuous layer.

**Table 1203.2.1
Insulation for Condensation Control**

CLIMATE ZONE	MINIMUM RIGID BOARD ON AIR-IMPERMEABLE INSULATION R-VALUE ^a
4C	R-15
5B	R-20
6B	R-25

^a Contributes to but does not (~~supersede~~) supersede the requirements for insulation in the Washington State Energy Code ((WAC)) chapter 51-11 WAC).

1203.3 Under-floor ventilation. The space between the bottom of the floor joists and the earth under any building except spaces occupied by basements or cellars shall be provided with ventilation openings through foundation walls or exterior walls. Such openings shall be placed so as to provide cross ventilation of the under-floor space. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.

1203.4 Natural ventilation. For other than Group R Occupancies, natural ventilation of an occupied space shall be through windows, doors, louvers or other openings to the out-

doors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants. Group R Occupancies shall comply with the *International Mechanical Code*.

1203.6 Radon resistive construction standards. The criteria of this section establishes minimum radon resistive construction requirements for Group R Occupancies.

1203.6.1 Application. The requirements of Section 1203.6 shall be adopted and enforced by all jurisdictions of the state according to the following subsections.

1203.6.1.1 All jurisdictions of the state shall comply with Section 1203.6.2.

1203.6.1.2 Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, and Stevens counties shall also comply with Section 1203.6.3.

1203.6.2 State wide radon requirements.

1203.6.2.1 Crawlspace. All crawlspaces shall comply with the requirements of this section.

1203.6.2.2 Ventilation. All crawlspaces shall be ventilated as specified in Section 1203.3.

If the installed ventilation in a crawlspace is less than one square foot for each 300 square feet of crawlspace area, or if the crawlspace vents are equipped with operable louvers, a radon vent shall be installed to originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with Sections 1203.6.3.2.6 and 1203.6.3.2.7.

1203.6.2.3 Crawlspace plenum systems. In crawlspace plenum systems used for providing supply air for an HVAC system, aggregate, a permanently sealed soil gas retarder membrane and a radon vent pipe shall be installed in accordance with Section 1203.6.3.2. Crawlspace shall not be used for return air plenums.

In addition, an operable radon vent fan shall be installed and activated. The fan shall be located as specified in Section 1203.6.3.2.7. The fan shall be capable of providing at least 100 cfm at 1-inch water column static pressure. The fan shall be controlled by a readily accessible manual switch. The switch shall be labeled "RADON VENT FAN."

1203.6.3 Radon prescriptive requirements.

1203.6.3.1 Scope. This section applies to those counties specified in Section 1203.6.1.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R Occupancies, and for preparing the building for future mitigation if desired.

In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of Section 502.1.6.2 of the Washington State Energy Code, all joints between sheets shall be sealed.

1203.6.3.2 Floors in contact with the earth.

1203.6.3.2.1 General. Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

EXCEPTION: Concrete slabs located under garages or other than Group R Occupancies need not comply with this chapter.

1203.6.3.2.2 Aggregate. A layer of aggregate of 4-inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

1203.6.3.2.3 Gradation. Aggregate shall:

1. Comply with ASTM Standard C-33 Standard Specification for Concrete Aggregate and shall be size No. 8 or larger size aggregate as listed in Table 2, Grading Requirements for Course Aggregate; or

2. Meet the 1988 Washington State Department of Transportation Specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete," or any equivalent successor standards. Aggregate size shall be of Grade 8 or larger as listed in Section 9-03.1 (3) C, "Grading"; or

3. Be screened, washed pea gravel free of deleterious substances in a manner consistent with ASTM Standard C-33 with 100 percent passing a 1/2-inch sieve and less than 5 percent passing a No. 16 sieve. Sieve characteristics shall conform to those acceptable under ASTM Standard C-33.

EXCEPTION: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

1203.6.3.2.4 Soil-gas retarder membrane. A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least 6 mil, or equivalent flexible sheet material, shall be either placed directly under all concrete slabs so that the slab is in direct contact with the membrane, or on top of the aggregate with 2 inches minimum of fine sand or pea gravel installed between the concrete slab and membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least 12 inches. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed.

1203.6.3.2.5 Sealing of penetrations and joints. All penetrations and joints in concrete slabs or other floor systems and walls below grade shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

1203.6.3.2.6 Radon vent. One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or

by other approved equal method. The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of 5 feet of perforated drain pipe of 3 inches minimum diameter shall join to and extend from the "T." The perforated pipe shall remain in the aggregate area and shall not be capped at the ends. The "T" and its perforated pipe extensions shall be located at least 5 feet horizontally from the exterior perimeter of the aggregate area.

The continuous sealed pipe shall terminate no less than 12 inches above the eave, and more than 10 horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be labeled "radon vent." The label shall be placed so as to remain visible to an occupant.

The minimum pipe diameter shall be 3 inches unless otherwise approved. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The entire sealed pipe system shall be sloped to drain to the subslab aggregate.

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal envelope of the building in order to enhance passive stack venting.

- EXCEPTION: A fan for subslab depressurization system includes the following:
1. Soil-gas retarder membrane as specified in Section 1203.6.3.2.4;
 2. Sealing of penetrations and joints as specified in Section 1203.6.3.2.5;
 3. A 3-inch continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;
 4. Joints and connections shall be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;
 5. A label of "radon vent" shall be placed on the pipe so as to remain visible to an occupant;
 6. Fan circuit and wiring as specified in Section 1203.6.3.2.7 and a fan.

If the subslab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of 6 feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon reentrainment.

1203.6.3.2.7 Fan circuit and wiring and location. An area for location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A 110 volt power supply shall be provided at a junction box near the fan location.

1203.6.3.2.8 Separate aggregate areas. If the 4-inch aggregate area underneath the concrete slab is not continuous, but

is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

- EXCEPTION: Separate aggregate areas may be considered a single area if a minimum 3-inch diameter connection joining the separate areas is provided for every 30 feet of barrier separating those areas.

1203.6.3.2.9 Concrete block walls. Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

WAC 51-51-0408 Section R408—Under-floor space.

R408.1 Ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

- EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.

R408.2 Openings for under-floor ventilation. The minimum net area of ventilation openings shall not be less than 1 square foot (0.0929 m²) for each 300 square feet (28 m²) of under-floor area. Required openings shall be evenly placed to provide cross ventilation of the space except one side of the building shall be permitted to have no ventilation openings. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.
5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).

- EXCEPTION: The total area of ventilation openings shall be permitted to be reduced to 1/1,500 of the under-floor area where the ground surface is covered with an approved Class I vapor retarder material and the required openings are placed to provide cross ventilation of the space. The installation of operable louvers shall not be prohibited. If the installed ventilation is less than 1/300, or if operable louvers are installed, a radon vent shall be installed to

originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with the requirements of Appendix F (Radon) of this code.

R408.3 Unvented crawl space. Ventilation openings in under-floor spaces specified in Sections R408.1 and R408.2 shall not be required where:

1. Exposed earth is covered with a continuous Class I vapor retarder. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall; and a radon system shall be installed that meets the requirements of Appendix F (Radon) of this code.

2. Continuously operated mechanical exhaust ventilation is provided at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of crawlspace floor area. Exhaust ventilation shall terminate to the exterior.

EXCEPTION: Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.

WSR 14-24-057
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 25, 2014, 1:47 p.m., effective December 26, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 181-79A-030, 181-79A-221 and 181-79A-251, to address changes in renewal and professional growth plans, requirements for school psychologist certification and corrections to renewal related to national board certification.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-030, 181-79A-221, and 181-79A-251.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-20-092 on September 29, 2014.

Changes Other than Editing from Proposed to Adopted Version: Minor edits from public hearing to assure clarity.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2014.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 13-20-026, filed 9/23/13, effective 10/24/13)

WAC 181-79A-030 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 181-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended.

(4) "Certificate reinstatement" means the process whereby the validity of an expired certificate is regained.

(5) "Lapsed certificate" means a residency certificate that is subject to the timelines and renewal described under WAC 181-79A-251.

(6) "Expired certificate" means a teacher certificate that can only be reinstated under WAC 181-79A-251.

(7) "Classroom teaching" means instructing pupils in an instructional setting.

(8) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in chapter 181-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 181-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 181-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in chapter 181-82 WAC: Provided further, That a candidate who holds a baccalaureate degree in early childhood education, elementary education, or special education will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty quarter or twenty semester credit hours in one academic field in an approved endorsement area pursuant to WAC 181-82A-202.

(9) "Issues of abuse course work requirement" means completion of course work or an in-service program on issues

of abuse. The content shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention. Additionally, content areas identified by the legislature in RCW 28A.410.035 shall be required in the issues of abuse course, including exploitation of minors and suicide prevention.

(10) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

(11) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

(12) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

(13) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC 181-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

(14) "Professional growth team" for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and a minimum of ~~((three))~~ one colleague~~((s))~~, who holds a current educator certificate, chosen by the individual.

(15) "Professional growth plan."

(a) Teacher individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks as published by the professional educator standards board.

(b) Principal/program administrator individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks set forth in WAC 181-78A-540(1).

(c) ESA individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards and career level benchmarks set forth in WAC 181-78A-540(2).

(16) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(17) "Professional certificate support provider" means any organization or institution operating training or consulting services as a public entity or private company holding an appropriate business license.

(18) "Approved private school" means any organization of institution providing educational services to children including, but not limited to, approved private schools, state institutions, juvenile institutions, nonpublic agencies providing special education services, development centers, and bureau of Indian affairs schools.

AMENDATORY SECTION (Amending WSR 14-09-121, filed 4/23/14, effective 5/24/14)

WAC 181-79A-221 Academic and experience requirements for certification—School counselors and school psychologists. Candidates for school counselor and school psychologist certification shall complete the following requirements in addition to those set forth in WAC 181-79A-150 and 181-79A-226: Provided, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive examination required in such master's degree program. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC) or, in the case of school psychologists, hold the NCSP accreditation from the National Association of School Psychologists (NASP): Provided, That if any candidate has been awarded a master's degree without a comprehensive examination, the candidate, as a condition for certification, shall successfully complete the Praxis II exam in the appropriate role.

(1) School counselor.

(a) Residency.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall have successfully completed a comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II guidance and counseling examination.

(b) Continuing.

(i) The candidate shall hold a valid initial or residency school psychologist certificate, an approved master's degree with a major in counseling, and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved school psychologist program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the school psychologist performance domains included in WAC 181-78A-270 (5)(a);

(B) Be taken subsequent to the issuance of the initial or residency school psychologist certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved school psychologist preparation program.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

~~((iii) The candidates must demonstrate their respective knowledge and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.))~~

~~(c) Professional. ((The candidate shall have completed an approved professional certificate program, provided, that))~~ An individual who holds a school counseling certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirement for completion of a professional certificate program, in recognition that NBPTS certification is issued only to individuals who have demonstrated highly advanced skills as a school counselor.

(2) School psychologist.

(a) Residency.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II school psychology examination.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledge and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(c) Professional. The candidate shall have completed an approved professional certificate program: Provided, That an individual who holds an NCSP certificate issued by the National Association of School Psychologists (NASP) shall

be deemed to have met the requirement for completion of a professional certificate program, in recognition that NCSP certification is issued only to individuals who have demonstrated highly advanced skills as a school psychologist.

(3) Beginning with certificates first issued after July 1, 2015, continuing and/or professional certificates for school counselors and school psychologists include a requirement for suicide prevention training per RCW 28A.410.226.

AMENDATORY SECTION (Amending WSR 14-16-105, filed 8/6/14, effective 9/6/14)

WAC 181-79A-251 Residency and professional certification. Renewal and reinstatement.

(1) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, residency certificates have the following options for renewal past the first three-year certificate:

(A) Candidates who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(B) Candidates who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio or they will complete assessment for National Board for Professional Teaching Standards or they may permit their certificate to lapse until such time they register for the professional certificate assessment;

(C) Candidates whose three-year residency certificate has lapsed may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment(=

~~(D) Individuals who complete a National Board Certification assessment but do not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years))~~ or assessment for National Board for Professional Teaching Standards.

(ii) A residency certificate expires after the first renewal if the candidate has not registered for and submitted a portfolio assessment prior to June 30th of the expiration year, to achieve the professional certificate, provided: When the first two-year renewal on residency certificates expires, teachers have two renewal options:

(A) Teachers who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(B) Teachers who were unemployed or employed less than full-time during the first two-year renewal may permit their certificate to lapse and receive a second two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certification assessment.

(C) An individual who completes a National Board Certification assessment but does not earn National Board Certi-

fication, may use that completed assessment to renew the residency certificate for two years in lieu of submitting an affidavit to the certification office confirming that they will register and submit the Washington uniform assessment portfolio as per this section, WAC 181-79A-251.

(iii) Teachers who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than five years following the final residency expiration: Provided, That the teacher registers and passes the professional certification assessment within two years.

(iv) Teachers that hold a dated residency certificate prior to September 2011 that have expiration dates past September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(b) Principals/program administrators may renew their residency certificate in one of the following ways:

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who are not in the role of principal or program administrator may have their residency certificates renewed for an additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work from a regionally accredited institution of higher education or completion of one hundred fifty continuing education credit hours, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) School counselors and school psychologists may renew their residency certificate in one of the following ways:

~~(i) ((Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.~~

~~((ii))~~ Individuals who hold, or have held, a residency certificate who are not in the role of school counselor or school psychologist may have their residency certificates renewed for an additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work from a regionally accredited institution of higher education or completion of one hundred fifty continuing education hours, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

~~((iii))~~ (ii) An individual school psychologist who is applying for the National Certificate for School Psychologist (NCSP) may apply for a one-time two-year renewal with verification of NCSP submission. Individuals with expiring cer-

tificates in 2014, 2015, 2016, or 2017 may apply for a second two-year renewal with verification of NCSP submission.

~~((iv))~~ (iii) An individual school counselor who completes a national board certification from the National Board of Professional Teaching Standards (NBPTS) assessment but does not earn national board certification may use that completed assessment to renew the residency certificate one-time for two years.

~~((v))~~ (iv) School psychologists with residency certificates dated to expire June 30, 2013, 2014, ~~((v))~~ 2015, 2016, or 2017 may apply until June 30, 2016, for a ~~((one-time))~~ two-year extension. These individuals may apply for a second two-year extension until June 30, 2018.

(2) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing the professional growth plan as defined in WAC 181-79A-030. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours: Provided, That professional certificates issued under rules prior to September 1, 2014, retain the option of clock hours or professional growth plans for renewal. Beginning September 1, 2014, four professional growth plans developed annually during the period in which the certificate is valid in collaboration with the professional growth team as defined in WAC 181-79A-030 are required for renewal. The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-79A-207. Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours. An expired professional certificate issued under rules in effect prior to September 1, 2014, may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards:

(I) Effective instruction.

(II) Professional contributions.

(III) Professional development.

(B) One of the salary criteria specified in WAC 392-121-262.

(ii) Beginning September 1, 2014, continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on the integration of science, mathematics,

technology, and engineering instruction as per RCW 28A.410.2212. This renewal requirement applies to the following endorsement areas: Elementary education; early childhood education; middle level mathematics and science; secondary mathematics and science; the designated secondary sciences; technology; and career and technical education endorsements. Certificates being renewed starting in 2019 must demonstrate completion of at least fifteen continuing education credit hours, or at least one goal from an annual professional growth plan, with an emphasis on the integration of science, technology, engineering and mathematics. This requirement is for all professional teacher certificate holders regardless of date of issuance of the first professional certificate.

(iii) Individuals not in the role as a teacher in a public school or approved private school holding a professional teaching certificate may have their professional certificate renewed for a five-year period by the completion of:

(A) Fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-540; or

(B) One hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-79A-207; or

(C) Beginning September 1, 2014, four professional growth plans developed annually during the period in which the certificate is valid in collaboration with the professional growth team as defined in WAC 181-79A-030 are required for renewal. The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-79A-207. Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours; or

(D) Teachers addressed in this section are also subject to (a)(ii) of this subsection.

(iv) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five-year periods for individuals in the role as a principal, assistant principal or program administrator in a public school or approved private school by:

(A) Completion of four professional growth plans developed annually since the certificate was issued, in collaboration with ~~((a minimum of three certificated colleagues))~~ the professional growth team as defined in WAC 181-79A-030, that documents formalized learning opportunities and professional development activities that relate to the six standards

and "career level" benchmarks defined in WAC 181-78A-540(1). Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(B) Documented evidence of results of the professional growth plan on student learning.

(C) As per RCW 28A.405.278 beginning September 1, 2016, all professional administrator certificates must complete continuing education on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of professional administrator certificates including requiring knowledge and competencies in teacher and principal evaluation systems as an aspect of professional growth plans (PGPs) used for certificate renewal.

(ii) Individuals not in the role as a principal, assistant principal, or program administrator in a public school or approved private school may have their professional certificate renewed for a five-year period by the completion of:

(A) Fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-540(1) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-540(1); or

(C) Completion of four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours; or

(D) Principals, assistant principals, or program administrators addressed in this section are also subject to subsection (b)(i)(C) of this section.

(c) School counselors and school psychologists.

(i) For certificates issued under rules in effect prior to September 1, 2014, a valid professional certificate may be renewed for additional five-year periods by:

(A) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9); or

(B) Completion of four professional growth plans that are developed annually since the certificate was issued in col-

laboration with ~~((a minimum of three certified colleagues or supervisor))~~ the professional growth team as defined in WAC 181-79A-030, and that documents formalized learning opportunities and professional development activities that relate to the standards and career level benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours ~~(; or~~

~~(C) An expired professional certificate issued under rules in effect prior to September 1, 2014, may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application).~~

(ii) Beginning September 1, 2014, a valid professional certificate may be renewed for additional five-year periods for individuals in the role as a school counselor or school psychologist in a public school, approved private school, or in a state agency which provides educational services to students by completion of four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(iii) Individuals not in the role as a school counselor or school psychologist in a public school or approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-78A-540(2) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-540(2); or

(C) Completion of four annual professional growth plans developed since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(iv) Provided, That a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal

shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater; or

(v) Provided, That a school psychologist professional certificate may be renewed based on the possession of a valid national certified school psychology certificate issued by the national association of school psychologists at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the national certified school psychology certificate, whichever is greater.

(d) Provided, any educator holding a professional certificate in (a), (b), or (c) of this subsection, which requires completion of four PGPs in five years, may renew the professional certificate for one time only by completing one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC, or with completion of fifteen quarter credit hours related to job responsibilities, in lieu of completion of four professional growth plans as required by (a)(ii)(C), (b)(ii)(A), and (c)(ii) of this subsection. Individuals with valid certificates must show completion of the hours as described in this section since the professional certificate was issued. Individuals with an expired professional certificate must complete the hours as described in this section within the five years prior to the date of the renewal application. Provided, That this section is no longer in effect after June 30, 2020.

(e) For educators holding multiple certificates in (a), (b), or (c) of this subsection, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.

(f) The one time renewal option of using clock hours or credits in lieu of professional growth plans as required applies to any/all professional certificates an educator may hold, and is only available to the individual one time. This section is no longer in effect after June 30, 2020.

(g) After July 1, 2015, professional certificates for school counselors or psychologists, in addition to the requirements in this chapter, must attend training in suicide prevention as per RCW 28A.410.226 for renewal of their certificate.

WSR 14-24-058

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed November 25, 2014, 2:04 p.m., effective December 26, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adds new section to chapter 181-02 WAC addressing the state's transition to new content tests required in support of the adoption of common core state standards.

Citation of Existing Rules Affected by this Order: Amending chapter 181-02 WAC.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-19-009 on September 4, 2014.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252,

Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2014.

David Brenna
Senior Policy Analyst

NEW SECTION

WAC 181-02-003 WEST-E transition to other content area tests. The board will approve other content area tests either as alternatives or replacements. On the scheduled dates of board approval, tests previously approved that were taken before the scheduled changes will be accepted as meeting the requirements, including subsections that substantially meet the content area requirements as published.

WSR 14-24-059
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 25, 2014, 2:28 p.m., effective December 26, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 181-82A-206 and 181-82A-215 to provide clarity for the endorsement review process and upgrade the approval and renewal of endorsement competencies.

Citation of Existing Rules Affected by this Order: Amending WAC 181-82A-206 and 181-82A-215.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 14-19-017 on September 5, 2014.

Changes Other than Editing from Proposed to Adopted Version: Edits for clarity from public hearing.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2014.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 07-19-057, filed 9/14/07, effective 10/15/07)

WAC 181-82A-206 Endorsement program approval, reapproval, and review. (1) The professional educator standards board shall approve, reapprove, and review endorsement programs at ((Washington colleges and universities pursuant to the requirements of this chapter)) professional educator standards board-approved residency certificate teacher programs. Only ((colleges and universities)) institutions with professional educator standards board-approved residency certificate teacher preparation programs are eligible to apply for approval to offer endorsement programs.

(2) The professional educator standards board will ((establish performance/competency criteria for obtaining an endorsement. Revision in adopted endorsement competencies may occur only as approved by the professional educator standards board. Each college or university desiring to seek reapproval of an endorsement program for which the competencies have been revised and adopted by the professional educator standards board shall apply for approval per WAC 181-82A-215.

(a) ~~A narrative statement that describes changes to the endorsement program based on the revised competencies; and~~

(b) ~~A description of assessment strategies that will be used to assess candidates' capacity/performance related to the revised competencies.~~

(3) ~~The professional educator standards board shall reapprove programs, based upon revised competencies, for a length of time to coincide with the date of the next regularly scheduled site visit/program review.~~

(4) ~~The superintendent of public instruction will publish, and make available, competencies for all endorsement areas identified in chapter 181-82A WAC.~~

(5) ~~Each college or university desiring to establish a new endorsement program shall submit a proposal to the professional educator standards board that includes the following information:~~

(a) ~~Identification of strategies that will be used to assess candidates' capacity/performance related to the competencies;~~

(b) A description of evidences that candidates will provide to document their positive impact on student learning in the endorsement area; and

(c) A description of the assessment system by which candidate performance, relative to the competencies, will be aggregated, analyzed, and used for program improvement.

(6) The professional educator standards board shall approve new endorsement programs for a length of time to coincide with the date of the next regularly scheduled site visit/program review.

(7) The professional educator standards board shall determine the schedule and process for endorsement program reviews.

(a) Each institution shall submit endorsement programs for review when requested by the professional educator standards board to ensure that the endorsement programs meet the competencies and to provide assessment data relative to candidate performance.

(b) The professional educator standards board shall approve endorsement programs, based upon program review, for a maximum of five to seven years.)) publish competencies for all endorsement areas identified in chapter 181-82A WAC.

(3) The professional educator standards board shall determine and publish the schedule and process for endorsement program approval, reapproval, and review.

(a) Initial approval of a new endorsement program may be granted for a period of up to two years.

(b) Endorsement reapproval is required according to the posted schedule for when the endorsement competencies are updated. Reapproval of an endorsement program may be granted until the next endorsement program review, or for a period of up to one year with a written report. Once the program submits the written report, approval options are full approval until the next endorsement program review, or disapproval.

(c) Each institution shall submit endorsement programs for review when requested by the professional educator standards board to ensure that each endorsement program meets the competencies and to provide assessment data relative to candidate performance. Approval options are approval until the next endorsement review or at-risk of losing approval. The professional educator standards board has the option to disapprove endorsement programs that have been at-risk for two consecutive years.

(d) Disapproved endorsements programs may reapply for approval by following the endorsement approval process.

AMENDATORY SECTION (Amending WSR 07-19-057, filed 9/14/07, effective 10/15/07)

WAC 181-82A-215 Implementation policies. ((1) In order to maintain an endorsement for which revised competencies have been adopted by the professional educator standards board after January 1, 2007, each college or university shall seek reapproval per WAC 181-82A-206(2) according to the timeline adopted and published by the professional educator standards board.

(2) All individuals seeking to obtain endorsements after September 1, 2009, shall meet the requirements adopted by

the professional educator standards board after January 1, 2007. Prior to September 1, 2009, individuals shall meet endorsement and testing requirements identified on the timeline adopted and published by the professional educator standards board.

(3)) Teachers shall be required to obtain a minimum of one endorsement.

WSR 14-24-060

PERMANENT RULES

PROFESSIONAL EDUCATOR

STANDARDS BOARD

[Filed November 25, 2014, 2:37 p.m., effective December 26, 2014]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 181-85-075 to clarify the professional growth plan requirements for educators with a continuing certificate. Adds legislative requirement to integrate science, technology, engineering and math (RCW 28A.410-2212).

Citation of Existing Rules Affected by this Order: Amending WAC 181-85-075.

Statutory Authority for Adoption: Chapter 28A.410 RCW, RCW 28A.410.2212.

Adopted under notice filed as WSR 14-20-081 on September 29, 2014.

Changes Other than Editing from Proposed to Adopted Version: Edits language in response to public hearing and requirements for integration sections of science, technology, engineering and math.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2014.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 14-16-069, filed 7/31/14, effective 8/31/14)

WAC 181-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a continuing certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC 181-85-025 and 181-85-030, prior to the lapse date of the first issue of the continuing certificate and during each five-year period between subsequent lapse dates as calculated in WAC 181-85-100.

(2) Individuals holding a valid continuing certificate in subsection (1) of this section may choose to renew the certificate via annual professional growth plans developed since the certificate was issued. Completion of four annual professional growth plans during each five-year period between subsequent lapse dates meets the requirement for renewal. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred fifty hours to meet the requirements of subsection (1) of this section. The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-79A-207 for teachers, WAC 181-78A-540(1) for administrators, or WAC 181-78A-540(2) for educational staff associates. For educators holding multiple certificates in chapter 181-85 WAC or WAC 181-79A-251, a professional growth plan for teacher, administrator, or educational staff associate shall meet the requirement for all certificates held by an individual which is affected by this section. Each completed annual professional growth plan shall receive the equivalent of thirty continuing education credit hours.

Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal.

(3) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by this chapter.

(4) Each holder of a continuing school psychologist certificate affected by this chapter may present a copy of a valid National Certified School Psychologist certificate issued by the National Association of School Psychologists in lieu of the completion of the continuing education credit hours required by this chapter.

(5) Beginning September 1, 2014, continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on the integration of science, mathematics, technology, and/or engineering instruction as per RCW 28A.410.2212. This renewal requirement applies to the following endorsement areas: Elementary education; early childhood education; middle level mathematics and science; secondary mathematics; secondary science; the designated sciences; and career and technical education. Certificates being renewed starting in 2019 must demonstrate completion of at least fifteen continuing education credit hours, or at least

one goal from an annual professional growth plan with an emphasis on the integration of science, technology, engineering, and mathematics.

WSR 14-24-067

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 26, 2014, 9:38 a.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.

Purpose: The proposed rule change will suspend fee amounts for a preset period of time in an effort to maintain a balanced budget for the funeral and cemetery licensing programs: WAC 98-70-010 Fees and 308-48-800 Funeral director/embalmer fees.

Citation of Existing Rules Affected by this Order: Suspending WAC 98-70-010 Cemetery and 308-48-800 Funeral.

Statutory Authority for Adoption: RCW 68.05.205, 18.39.050.

Other Authority: RCW 43.24.086.

Adopted under notice filed as WSR 14-21-022 on October 3, 2014.

A final cost-benefit analysis is available by contacting Grace Hamilton, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, phone (360) 664-6652, e-mail ghamilton@dol.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 26, 2014.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-24-044, filed 11/24/10, effective 1/1/11)

WAC 98-70-010 Fees. ~~((The following fees shall be charged by the professional licensing division of the department of licensing.))~~ (1) Suspension of fees. Effective January 1, 2015, the listed fees shown in subsection (2) of this section are suspended and replaced with the following:

<u>Renewal Fees</u>	<u>Fee</u>
<u>Certificate of authority</u>	
<u>Renewal</u>	<u>\$5.58</u>

<u>Renewal Fees</u>	<u>Fee</u>	<u>Title of Fee</u>	<u>Fee</u>
<u>Charge per each interment, entombment and inurnment during preceding calendar year</u>		Application	\$70.00
		Renewal	\$35.00
<u>Crematory license/endorsement</u>		<u>AMENDATORY SECTION</u> (Amending WSR 10-24-046, filed 11/24/10, effective 1/1/11)	
<u>Renewal</u>	<u>\$7.20</u>		
<u>Crematory endorsement renewal</u>		WAC 308-48-800 Funeral director/embalmer fees. ((The following fees shall be charged by the professional licensing division of the department of licensing:)) (1) Suspension of fees. Effective January 1, 2015, the listed fees shown in subsection (2) of this section are suspended and replaced with the following:	
<u>Charge per cremation performed during previous calendar year:</u>			
<u>Charge per cremation</u>	<u>\$7.20</u>		
<u>Prearrangement sales license</u>		Title of Fee	Fee
<u>Renewal</u>	<u>\$205.00</u>	<u>Embalmer:</u>	
<u>Exemption from prearrangement sales license</u>		<u>Renewal</u>	<u>\$135.00</u>
<u>Renewal</u>	<u>\$32.00</u>	<u>Late renewal penalty</u>	<u>32.00</u>
<u>Cremated remains disposition permit or endorsement</u>		<u>Embalmer intern:</u>	
<u>Renewal</u>	<u>\$32.00</u>	<u>Intern renewal</u>	<u>90.00</u>
<u>The fees set forth in this section shall revert back to the fee amounts shown in this section on January 1, 2017.</u>		<u>Funeral director:</u>	
(2) Fees.		<u>Renewal</u>	<u>135.00</u>
Title of Fee	Fee	<u>Late renewal penalty</u>	<u>32.00</u>
<u>Certificate of authority</u>		<u>Funeral director intern:</u>	
<u>Application</u>	<u>\$300.00</u>	<u>Intern renewal</u>	<u>90.00</u>
<u>Renewal</u>	<u>\$6.20</u>	<u>Funeral establishment:</u>	
<u>Charge per each interment, entombment and inurnment during preceding calendar year</u>		<u>Renewal</u>	<u>295.00</u>
<u>Crematory license/endorsement</u>		<u>Branch renewal</u>	<u>295.00</u>
<u>Application</u>	<u>\$210.00</u>	<u>Preneed renewal</u>	<u>205.00</u>
<u>Renewal</u>	<u>\$8.00</u>	<u>Crematory endorsement renewal</u>	<u>7.20</u>
<u>Crematory endorsement renewal</u>		<u>Charge per cremation performed during previous calendar year:</u>	
<u>Charge per cremation performed during previous calendar year:</u>		<u>Charge per cremation</u>	<u>7.20</u>
<u>Charge per cremation performed before 1/1/2011.</u>	<u>\$6.50</u>	<u>Certificate of removal registration:</u>	
<u>Charge per cremation performed on or after 1/1/2011.</u>	<u>\$8.00</u>	<u>Renewal</u>	<u>14.00</u>
<u>Prearrangement sales license</u>		<u>The fees set forth in this section shall revert back to the fee amounts shown in this section on January 1, 2017.</u>	
<u>Application</u>	<u>\$250.00</u>	(2) Fees.	
<u>Renewal</u>	<u>\$225.00</u>	Title of Fee	Fee
<u>Exemption from prearrangement sales license</u>		<u>Embalmer:</u>	
<u>Application</u>	<u>\$70.00</u>	<u>State examination application</u>	<u>\$100.00</u>
<u>Renewal</u>	<u>\$35.00</u>	<u>Renewal</u>	<u>150.00</u>
<u>Cremated remains disposition permit or endorsement</u>		<u>Late renewal penalty</u>	<u>35.00</u>
		<u>Duplicate</u>	<u>25.00</u>
		<u>Embalmer intern:</u>	
		<u>Intern application</u>	<u>135.00</u>
		<u>Application for examination</u>	<u>100.00</u>

Title of Fee	Fee	Title of Fee	Fee
Intern renewal	100.00	Renewal	15.00
Duplicate	25.00	Retired status certificate	No fee
Funeral director:			
State examination application	100.00		
Renewal	150.00		
Late renewal penalty	35.00		
Duplicate	25.00		
Funeral director intern:			
Intern application	135.00		
Application for examination	100.00		
Intern renewal	100.00		
Duplicate	25.00		
Funeral establishment:			
Original application	400.00		
Renewal	325.00		
Branch registration	350.00		
Branch renewal	325.00		
Preneed application	250.00		
Preneed renewal:	225.00		
Crematory endorsement registration	210.00		
Crematory endorsement renewal	8.00		
Charge per cremation performed during previous calendar year:			
Charge per cremation performed before 1/1/2011.	6.50		
Charge per cremation performed on or after 1/1/2011.	8.00		
Academic intern	No fee		
Certificate of removal registration:			
Application	30.00		

WSR 14-24-070
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed November 26, 2014, 11:43 a.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.
 Purpose: To increase working connections and seasonal child care subsidy program base rates as provided under the 2014 supplemental budget, chapter 221, Laws of 2014.
 Citation of Existing Rules Affected by this Order: Amending WAC 170-290-0200, 170-290-0205, and 170-290-0240.
 Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070; chapter 43.215 RCW.
 Adopted under notice filed as WSR 14-21-150 on October 21, 2014.
 Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.
 Date Adopted: November 26, 2014.

Elizabeth M. Hyde
 Director

AMENDATORY SECTION (Amending WSR 14-20-088, filed 9/29/14, effective 10/30/14)

WAC 170-290-0200 Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified child care center or DEL contracted seasonal day camp:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	\$((30.26))	\$((25.45))	\$((24.04))	\$((22.64))
	Half-Day	<u>31.47</u>	<u>26.47</u>	<u>25.00</u>	<u>23.55</u>
		\$((15.13))	\$((12.73))	\$((12.02))	\$((11.32))
		<u>15.74</u>	<u>13.24</u>	<u>12.50</u>	<u>11.78</u>

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Spokane County	Full-Day	\$((30.95))	\$((26.03))	\$((24.60))	\$((23.16))
	Half-Day	<u>32.19</u>	<u>27.07</u>	<u>25.58</u>	<u>24.09</u>
Region 2	Full-Day	\$((30.57))	\$((25.51))	\$((23.66))	\$((20.92))
	Half-Day	<u>31.79</u>	<u>26.53</u>	<u>24.61</u>	<u>21.76</u>
Region 3	Full-Day	\$((40.45))	\$((33.73))	\$((29.13))	\$((28.29))
	Half-Day	<u>42.07</u>	<u>35.08</u>	<u>30.30</u>	<u>29.42</u>
Region 4	Full-Day	\$((47.08))	\$((39.31))	\$((32.98))	\$((29.70))
	Half-Day	<u>48.96</u>	<u>40.88</u>	<u>34.30</u>	<u>30.89</u>
Region 5	Full-Day	\$((34.52))	\$((29.70))	\$((26.15))	\$((23.21))
	Half-Day	<u>35.90</u>	<u>30.89</u>	<u>27.20</u>	<u>24.14</u>
Region 6	Full-Day	\$((33.94))	\$((29.13))	\$((25.45))	\$((24.89))
	Half-Day	<u>35.30</u>	<u>30.30</u>	<u>26.47</u>	<u>25.89</u>
		\$((16.97))	\$((14.57))	\$((12.73))	\$((12.45))
		<u>17.65</u>	<u>15.15</u>	<u>13.24</u>	<u>12.95</u>

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC 170-295-0010 allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licensor to provide care for a child outside the age listed on the center's license. If the provider has an exception to care for a child who has reached his or her thirteenth birthday, the payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

AMENDATORY SECTION (Amending WSR 14-20-088, filed 9/29/14, effective 10/30/14)

WAC 170-290-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified family home child care provider:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kin- dergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	\$((25.77))	\$((25.77))	\$((22.40))	\$((22.40))	\$((19.93))
	Half-Day	<u>26.80</u>	<u>26.80</u>	<u>23.30</u>	<u>23.30</u>	<u>20.73</u>
		\$((12.89))	\$((12.89))	\$((11.20))	\$((11.20))	\$((9.97))
		<u>13.40</u>	<u>13.40</u>	<u>11.65</u>	<u>11.65</u>	<u>10.37</u>

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kin- dergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Spokane County	Full-Day	\$((26.35))	\$((26.35))	\$((22.91))	\$((22.91))	\$((20.37))
	Half-Day	<u>27.40</u>	<u>27.40</u>	<u>23.83</u>	<u>23.83</u>	<u>21.18</u>
Region 2	Full-Day	\$((13.18))	\$((13.18))	\$((11.46))	\$((11.46))	\$((10.19))
	Half-Day	<u>13.70</u>	<u>13.70</u>	<u>11.92</u>	<u>11.92</u>	<u>10.59</u>
Region 3	Full-Day	\$((27.21))	\$((27.21))	\$((23.66))	\$((21.16))	\$((21.16))
	Half-Day	<u>28.30</u>	<u>28.30</u>	<u>24.61</u>	<u>22.01</u>	<u>22.01</u>
Region 4	Full-Day	\$((13.61))	\$((13.61))	\$((11.83))	\$((10.58))	\$((10.58))
	Half-Day	<u>14.15</u>	<u>14.15</u>	<u>12.31</u>	<u>11.01</u>	<u>11.01</u>
Region 5	Full-Day	\$((36.10))	\$((36.10))	\$((31.12))	\$((27.38))	\$((24.89))
	Half-Day	<u>37.54</u>	<u>37.54</u>	<u>32.36</u>	<u>28.48</u>	<u>25.89</u>
Region 6	Full-Day	\$((18.05))	\$((18.05))	\$((15.56))	\$((13.69))	\$((12.45))
	Half-Day	<u>18.77</u>	<u>18.77</u>	<u>16.18</u>	<u>14.24</u>	<u>12.95</u>
Region 7	Full-Day	\$((42.47))	\$((42.47))	\$((36.93))	\$((31.12))	\$((29.87))
	Half-Day	<u>44.17</u>	<u>44.17</u>	<u>38.41</u>	<u>32.36</u>	<u>31.06</u>
Region 8	Full-Day	\$((21.24))	\$((21.24))	\$((18.47))	\$((15.56))	\$((14.94))
	Half-Day	<u>22.09</u>	<u>22.09</u>	<u>19.21</u>	<u>16.18</u>	<u>15.53</u>
Region 9	Full-Day	\$((28.63))	\$((28.63))	\$((24.89))	\$((23.66))	\$((21.16))
	Half-Day	<u>29.78</u>	<u>29.78</u>	<u>25.89</u>	<u>24.61</u>	<u>22.01</u>
Region 10	Full-Day	\$((14.32))	\$((14.32))	\$((12.45))	\$((11.83))	\$((10.58))
	Half-Day	<u>14.89</u>	<u>14.89</u>	<u>12.95</u>	<u>12.31</u>	<u>11.01</u>
Region 11	Full-Day	\$((28.63))	\$((28.63))	\$((24.89))	\$((24.89))	\$((23.66))
	Half-Day	<u>29.78</u>	<u>29.78</u>	<u>25.89</u>	<u>25.89</u>	<u>24.61</u>
Region 12	Full-Day	\$((14.32))	\$((14.32))	\$((12.45))	\$((12.45))	\$((11.83))
	Half-Day	<u>14.89</u>	<u>14.89</u>	<u>12.95</u>	<u>12.95</u>	<u>12.31</u>

(2) The family home child care WAC 170-296A-0010 and 170-296A-5550 allows providers to care for children from birth up to and including the day before their thirteenth birthday.

(3) If the family home provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

(4) DSHS pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five through twelve year age range column for comparisons.

(5) DSHS cannot pay family home child care providers to provide care for children in their care if the provider is:

- (a) The child's biological, adoptive or step-parent;
- (b) The child's legal guardian or the guardian's spouse or live-in partner; or
- (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 14-20-088, filed 9/29/14, effective 10/30/14)

WAC 170-290-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When a consumer employs an in-home/relative provider, DSHS pays the lesser

of the following to an eligible in-home/relative provider for child care:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy rate of two dollars and ~~((thirty-three))~~ forty-two cents per hour for the child who needs the greatest number of hours of care and two dollars and ~~((thirty))~~ thirty-nine cents per hour for the care of each additional child in the family.

(2) DSHS may pay above the maximum hourly rate for children who have special needs under WAC 170-290-0235.

(3) DSHS makes the WCCC payment directly to a consumer's eligible provider.

(4) When applicable, DSHS pays the employer's share of the following:

- (a) Social Security and medicare taxes (FICA) up to the wage limit;
- (b) Federal Unemployment Taxes (FUTA); and
- (c) State unemployment taxes (SUTA).

(5) If an in-home/relative provider receives less than the wage base limit per family in a calendar year, DSHS refunds all withheld taxes to the provider.

WSR 14-24-072
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed November 26, 2014, 1:46 p.m., effective January 1, 2015]

Effective Date of Rule: January 1, 2015.

Purpose: The department is amending by permanent adoption WAC 388-478-0015 Need standards for cash assistance. This rule filing is required by state law, RCW 74.04.770 which states the department must establish consolidated standards of need each year.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Other Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Adopted under notice filed as WSR 14-20-109 on September 30, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 25, 2014.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-24-041, filed 11/26/13, effective 1/1/14)

WAC 388-478-0015 Need standards for cash assistance. The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$ ((1,189)) <u>1,254</u>
2	((1,504)) <u>1,587</u>
3	((1,857)) <u>1,959</u>
4	((2,194)) <u>2,312</u>
5	((2,526)) <u>2,664</u>
6	((2,860)) <u>3,017</u>
7	((3,305)) <u>3,487</u>

Assistance Unit Size	Need Standard
8	((3,658)) <u>3,859</u>
9	((4,011)) <u>4,231</u>
10 or more	((4,364)) <u>4,604</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$ ((609)) <u>632</u>
2	((770)) <u>799</u>
3	((951)) <u>987</u>
4	((1,122)) <u>1,165</u>
5	((1,293)) <u>1,342</u>
6	((1,465)) <u>1,520</u>
7	((1,693)) <u>1,757</u>
8	((1,873)) <u>1,944</u>
9	((2,054)) <u>2,132</u>
10 or more	((2,235)) <u>2,319</u>

WSR 14-24-083
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Washington Apple Health)

[Filed December 1, 2014, 10:08 a.m., effective January 1, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In response to a court-approved settlement agreement, the agency is adopting chapter 182-531A WAC concerning coverage for applied behavioral analysis (ABA) services for children with autism spectrum disorders. The new rules address prior authorization for services, evaluating and prescribing provider requirements, ABA provider requirements, payment, and related issues.

Chapter 182-531A WAC will enact on a permanent basis the emergency rules filed as WAC 182-531-1410, 182-531-1412, 182-531-1414, 182-531-1416, 182-531-1418, 182-531-1420, 182-531-1422, 182-531-1424, 182-531-1426, 182-531-1428, 182-531-1430, 182-531-1432, 182-531-1434, and 182-531-1436 that were published as WSR 14-18-010.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 14-19-117 on September 17, 2014.

Changes Other than Editing from Proposed to Adopted Version:

Citation	Change
182-531A-0200	Autism spectrum disorder (ASD) diagnostic tool - A condition, as defined by the most current Diagnostic and Statistical Manual of Mental Disorders (DSM) criteria.

Citation	Change
	<p><u>Client or Child – For the purposes of this chapter, client or child means a person younger than twenty-one years of age and enrolled in Washington apple health.</u></p> <p>Qualifying diagnosis - A diagnosis of an ASD, as defined by the most current DSM₂ version or other developmental disability for which there is evidence ABA is effective.</p>
182-531A-0400 (1)(b)	(b) Establishes that the client's <u>impairment, delay, or</u> behaviors adversely affect development or communication, or both, such that:
182-531A-0500 (2)(c)(i)	(i) Less intrusive or less intensive behavioral interventions have been tried and were not successful; and or
182-531A-0600 (4)(b)	(b) Run for three or <u>Be applicable to the services to be rendered over the next six months, based on the LBAT's judgement judgement, and correlate with the COE's current diagnostic evaluation (see WAC 482-531-1418 182-531A-0500(2));</u>
182-531A-0800 (2)(a)(i)(A)(I)	(I) Licensed by the department of health (DOH) to practice independently as a physician, psychologist, or licensed mental health practitioner under Title 18 RCW or credentialed as a certified counselor or certified counselor advisor under Title 18 RCW , in good standing with no license restrictions; or
182-531A-1000	The medicaid agency does not cover the following services <u>under the ABA program</u> including, but not limited to:
182-531A-1100 (2) 182-531A-1100 (5)(b)(v)	(2) Requirements for PA requests are described in WAC 482-531-1422 <u>182-531A-0700</u> .

Citation	Change
	(v) Apply training as directed by the therapy assistant or LBAT. Absences that are reasonably justified (e.g., illness) are not considered part of the a pattern.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 12, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 12, Amended 0, Repealed 0.

Date Adopted: December 1, 2014.

Kevin M. Sullivan
Rules Coordinator

Chapter 182-531A WAC

APPLIED BEHAVIOR ANALYSIS

NEW SECTION

WAC 182-531A-0100 Applied behavior analysis (ABA)—Purpose. Applied behavior analysis (ABA) assists children and their families to improve the core symptoms associated with autism spectrum disorders or other developmental disabilities for which there is evidence ABA is effective, per WAC 182-501-0165. ABA services support learning, skill development, and assistance in any of the following areas or domains: Social, behavior, adaptive, motor, vocational, or cognitive.

NEW SECTION

WAC 182-531A-0200 Applied behavior analysis (ABA)—Definitions. The following definitions and those found in chapter 182-500 WAC, medical definitions, and chapter 182-531 WAC, physician-related services, apply throughout this chapter.

Applied behavior analysis or ABA – Applied behavior analysis (ABA) is an empirically validated approach to improve behavior and skills related to core impairments associated with autism and a number of other developmental disabilities. ABA involves the systematic application of scientifically validated principles of human behavior to change inappropriate behaviors. ABA uses scientific methods to reliably demonstrate that behavioral improvements are caused by the prescribed interventions. ABA's focus on social significance

promotes a family-centered and whole-life approach to intervention. Common methods used include: Assessment of behavior, caregiver interviews, direct observation, and collection of data on targeted behaviors. A single-case design is used to demonstrate the relationship between the environment and behavior as a means to implement client-specific ABA therapy treatment plans with specific goals and promote lasting change. ABA also includes the implementation of a functional behavior assessment to identify environmental variables that maintain challenging behavior and allow for more effective interventions to be developed that reduce challenging behaviors and teach appropriate replacement behaviors.

Autism spectrum disorder (ASD) - A condition, as defined by *Diagnostic and Statistical Manual of Mental Disorders* (DSM) criteria.

Autism spectrum disorder (ASD) diagnostic tool - A validated tool used to establish the presence (or absence) of autism and to make a definitive diagnosis which will be the basis for treatment decisions and assist in the development of a multidisciplinary clinical treatment plan. Examples of autism diagnostic tools include:

- (a) Autism Diagnosis Interview (ADI); and
- (b) Autism Diagnostic Observation Schedule (ADOS).

Autism spectrum disorder (ASD) screening tool - A tool used to detect ASD indicators or risk factors which then require confirmation. Examples of screening tools include, but are not limited to:

- (a) Ages and Stages Questionnaire (ASQ);
- (b) Communication and Symbolic Behavior Scales (CSBS);
- (c) Parent's Evaluation and Developmental Status (PEDS);
- (d) Modified Checklist for Autism in Toddlers (MCHAT); and
- (e) Screening Tools for Autism in Toddlers and young children (STAT).

Centers of excellence (COE) - A hospital, medical center, or other health care provider that establishes or confirms the diagnosis of an autism spectrum disorder and develops the multidisciplinary clinical treatment plan and that has been designated by the agency as a center of excellence.

Client or child - For the purposes of this chapter, client or child means a person younger than twenty-one years of age and enrolled in Washington apple health (WAH).

Family member - A child's parent, guardian, caregiver, or other support person.

Qualifying diagnosis - A diagnosis of an ASD, as defined by the DSM, or other developmental disability for which there is evidence ABA is effective.

NEW SECTION

WAC 182-531A-0300 Applied behavior analysis (ABA)—Threshold requirements. The medicaid agency pays for ABA services when the services are:

- (1) Covered;
- (2) Medically necessary;
- (3) Within the scope of the eligible client's medical care program;

(4) Provided to clients who meet the criteria in WAC 182-531A-0400;

(5) Within currently accepted standards of evidence-based medical practice;

(6) Not replicative of ABA services paid for by other state agencies using medicaid funds;

(7) Completed in the stages described in this chapter;

(8) Provided by qualified health care professionals, as described in this chapter;

(9) Authorized, as required within this chapter, chapters 182-501 and 182-502 WAC, and the agency's *Applied Behavior Analysis Provider Guide*; and

(10) Billed according to this chapter, chapters 182-501 and 182-502 WAC, and the agency's *Applied Behavior Analysis Provider Guide*.

NEW SECTION

WAC 182-531A-0400 Applied behavior analysis (ABA)—Client eligibility. To be eligible for applied behavior analysis (ABA) services, a client must:

- (1) Be under twenty-one years of age;
- (2) Be covered under Washington apple health (WAH);
- (3) Provide documentation created by a clinician that:

(a) Establishes the presence of functional impairment; delay in communication, behavior, or social interaction; or repetitive or stereotyped behavior;

(b) Establishes that the client's impairment, delay, or behaviors adversely affect development or communication, or both, such that:

(i) The client cannot adequately participate in home, school, or community activities because the behavior or skill deficit interferes with these activities; or

(ii) The child's behavior endangers the child or another, or impedes access to home and community activities available to other children of the same age; and

(c) An agency-recognized center of excellence (COE) has confirmed that:

(i) The child meets all requirements in (a) and (b) of this subsection;

(ii) The child has a qualifying diagnosis;

(iii) There is a reasonable calculation the requested services will result in measurable improvement in either the client's behavior, skills, or both; and

(iv) Either:

(A) Less intrusive or less intensive behavioral interventions have been tried and have not been successful; or

(B) No equally effective and substantially less costly alternative is available for reducing interfering behaviors, increasing prosocial skills and behaviors, or maintaining desired behaviors.

NEW SECTION

WAC 182-531A-0500 Applied behavior analysis (ABA)—Stage one: COE evaluation and order. (1) Any person may refer a client suspected of meeting the criteria in WAC 182-531A-0400 to a center of excellence (COE) for an evaluation.

(2) The COE must complete a comprehensive diagnostic evaluation and create a multidisciplinary clinical treatment plan that includes:

(a) Documentation showing how the diagnosis was made or confirmed by a COE physician or psychologist that includes:

(i) Results of formal diagnostic procedures performed by a clinician, including name of measure, dates, and results, as available; or

(ii) Clinical findings and observations used to confirm the diagnosis;

(b) Documentation showing that the client's behaviors or skill deficits adversely affect on development or communication, or demonstrating injurious behavior, such that:

(i) The client cannot adequately participate in home, school, or community activities because behavior or skill deficit interferes with these activities; or

(ii) The client presents a safety risk to self or others;

(c) Documentation showing that, if applied behavior analysis (ABA) is included in the multidisciplinary clinical treatment plan:

(i) Less intrusive or less intensive behavioral interventions have been tried and were not successful; or

(ii) There is no equally effective alternative available for reducing interfering behaviors, increasing prosocial behaviors, or maintaining desired behaviors;

(d) Recommendations that address all of the child's health care needs;

(e) A statement that the evaluating and prescribing provider believes that there is a reasonable calculation that the requested ABA services will result in measurable improvement in the client's behavior or skills; and

(f) An order for ABA services. If ordered, a copy of the COE's comprehensive diagnostic evaluation and multidisciplinary clinical treatment plan must be forwarded to the ABA provider selected by the child's guardian under this chapter or provided to the child's guardian to forward to the selected ABA provider.

(3) The COE must also include the following items, if it possesses a copy:

(a) Results of routine developmental screening performed by the child's primary care provider at well child visits;

(b) Audiology and vision assessment results, or documentation that vision and hearing were determined to be within normal limits during assessment and not a barrier to completing a valid evaluation;

(c) The name of the completed autism screening questionnaire, including date completed and significant results;

(d) Documentation of a formal cognitive or developmental assessment performed by the COE or another qualified clinician, including name of measure, dates, results, and standardized scores providing verbal, nonverbal, and full-scale scores; and

(e) Documentation of a formal adaptive behavior assessment performed by the COE or another qualified clinician, including name of measure, dates, results, and standardized scores providing scores of each domain.

NEW SECTION

WAC 182-531A-0600 Applied behavior analysis (ABA)—Stage two: Functional assessment and treatment plan development.

(1) If the center of excellence's (COE's) evaluating and prescribing provider has ordered applied behavior analysis (ABA) services, the client may begin stage two - ABA assessment, functional analysis, and ABA therapy treatment plan development.

(2) Prior to implementing the ABA therapy treatment plan, the ABA provider must receive prior authorization from the agency. The prior authorization request, including the assessment and ABA therapy treatment plan, must be received by the agency within sixty days of the family scheduling the functional assessment.

(3) The child's legal guardian selects the ABA provider and the setting in which services will be rendered. ABA services may be rendered in one of the following settings:

(a) Day services program, which mean an agency-approved, outpatient facility or clinic-based program that:

(i) Employs or contracts with a lead behavior analysis therapist (LBAT), therapy assistant, speech therapist, and if clinically indicated, an occupational therapist, physical therapist, psychologist, medical clinician, and dietitian;

(ii) Provides multidisciplinary services in a short-term day treatment program setting;

(iii) Delivers comprehensive intensive services;

(iv) Embeds early, intensive behavioral interventions in a developmentally appropriate context;

(v) Provides an individualized developmentally appropriate ABA therapy treatment plan for each child; and

(vi) Includes family support and training.

(b) Community-based program, which means a program that provides services in a natural setting, such as a school, home, office, or clinic. A community-based program:

(i) May be used after discharge from a day services program (see subsection (3)(a) of this section);

(ii) Provides a developmentally appropriate ABA therapy treatment plan for each child;

(iii) Provides ABA services in the home (wherever the child resides), office, clinic, or community setting, as required to accomplish the goals in the ABA therapy treatment plan. Examples of community settings are: A park, restaurant, child care, early childhood education, or school and must be included in the ABA therapy treatment plan with services being provided by the enrolled LBAT or therapy assistant approved to provide services via authorization;

(iv) Requires recertification of medical necessity through continued authorization; and

(v) Includes family education, support, and training.

(4) An assessment, as described in this chapter, must be conducted and an ABA therapy treatment plan developed by an LBAT in the setting chosen by the child's legal guardian. The ABA therapy treatment plan must follow the agency's ABA therapy treatment plan report template and:

(a) Be signed by the LBAT responsible for the plan development and oversight;

(b) Be applicable to the services to be rendered over the next six months, based on the LBAT's judgment, and correlate with the COE's current diagnostic evaluation (see WAC 182-531A-0500(2));

(c) Address each behavior, skill deficit, and symptom that prevents the child from adequately participating in home, school, community activities, or that presents a safety risk to the child or others;

(d) Be individualized;

(e) Be client-centered, family-focused, community-based, culturally competent, and minimally intrusive;

(f) Take into account all school or other community resources available to the client, confirm that the requested services are not redundant, but are in coordination with, other services already being provided or otherwise available, and coordinate services (e.g., from school and special education or from early intervention programs and early intervention providers) with other interventions and treatments (e.g., speech therapy, occupational therapy, physical therapy, family counseling, and medication management);

(g) Focus on family engagement and training;

(h) Identify and describe in detail the targeted behaviors and symptoms;

(i) Include objective, baseline measurement levels for each target behavior/symptom in terms of frequency, intensity, and duration, including use of curriculum-based measures, single-case studies, or other generally accepted assessment tools;

(j) Include a comprehensive description of treatment interventions, or type of treatment interventions, and techniques specific to each of the targeted behaviors/symptoms, (e.g., discrete trial training, reinforcement, picture exchange, communication systems) including documentation of the number of service hours, in terms of frequency and duration, for each intervention;

(k) Establish treatment goals and objective measures of progress for each intervention specified to be accomplished in the three- to six-month treatment period;

(l) Incorporate strategies for generalized learning skills;

(m) Integrate family education, goals, training, support services, and modeling and coaching family/child interaction;

(n) Incorporate strategies for coordinating treatment with school-based special education programs and community-based early intervention programs, and plan for transition through a continuum of treatments, services, and settings; and

(o) Include measurable discharge criteria and a discharge plan.

NEW SECTION

WAC 182-531A-0700 Applied behavior analysis (ABA)—Stage three: Delivery of ABA services. (1) Applied behavioral analysis must be prior authorized (PA) before delivery. To request PA, submit the following documents to the agency:

(a) The comprehensive diagnostic evaluation and multidisciplinary clinical treatment plan completed by the center of excellence (COE) described in this chapter;

(b) The ABA assessment and ABA therapy treatment plan described in this chapter; and

(c) Other documents required as described in the agency's ABA provider guide.

(2) After the services are prior authorized, the ABA therapy treatment plan is implemented by the lead behavior analysis therapist (LBAT) or a therapy assistant in conjunction with other care team members. The LBAT is responsible for communicating and collaborating with other care team members to ensure consistency in approaches to achieve treatment goals.

(3) If services are rendered by a therapy assistant, the therapy assistant must:

(a) Assess the client's response to techniques and report that response to the LBAT;

(b) Provide direct on-site services in the client's natural setting found in the home, office, clinic, or community, or in the day services program;

(c) Be supervised directly by an LBAT for a minimum of five percent of total direct care per week (e.g., one hour per twenty hours of care);

(d) Consult the LBAT when considering modification to technique, when barriers and challenges occur that prohibit implementation of plan, and as otherwise clinically indicated (see WAC 182-531-1426 for appropriate procedures and physical interventions and WAC 182-531-1428 for prohibited procedures and physical interventions);

(e) Ensure family involvement through modeling, coaching, and training to support generalization and maintenance of achieved behaviors;

(f) Keep documentation of each visit with the client and family to include targeted behavior, interventions, response, modifications in techniques, and a plan for the next visit, along with behavior tracking sheets that record and graph data collected for each visit; and

(g) Maintain documentation of family's confirmation that the visit occurred, recording signature, and date.

NEW SECTION

WAC 182-531A-0800 Applied behavior analysis (ABA)—Provider requirements. (1) **Stage one.** The center of excellence's (COE's) evaluating and prescribing providers must function as a multidisciplinary team whether facility-based or practitioner-based.

(a) The qualifications for a COE are:

(i) The entity or individual employs:

(A) A person or persons licensed under Title 18 RCW who is experienced in the diagnosis and treatment of autism spectrum disorders and has a specialty in one of the following:

(I) Neurology;

(II) Pediatric neurology;

(III) Developmental pediatrics;

(IV) Psychology;

(V) Pediatric psychiatry; or

(VI) Psychiatry; or

(B) A licensed midlevel practitioner (i.e., advanced registered nurse practitioner (ARNP) or physician assistant (PA)) who has been trained by and works under the tutelage of one of the specialists in (a)(i)(A) of this subsection and meets the qualifications in (a)(ii) of this subsection; or

(C) Another qualified medical provider who meets qualifications in (a)(ii) of this subsection and who has been designated as a center of excellence by the agency.

(ii) The entity or individual has been prequalified by the agency as meeting or employing persons meeting the following criteria:

(A) Physicians and psychologists must have demonstrated expertise to diagnose an autism spectrum disorder using a validated diagnostic tool or confirm the diagnosis by observing the client's behavior, interviewing family members, or reviewing the documentation available from the client's primary care provider, the child's individualized education plan (IEP), or individualized family service plan (IFSP); or

(B) Have sufficient experience in or knowledge of the medically necessary use of applied behavior analysis (ABA);

(C) Are sufficiently qualified to conduct and document a comprehensive diagnostic evaluation, and to develop a multidisciplinary clinical treatment plan as described in WAC 182-531-1418(2); and

(iii) The entity or individual is enrolled with the agency or the client's MCO, unless the client has third-party insurance.

(b) Examples of providers who can qualify and be paid for these services as a designated COE are:

- (i) Multidisciplinary clinics;
- (ii) Individual qualified provider offices; and
- (iii) Neurodevelopmental centers.

(2) All ABA providers must meet the specified minimum qualifications and comply with applicable state laws.

(a) Lead behavior analysis therapist (LBAT).

(i) Requirements.

(A) The LBAT must be:

(I) Licensed by the department of health (DOH) to practice independently as a physician, psychologist, or licensed mental health practitioner under Title 18 RCW, or credentialed as a certified counselor or certified counselor advisor under Title 18 RCW, in good standing with no license restrictions; or

(II) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DOH as a hospital, a residential treatment facility, or an in-home services agency and be licensed by DOH to practice independently as a physician, psychologist, licensed mental health practitioner, or credentialed as a counselor, under Title 18 RCW in good standing with no license restrictions; or

(III) Employed or contracted with an agency that is enrolled as a participating provider and licensed by the department of social and health services' division of behavioral health and recovery (DBHR) with certification to provide ABA services, and be able to meet the staff requirements specified in chapter 388-877A WAC.

(B) The LBAT must:

(I) Enroll as a servicing provider and be authorized to supervise ancillary providers; and

(II) Be a board-certified behavior analyst (BCBA) with proof of board certification through the Behavior Analysis Certification Board; or

(III) Have two hundred twenty-five hours of course work related to behavior analysis and either: Seven hundred fifty

hours of supervision under a BCBA, or two years of practical experience designing and implementing comprehensive ABA therapy treatment plans. (a)(i)(B)(III) of this subsection is retroactive to January 1, 2013.

(ii) Role. The LBAT must:

(A) Develop and maintain an ABA therapy treatment plan that is comprehensive, incorporating treatment being provided by other health care professionals, and that states how all treatment will be coordinated, as applicable; and

(B) Supervise a minimum of five percent of the total direct care provided by the therapy assistant per week (e.g., one hour per twenty hours of care).

(b) Therapy assistant. Requirements.

(i) Therapy assistants must be:

(A) Able to practice independently by being licensed by DOH as a licensed mental health practitioner or credentialed as a counselor under Title 18 RCW in good standing with no license restrictions; or

(B) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DOH as a hospital, a residential treatment facility, or an in-home services agency with a home health service category to provide ABA services, and be able to practice independently by being licensed by DOH as a licensed mental health practitioner or credentialed as a counselor under Title 18 RCW in good standing with no license restrictions; or

(C) Employed by or contracted with an agency that is enrolled as a participating provider and licensed by DBHR as a community mental health agency with certification to provide ABA services, and be able to meet the staff requirements specified in chapter 388-877A WAC;

(ii) The therapy assistant must:

(A) Have sixty hours of ABA training that includes applicable ABA principles and techniques, services, and caring for a child with core symptoms of autism; and

(B) Have a written letter of attestation signed by the lead LBAT that the therapy assistant has demonstrated competency in implementing ABA therapy treatment plans and delivering ABA services prior to providing services without supervision to covered clients; and

(C) Enroll as a performing/servicing provider.

(iii) Role. The therapy assistant must:

(A) Deliver services according to the ABA therapy treatment plan; and

(B) Be supervised by an LBAT who meets the requirements in (a)(i) of this subsection; and

(C) Review the client's progress with the LBAT at least every two weeks to confirm that the ABA therapy treatment plan still meets the child's needs. If changes are clinically indicated, they must be made by the LBAT.

(c) Licensure for facility-based day program setting. This applies to the model described in WAC 182-531-1420 (2)(a). Outpatient hospital facilities providing these services must meet the applicable DOH licensure requirements. A clinic or nonhospital-based facility providing these services must be licensed as a community mental health agency by DBHR, as described in chapter 388-877A WAC. A provider rendering direct ABA services must meet the qualifications and applicable licensure or certification requirements as described in this subsection, as applicable. Other providers

-serving as members of the multidisciplinary care team must be licensed or certified under Title 18 RCW, as required.

NEW SECTION

WAC 182-531A-0900 Applied behavior analysis (ABA)—Covered services. (1) The medicaid agency covers only the following ABA services delivered in settings described in stage two, as noted in WAC 182-531-1420 (1) and (2), for eligible clients:

- (a) The ABA assessments to determine the relationship between environmental events and behaviors;
 - (b) The direct provision of ABA services by the therapy assistant or lead behavior analysis therapist (LBAT);
 - (c) Initial ABA assessment and development of a written, initial ABA therapy treatment plan, limited to one per year;
 - (d) Additional ABA assessments and revisions of the initial ABA therapy treatment plan to meet client's needs, limited to four per year;
 - (e) Supervision of the therapy assistant;
 - (f) Training and evaluation of family members or caregiver to carry out the approved ABA therapy treatment plans;
 - (g) Observation of the client's behavior to determine the effectiveness of the approved ABA therapy treatment plan; and
 - (h) On-site assistance in a difficult or crisis situation.
- (2) The agency covers the following services, which may be provided in conjunction with ABA services under other agency programs and be consistent with the program rules in the Washington Administrative Code:
- (a) Speech and language therapy;
 - (b) Occupational therapy;
 - (c) Physical therapy;
 - (d) Counseling;
 - (e) Interpreter services;
 - (f) Dietician services; and
 - (g) Transportation services.
- (3) The agency does not authorize payment of ABA services if the services are duplicative of services being rendered in another setting.
- (4) Limits in amount or frequency of the covered services described in this section are subject to the provisions in WAC 182-501-0169, limitation extension.

NEW SECTION

WAC 182-531A-1000 Applied behavior analysis (ABA)—Noncovered services. The medicaid agency does not cover the following services under the ABA program including, but not limited to:

- (1) Autism camps;
- (2) Dolphin therapy;
- (3) Equine therapy/hippo therapy;
- (4) Primarily educational services;
- (5) Recreational therapy;
- (6) Respite care;
- (7) Safety monitoring services;
- (8) School-based health care services or early intervention program-based services, unless prior authorized and as described in WAC 182-531-1420 (2)(b)(iii);

- (9) Vocational rehabilitation;
- (10) Life coaching; and
- (11) Treatment that is unproven or investigational (e.g., holding therapy, Higashi (day life therapy), auditory integration therapy).

NEW SECTION

WAC 182-531A-1100 Applied behavior analysis (ABA)—Prior authorization and recertification of ABA services. (1) The medicaid agency requires prior authorization (PA) and recertification of the medical necessity of applied behavior analysis (ABA) services.

(2) Requirements for PA requests are described in WAC 182-531A-0700.

(3) The agency may reduce or deny services requested based on medical necessity (refer to subsection (5) of this section) when completing PA or recertification responsibilities.

(4) The following are requirements for recertification of ABA services:

(a) Continued ABA services require the agency's authorization. Authorization is granted in three-month increments, or longer at the agency's discretion;

(b) The lead behavior analysis therapist (LBAT) must request authorization for continuing services three weeks prior to the expiration date of the current authorization. A reevaluation and revised ABA therapy treatment plan documenting the client's progress and showing measurable changes in the frequency, intensity, and duration of the targeted behavior/symptoms addressed in the previously authorized ABA therapy treatment plan must be submitted with this request. Documentation must include:

- (i) Projection of eventual outcome;
- (ii) Assessment instruments;
- (iii) Developmental markers of readiness; and
- (iv) Evidence of coordination with providers.

(c) When completing recertification responsibilities, the agency may request another evaluation from the COE to obtain that provider's review and recommendation. This COE provider must review the ABA therapy treatment plan, conduct a face-to-face visit with the child, facilitate a multidisciplinary record review of the client's progress, hold a family conference, or request a second opinion before recommending continued ABA services. Services will continue pending recertification.

(d) When completing recertification responsibilities, the agency may retroactively authorize dates of service. Services will continue pending recertification.

(5) Basis for denial or reduction of services includes, but is not limited to, the following:

(a) Lack of medical necessity, for example:

- (i) Failure to respond to ABA services, even after trying different ABA techniques and approaches, if applicable; or
- (ii) Absence of meaningful, measurable, functional improvement changes or progress has plateaued without documentation of significant interfering events (e.g., serious physical illness, major family disruption, change of residence), if applicable. For changes to be meaningful they must be:

- (A) Confirmed through data;
 - (B) Documented in charts and graphs;
 - (C) Durable over time beyond the end of the actual treatment session; and
 - (D) Generalizable outside of the treatment setting to the client's residence and the larger community within which the client resides; or
- (b) Noncompliance as demonstrated by a pattern of failure of the family to:
- (i) Keep appointments;
 - (ii) Attend treatment sessions;
 - (iii) Attend scheduled family training sessions;
 - (iv) Complete homework assignments; and
 - (v) Apply training as directed by the therapy assistant or LBAT. Absences that are reasonably justified (e.g., illness) are not considered a pattern.

NEW SECTION

WAC 182-531A-1200 Applied behavior analysis (ABA)—Services provided via telemedicine. Telemedicine, as defined in WAC 182-531-1730, may be used to provide the following authorized services:

- (1) Program supervision when the client is present; and
- (2) Family training, which does not require the client's presence.

WSR 14-24-084
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 1, 2014, 10:55 a.m., effective January 1, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule amends the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2015. Classification base rates were amended for updated loss and payroll experience. The department is adopting a 0.8 percent overall average premium rate increase.

This rule also repeals:

- WAC 296-17-89506 Farm internship program rates which are being incorporated into WAC 296-17-895.
- WAC 296-17-89505 2007 Rate holiday dividend which is now obsolete.

In a separate rule making, the department is moving tree care and pruning services not otherwise classified out of classification 0101-36 and into a new classification 0106. These rules calculate and set rates for classifications 0101 and 0106.

For the purpose of partially funding the logger safety initiative and to comply with the requirements of section 217(6), chapter 4, Laws of 2013 2nd sp. sess., the supplemental pension fund is being increased by 2.0 mils (\$0.0020) to 46.8 mils (\$0.0468) per hour for each employer and worker for work reported in the forest products industry risk classifica-

tions: 1002, 1003, 1004, 1005, 2401, 2903, 2904, 2905, 2907, 2909, 5001, 5002, 5003, 5004, 5005, 5006, and 6902. Each of these risk classifications is defined in chapter 296-17A WAC.

The department's decision to increase overall rates is intended to ensure adequate premiums to cover expected losses for 2015 claims and to continue rebuilding the trust funds' contingency reserves to adequate levels. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with recognized workers' compensation insurance principles.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-17-89505 2007 Rate holiday dividend and 296-17-89506 Farm internship program industrial insurance, accident fund, stay at work fund, medical aid fund, and supplemental pension by class; and amending WAC 296-17-855 Experience modification, 296-17-875 Table I, 296-17-880 Table II, 296-17-885 Table III, 296-17-890 Table IV, 296-17-895 Industrial insurance accident fund base rates, stay at work and medical aid base rates by class of industry, 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications, 296-17-89507 Horse racing rates, 296-17-901 Risk classification hazard group table, 296-17-920 Assessment for supplemental pension fund, 296-17B-540 Determining loss incurred for each claim, and 296-17B-900 Retrospective rating plans standard premium size ranges.

Statutory Authority for Adoption: RCW 51.16.035 (base rates), 51.32.073 (supplemental pension), 51.18.010 (retrospective rating), and 51.04.020(1) (general authority).

Adopted under notice filed as WSR 14-19-100 on September 16, 2014.

Changes Other than Editing from Proposed to Adopted Version: The department originally proposed an overall average premium rate increase of 1.8 percent. However, as a result of public comments and review of the most recent financial statements the department will adopt a 0.8 percent overall average premium rate increase. Calculation errors were corrected in WAC 296-17-895, base rates and WAC 296-17-885 Table III, expected loss rates and primary ratios for classification 6901 and classification 0106. A correction was made in WAC 296-17-920 to include classification 2905 in the list of wood products classifications, as it was inadvertently left out of the proposed language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 12, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 12, Repealed 2.

Date Adopted: December 1, 2014.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$\text{EXPERIENCE MODIFICATION FACTOR} = \frac{\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}}{\text{Expected Loss}}$$

Where

$$\begin{aligned} \text{Credible Actual Primary Loss} &= \text{Actual Primary Loss} \times \text{Primary Credibility} \\ &+ \text{Expected Primary Loss} \times (100\% - \text{Primary Credibility}) \\ \text{Credible Actual Excess Loss} &= \text{Actual Excess Loss} \times \text{Excess Credibility} \\ &+ \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility}) \end{aligned}$$

The meaning and function of each term in the formula is specified below.

For each claim, the actual primary loss is the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of \$20,112 the actual primary loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{50,280}{(\text{Total loss} + 30,168)} \times \text{total loss}$$

For each claim, less than \$20,112 the full value of the claim shall be considered a primary loss.

For each claim, the excess actual loss is the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$((2,610)) 2,690 or the total cost of the claim. Here are some examples for these claims:

Total Loss	Type of Claim	Total Loss (after deduction)	Primary Loss	Excess Loss
300	Medical Only	0	0	0
3,000	Medical Only	((390))	((390))	0
		<u>310</u>	<u>310</u>	
3,000	Time Loss	3,000	3,000	0
30,000	Medical Only	((27,390))	((23,927))	((3,463))
		<u>27,310</u>	<u>23,890</u>	<u>3,420</u>
30,000	Time Loss	30,000	25,070	4,930
130,000	PPD	130,000	40,810	89,190
2,000,000	TPD Pension	((270,128))	((45,229))	((224,899))
		<u>271,478</u>	<u>45,251</u>	<u>226,227</u>

Note: The deduction, \$((2,610)) 2,690, is twice the average case incurred cost of these types of claims occurring during the three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$((2,610)) 2,690 is applied.

For each employer, the primary credibility and the excess credibility determines the percentage weight given to the corresponding actual primary losses and the actual excess losses, included in the calculation of the experience modification, based on the volume of expected losses. Primary credibility and excess credibility values are set forth in Table II.

An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying the reported exposure in each classification during the year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

Expected losses in each classification shall be multiplied by the classification "Primary-Ratio" to obtain "expected primary losses" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. Primary-Ratios are also set forth in Table III.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-875 Table I.

**Primary Losses for Selected Claim Values
Effective January 1, ((2014)) 2015**

TOTAL LOSS AFTER DEDUCTION	PRIMARY LOSS
5,000	5,000
10,000	10,000
15,000	15,000
20,112	20,112

TOTAL LOSS AFTER DEDUCTION	PRIMARY LOSS	Expected Losses		Primary Credibility	Excess Credibility
29,834	25,000	22,927	- 23,720	36%	7%
44,627	30,000	23,721	- 24,532	37%	7%
69,102	35,000	24,533	- 25,367	38%	7%
100,000	38,627	25,368	- 26,221	39%	7%
117,385	40,000	26,222	- 27,104	40%	7%
200,000	43,690	27,105	- 28,011	41%	7%
((270,128)) **	((45,229))	28,012	- 28,949	42%	7%
<u>271,478</u>	<u>45,251</u>	28,950	- 29,919	43%	7%

** Maximum claim value

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-880 Table II.

PRIMARY AND EXCESS CREDIBILITY VALUES

Effective January 1, ((2014)) 2015

Maximum Claim Value = \$((270,128)) 271,478

Average Death Value = \$((270,128)) 271,478

Expected Losses	Primary Credibility	Excess Credibility					
((1 - 8,134	12%	7%	42,965	-	43,147	54%	7%
8,135 - 8,682	13%	7%	43,148	-	45,041	54%	8%
8,683 - 9,238	14%	7%	45,042	-	47,578	55%	8%
9,239 - 9,799	15%	7%	47,579	-	72,005	56%	8%
9,800 - 10,366	16%	7%	72,006	-	79,364	57%	8%
10,367 - 10,942	17%	7%	79,365	-	113,360	57%	9%
10,943 - 11,525	18%	7%	113,361	-	116,758	57%	10%
11,526 - 12,115	19%	7%	116,759	-	147,565	58%	10%
12,116 - 12,712	20%	7%	147,566	-	161,511	58%	11%
12,713 - 13,318	21%	7%	161,512	-	181,985	59%	11%
13,319 - 13,934	22%	7%	181,986	-	206,265	59%	12%
13,935 - 14,557	23%	7%	206,266	-	216,611	60%	12%
14,558 - 15,190	24%	7%	216,612	-	251,019	60%	13%
15,191 - 15,834	25%	7%	251,020	-	251,458	61%	13%
15,835 - 16,488	26%	7%	251,459	-	286,521	61%	14%
16,489 - 17,149	27%	7%	286,522	-	295,771	61%	15%
17,150 - 17,826	28%	7%	295,772	-	321,803	62%	15%
17,827 - 18,512	29%	7%	321,804	-	340,524	62%	16%
18,513 - 19,212	30%	7%	340,525	-	357,305	63%	16%
19,213 - 19,927	31%	7%	357,306	-	385,279	63%	17%
19,928 - 20,652	32%	7%	385,280	-	393,032	64%	17%
20,653 - 21,395	33%	7%	393,033	-	428,983	64%	18%
21,396 - 22,152	34%	7%	428,984	-	430,030	64%	19%
22,153 - 22,926	35%	7%	430,031	-	465,165	65%	19%

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
465,166	-	474,784	65%	20%	1,325,094	-	1,365,497	85%	42%
474,785	-	501,574	66%	20%	1,365,498	-	1,369,848	85%	43%
501,575	-	519,538	66%	21%	1,369,849	-	1,407,863	86%	43%
519,539	-	538,215	67%	21%	1,407,864	-	1,414,603	86%	44%
538,216	-	564,292	67%	22%	1,414,604	-	1,450,518	87%	44%
564,293	-	575,092	68%	22%	1,450,519	-	1,459,356	87%	45%
575,093	-	609,042	68%	23%	1,459,357	-	1,493,468	88%	45%
609,043	-	612,203	69%	23%	1,493,469	-	1,504,109	88%	46%
612,204	-	649,555	69%	24%	1,504,110	-	1,536,715	89%	46%
649,556	-	653,795	69%	25%	1,536,716	-	1,548,861	89%	47%
653,796	-	687,146	70%	25%	1,548,862	-	1,580,264	90%	47%
687,147	-	698,551	70%	26%	1,580,265	-	1,593,616	90%	48%
698,552	-	724,982	71%	26%	1,593,617	-	1,624,115	91%	48%
724,983	-	743,304	71%	27%	1,624,116	-	1,638,367	91%	49%
743,305	-	763,065	72%	27%	1,638,368	-	1,668,273	92%	49%
763,066	-	788,056	72%	28%	1,668,274	-	1,683,123	92%	50%
788,057	-	801,394	73%	28%	1,683,124	-	1,712,742	93%	50%
801,395	-	832,811	73%	29%	1,712,743	-	1,727,875	93%	51%
832,812	-	839,973	74%	29%	1,727,876	-	1,757,524	94%	51%
839,974	-	877,563	74%	30%	1,757,525	-	1,772,627	94%	52%
877,564	-	878,808	75%	30%	1,772,628	-	1,802,623	95%	52%
878,809	-	917,897	75%	31%	1,802,624	-	1,817,380	95%	53%
917,898	-	922,317	75%	32%	1,817,381	-	1,848,041	96%	53%
922,318	-	957,245	76%	32%	1,848,042	-	1,862,134	96%	54%
957,246	-	967,069	76%	33%	1,862,135	-	1,893,783	97%	54%
967,070	-	996,852	77%	33%	1,893,784	-	1,906,886	97%	55%
996,853	-	1,011,824	77%	34%	1,906,887	-	1,939,851	98%	55%
1,011,825	-	1,036,725	78%	34%	1,939,852	-	1,951,641	98%	56%
1,036,726	-	1,056,577	78%	35%	1,951,642	-	1,986,251	99%	56%
1,056,578	-	1,076,862	79%	35%	1,986,252	-	1,996,393	99%	57%
1,076,863	-	1,101,330	79%	36%	1,996,394	-	2,032,984	100%	57%
1,101,331	-	1,117,267	80%	36%	2,032,985	-	2,080,056	100%	58%
1,117,268	-	1,146,081	80%	37%	2,080,057	-	2,127,467	100%	59%
1,146,082	-	1,157,944	81%	37%	2,127,468	-	2,175,225	100%	60%
1,157,945	-	1,190,836	81%	38%	2,175,226	-	2,223,331	100%	61%
1,190,837	-	1,198,896	82%	38%	2,223,332	-	2,271,789	100%	62%
1,198,897	-	1,235,589	82%	39%	2,271,790	-	2,320,605	100%	63%
1,235,590	-	1,240,125	83%	39%	2,320,606	-	2,369,780	100%	64%
1,240,126	-	1,280,343	83%	40%	2,369,781	-	2,419,320	100%	65%
1,280,344	-	1,281,634	84%	40%	2,419,321	-	2,469,229	100%	66%
1,281,635	-	1,323,422	84%	41%	2,469,230	-	2,519,511	100%	67%
1,323,423	-	1,325,093	84%	42%	2,519,512	-	2,570,170	100%	68%

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility
2,570,171	- 2,621,210	100%	69%	21,781	= 22,534	36%	7%
2,621,211	- 2,672,634	100%	70%	22,535	= 23,305	37%	7%
2,672,635	- 2,724,449	100%	71%	23,306	= 24,099	38%	7%
2,724,450	- 2,776,660	100%	72%	24,100	= 24,910	39%	7%
2,776,661	- 2,829,267	100%	73%	24,911	= 25,749	40%	7%
2,829,268	- 2,882,279	100%	74%	25,750	= 26,610	41%	7%
2,882,280	- 2,935,696	100%	75%	26,611	= 27,502	42%	7%
2,935,697	- 2,989,529	100%	76%	27,503	= 28,423	43%	7%
2,989,530	- 3,043,778	100%	77%	28,424	= 29,379	44%	7%
3,043,779	- 3,098,451	100%	78%	29,380	= 30,374	45%	7%
3,098,452	- 3,153,550	100%	79%	30,375	= 31,413	46%	7%
3,153,551	- 3,209,082	100%	80%	31,414	= 32,500	47%	7%
3,209,083	- 3,265,054	100%	81%	32,501	= 33,649	48%	7%
3,265,055	- 3,321,465	100%	82%	33,650	= 34,867	49%	7%
3,321,466	- 3,378,325	100%	83%	34,868	= 36,166	50%	7%
3,378,326	- 3,435,638	100%	84%	36,167	= 37,568	51%	7%
3,435,639	- 3,493,412	100%	85%	37,569	= 39,104	52%	7%
3,493,413	and higher	100%	86%))	39,105	= 40,816	53%	7%
1	= 7,727	12%	7%	40,817	= 40,990	54%	7%
7,728	= 8,248	13%	7%	40,991	= 42,789	54%	8%
8,249	= 8,776	14%	7%	42,790	= 45,199	55%	8%
8,777	= 9,309	15%	7%	45,200	= 68,405	56%	8%
9,310	= 9,848	16%	7%	68,406	= 75,396	57%	8%
9,849	= 10,395	17%	7%	75,397	= 107,692	57%	9%
10,396	= 10,949	18%	7%	107,693	= 110,920	57%	10%
10,950	= 11,509	19%	7%	110,921	= 140,187	58%	10%
11,510	= 12,076	20%	7%	140,188	= 153,435	58%	11%
12,077	= 12,652	21%	7%	153,436	= 172,886	59%	11%
12,653	= 13,237	22%	7%	172,887	= 195,952	59%	12%
13,238	= 13,829	23%	7%	195,953	= 205,780	60%	12%
13,830	= 14,430	24%	7%	205,781	= 238,468	60%	13%
14,431	= 15,042	25%	7%	238,469	= 238,885	61%	13%
15,043	= 15,664	26%	7%	238,886	= 272,195	61%	14%
15,665	= 16,292	27%	7%	272,196	= 280,982	61%	15%
16,293	= 16,935	28%	7%	280,983	= 305,713	62%	15%
16,936	= 17,586	29%	7%	305,714	= 323,498	62%	16%
17,587	= 18,251	30%	7%	323,499	= 339,440	63%	16%
18,252	= 18,931	31%	7%	339,441	= 366,015	63%	17%
18,932	= 19,619	32%	7%	366,016	= 373,380	64%	17%
19,620	= 20,325	33%	7%	373,381	= 407,534	64%	18%
20,326	= 21,044	34%	7%	407,535	= 408,528	64%	19%
21,045	= 21,780	35%	7%	408,529	= 441,907	65%	19%

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>441,908</u>	=	<u>451,045</u>	<u>65%</u>	<u>20%</u>	<u>1,258,839</u>	=	<u>1,297,222</u>	<u>85%</u>	<u>42%</u>
<u>451,046</u>	=	<u>476,495</u>	<u>66%</u>	<u>20%</u>	<u>1,297,223</u>	=	<u>1,301,356</u>	<u>85%</u>	<u>43%</u>
<u>476,496</u>	=	<u>493,561</u>	<u>66%</u>	<u>21%</u>	<u>1,301,357</u>	=	<u>1,337,470</u>	<u>86%</u>	<u>43%</u>
<u>493,562</u>	=	<u>511,304</u>	<u>67%</u>	<u>21%</u>	<u>1,337,471</u>	=	<u>1,343,873</u>	<u>86%</u>	<u>44%</u>
<u>511,305</u>	=	<u>536,077</u>	<u>67%</u>	<u>22%</u>	<u>1,343,874</u>	=	<u>1,377,992</u>	<u>87%</u>	<u>44%</u>
<u>536,078</u>	=	<u>546,337</u>	<u>68%</u>	<u>22%</u>	<u>1,377,993</u>	=	<u>1,386,388</u>	<u>87%</u>	<u>45%</u>
<u>546,338</u>	=	<u>578,590</u>	<u>68%</u>	<u>23%</u>	<u>1,386,389</u>	=	<u>1,418,795</u>	<u>88%</u>	<u>45%</u>
<u>578,591</u>	=	<u>581,593</u>	<u>69%</u>	<u>23%</u>	<u>1,418,796</u>	=	<u>1,428,904</u>	<u>88%</u>	<u>46%</u>
<u>581,594</u>	=	<u>617,077</u>	<u>69%</u>	<u>24%</u>	<u>1,428,905</u>	=	<u>1,459,879</u>	<u>89%</u>	<u>46%</u>
<u>617,078</u>	=	<u>621,105</u>	<u>69%</u>	<u>25%</u>	<u>1,459,880</u>	=	<u>1,471,418</u>	<u>89%</u>	<u>47%</u>
<u>621,106</u>	=	<u>652,789</u>	<u>70%</u>	<u>25%</u>	<u>1,471,419</u>	=	<u>1,501,251</u>	<u>90%</u>	<u>47%</u>
<u>652,790</u>	=	<u>663,623</u>	<u>70%</u>	<u>26%</u>	<u>1,501,252</u>	=	<u>1,513,935</u>	<u>90%</u>	<u>48%</u>
<u>663,624</u>	=	<u>688,733</u>	<u>71%</u>	<u>26%</u>	<u>1,513,936</u>	=	<u>1,542,909</u>	<u>91%</u>	<u>48%</u>
<u>688,734</u>	=	<u>706,139</u>	<u>71%</u>	<u>27%</u>	<u>1,542,910</u>	=	<u>1,556,449</u>	<u>91%</u>	<u>49%</u>
<u>706,140</u>	=	<u>724,912</u>	<u>72%</u>	<u>27%</u>	<u>1,556,450</u>	=	<u>1,584,859</u>	<u>92%</u>	<u>49%</u>
<u>724,913</u>	=	<u>748,653</u>	<u>72%</u>	<u>28%</u>	<u>1,584,860</u>	=	<u>1,598,967</u>	<u>92%</u>	<u>50%</u>
<u>748,654</u>	=	<u>761,324</u>	<u>73%</u>	<u>28%</u>	<u>1,598,968</u>	=	<u>1,627,105</u>	<u>93%</u>	<u>50%</u>
<u>761,325</u>	=	<u>791,170</u>	<u>73%</u>	<u>29%</u>	<u>1,627,106</u>	=	<u>1,641,481</u>	<u>93%</u>	<u>51%</u>
<u>791,171</u>	=	<u>797,974</u>	<u>74%</u>	<u>29%</u>	<u>1,641,482</u>	=	<u>1,669,648</u>	<u>94%</u>	<u>51%</u>
<u>797,975</u>	=	<u>833,685</u>	<u>74%</u>	<u>30%</u>	<u>1,669,649</u>	=	<u>1,683,996</u>	<u>94%</u>	<u>52%</u>
<u>833,686</u>	=	<u>834,868</u>	<u>75%</u>	<u>30%</u>	<u>1,683,997</u>	=	<u>1,712,492</u>	<u>95%</u>	<u>52%</u>
<u>834,869</u>	=	<u>872,002</u>	<u>75%</u>	<u>31%</u>	<u>1,712,493</u>	=	<u>1,726,511</u>	<u>95%</u>	<u>53%</u>
<u>872,003</u>	=	<u>876,201</u>	<u>75%</u>	<u>32%</u>	<u>1,726,512</u>	=	<u>1,755,639</u>	<u>96%</u>	<u>53%</u>
<u>876,202</u>	=	<u>909,383</u>	<u>76%</u>	<u>32%</u>	<u>1,755,640</u>	=	<u>1,769,027</u>	<u>96%</u>	<u>54%</u>
<u>909,384</u>	=	<u>918,716</u>	<u>76%</u>	<u>33%</u>	<u>1,769,028</u>	=	<u>1,799,094</u>	<u>97%</u>	<u>54%</u>
<u>918,717</u>	=	<u>947,009</u>	<u>77%</u>	<u>33%</u>	<u>1,799,095</u>	=	<u>1,811,542</u>	<u>97%</u>	<u>55%</u>
<u>947,010</u>	=	<u>961,233</u>	<u>77%</u>	<u>34%</u>	<u>1,811,543</u>	=	<u>1,842,858</u>	<u>98%</u>	<u>55%</u>
<u>961,234</u>	=	<u>984,889</u>	<u>78%</u>	<u>34%</u>	<u>1,842,859</u>	=	<u>1,854,059</u>	<u>98%</u>	<u>56%</u>
<u>984,890</u>	=	<u>1,003,748</u>	<u>78%</u>	<u>35%</u>	<u>1,854,060</u>	=	<u>1,886,938</u>	<u>99%</u>	<u>56%</u>
<u>1,003,749</u>	=	<u>1,023,019</u>	<u>79%</u>	<u>35%</u>	<u>1,886,939</u>	=	<u>1,896,573</u>	<u>99%</u>	<u>57%</u>
<u>1,023,020</u>	=	<u>1,046,263</u>	<u>79%</u>	<u>36%</u>	<u>1,896,574</u>	=	<u>1,931,335</u>	<u>100%</u>	<u>57%</u>
<u>1,046,264</u>	=	<u>1,061,404</u>	<u>80%</u>	<u>36%</u>	<u>1,931,336</u>	=	<u>1,976,053</u>	<u>100%</u>	<u>58%</u>
<u>1,061,405</u>	=	<u>1,088,777</u>	<u>80%</u>	<u>37%</u>	<u>1,976,054</u>	=	<u>2,021,094</u>	<u>100%</u>	<u>59%</u>
<u>1,088,778</u>	=	<u>1,100,047</u>	<u>81%</u>	<u>37%</u>	<u>2,021,095</u>	=	<u>2,066,464</u>	<u>100%</u>	<u>60%</u>
<u>1,100,048</u>	=	<u>1,131,294</u>	<u>81%</u>	<u>38%</u>	<u>2,066,465</u>	=	<u>2,112,164</u>	<u>100%</u>	<u>61%</u>
<u>1,131,295</u>	=	<u>1,138,951</u>	<u>82%</u>	<u>38%</u>	<u>2,112,165</u>	=	<u>2,158,200</u>	<u>100%</u>	<u>62%</u>
<u>1,138,952</u>	=	<u>1,173,810</u>	<u>82%</u>	<u>39%</u>	<u>2,158,201</u>	=	<u>2,204,575</u>	<u>100%</u>	<u>63%</u>
<u>1,173,811</u>	=	<u>1,178,119</u>	<u>83%</u>	<u>39%</u>	<u>2,204,576</u>	=	<u>2,251,291</u>	<u>100%</u>	<u>64%</u>
<u>1,178,120</u>	=	<u>1,216,326</u>	<u>83%</u>	<u>40%</u>	<u>2,251,292</u>	=	<u>2,298,354</u>	<u>100%</u>	<u>65%</u>
<u>1,216,327</u>	=	<u>1,217,552</u>	<u>84%</u>	<u>40%</u>	<u>2,298,355</u>	=	<u>2,345,768</u>	<u>100%</u>	<u>66%</u>
<u>1,217,553</u>	=	<u>1,257,251</u>	<u>84%</u>	<u>41%</u>	<u>2,345,769</u>	=	<u>2,393,535</u>	<u>100%</u>	<u>67%</u>
<u>1,257,252</u>	=	<u>1,258,838</u>	<u>84%</u>	<u>42%</u>	<u>2,393,536</u>	=	<u>2,441,661</u>	<u>100%</u>	<u>68%</u>

Expected Losses	Primary Credibility	Excess Credibility	Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio
<u>2,441,662</u> = <u>2,490,149</u>	<u>100%</u>	<u>69%</u>	0302	2.3884	2.0831	1.7424	0.407
<u>2,490,150</u> = <u>2,539,002</u>	<u>100%</u>	<u>70%</u>	0303	1.7992	1.5755	1.3252	0.418
<u>2,539,003</u> = <u>2,588,227</u>	<u>100%</u>	<u>71%</u>	0306	1.1101	0.9641	0.7982	0.449
<u>2,588,228</u> = <u>2,637,827</u>	<u>100%</u>	<u>72%</u>	0307	0.9641	0.8382	0.6940	0.466
<u>2,637,828</u> = <u>2,687,804</u>	<u>100%</u>	<u>73%</u>	0308	0.6757	0.5893	0.4877	0.539
<u>2,687,805</u> = <u>2,738,165</u>	<u>100%</u>	<u>74%</u>	0403	1.9658	1.7033	1.4028	0.478
<u>2,738,166</u> = <u>2,788,911</u>	<u>100%</u>	<u>75%</u>	0502	1.4122	1.2292	1.0231	0.433
<u>2,788,912</u> = <u>2,840,053</u>	<u>100%</u>	<u>76%</u>	0504	1.9101	1.6848	1.4326	0.426
<u>2,840,054</u> = <u>2,891,589</u>	<u>100%</u>	<u>77%</u>	0507	3.5127	3.1001	2.6385	0.427
<u>2,891,590</u> = <u>2,943,528</u>	<u>100%</u>	<u>78%</u>	0508	1.8984	1.6572	1.3893	0.392
<u>2,943,529</u> = <u>2,995,872</u>	<u>100%</u>	<u>79%</u>	0509	1.5904	1.3957	1.1794	0.390
<u>2,995,873</u> = <u>3,048,628</u>	<u>100%</u>	<u>80%</u>	0510	2.2050	1.9357	1.6336	0.428
<u>3,048,629</u> = <u>3,101,801</u>	<u>100%</u>	<u>81%</u>	0511	1.6710	1.4495	1.1962	0.465
<u>3,101,802</u> = <u>3,155,392</u>	<u>100%</u>	<u>82%</u>	0512	1.4698	1.2839	1.0727	0.447
<u>3,155,393</u> = <u>3,209,409</u>	<u>100%</u>	<u>83%</u>	0513	0.9173	0.7998	0.6667	0.447
<u>3,209,410</u> = <u>3,263,856</u>	<u>100%</u>	<u>84%</u>	0514	1.9479	1.6904	1.3941	0.484
<u>3,263,857</u> = <u>3,318,741</u>	<u>100%</u>	<u>85%</u>	0516	1.6632	1.4562	1.2241	0.421
<u>3,318,742</u> and higher	<u>100%</u>	<u>86%</u>	0517	2.5001	2.2034	1.8738	0.410

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-885 Table III.

Expected Loss Rates and Primary Ratios

by Risk Classification and Fiscal Year

Expected Loss Rates in Dollars Per Worker Hour

Effective January 1, ((2014)) 2015

Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio
((0101	1.6300	1.4318	1.2118	0.394
0103	1.8412	1.6229	1.3794	0.408
0104	1.0651	0.9285	0.7739	0.445
0105	1.5554	1.3473	1.1053	0.515
0107	1.1063	0.9658	0.8063	0.439
0108	1.0651	0.9285	0.7739	0.445
0112	0.8228	0.7178	0.5981	0.464
0201	2.0439	1.7909	1.5124	0.363
0202	3.3845	2.9623	2.4892	0.412
0210	1.1124	0.9708	0.8121	0.418
0212	1.3624	1.1864	0.9874	0.445
0214	1.5043	1.3140	1.0997	0.431
0217	1.4061	1.2284	1.0281	0.438
0219	1.1735	1.0211	0.8484	0.447
0301	0.8653	0.7559	0.6296	0.497

Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio	Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio
1106	0.3454	0.3053	0.2588	0.491	3102	0.2807	0.2456	0.2045	0.506
1108	0.6626	0.5784	0.4803	0.507	3103	0.5734	0.5017	0.4199	0.470
1109	1.6733	1.4554	1.2057	0.487	3104	0.7205	0.6284	0.5220	0.490
1301	0.6239	0.5336	0.4275	0.545	3105	0.8830	0.7697	0.6371	0.520
1303	0.2524	0.2175	0.1760	0.553	3303	0.5110	0.4425	0.3621	0.533
1304	0.0329	0.0285	0.0233	0.517	3304	0.5685	0.4987	0.4163	0.540
1305	0.5509	0.4794	0.3961	0.513	3309	0.4498	0.3943	0.3305	0.475
1401	0.2476	0.2158	0.1787	0.524	3402	0.5492	0.4800	0.3999	0.487
1404	1.0206	0.8846	0.7255	0.544	3403	0.2265	0.1987	0.1663	0.484
1405	0.9251	0.7904	0.6306	0.575	3404	0.5239	0.4548	0.3735	0.534
1407	0.6178	0.5389	0.4468	0.524	3405	0.3200	0.2782	0.2290	0.530
1501	0.7387	0.6360	0.5159	0.538	3406	0.3255	0.2813	0.2285	0.579
1507	0.6805	0.5911	0.4874	0.506	3407	0.8828	0.7659	0.6314	0.487
1701	0.8506	0.7428	0.6206	0.456	3408	0.2796	0.2388	0.1901	0.592
1702	1.7499	1.5372	1.3043	0.354	3409	0.1881	0.1623	0.1316	0.585
1703	1.0080	0.8755	0.7280	0.394	3410	0.2459	0.2151	0.1787	0.539
1704	0.8506	0.7428	0.6206	0.456	3411	0.5846	0.5090	0.4220	0.479
1801	0.4900	0.4340	0.3712	0.419	3412	0.6684	0.5829	0.4856	0.452
1802	0.8261	0.7171	0.5897	0.500	3414	0.7534	0.6582	0.5489	0.483
2002	0.9219	0.8062	0.6728	0.490	3415	0.8955	0.7919	0.6762	0.410
2004	0.8318	0.7243	0.5991	0.508	3501	1.1805	1.0280	0.8533	0.486
2007	0.6926	0.6075	0.5092	0.496	3503	0.3683	0.3238	0.2711	0.537
2008	0.4185	0.3667	0.3067	0.491	3506	0.9791	0.8437	0.6864	0.504
2009	0.4125	0.3601	0.2985	0.533	3509	0.4605	0.4002	0.3285	0.563
2101	0.8782	0.7672	0.6378	0.523	3510	0.3987	0.3467	0.2854	0.533
2102	0.7513	0.6514	0.5345	0.527	3511	0.6676	0.5866	0.4941	0.459
2104	0.3626	0.3186	0.2652	0.577	3512	0.4281	0.3729	0.3072	0.551
2105	0.6948	0.6005	0.4894	0.541	3513	0.6409	0.5662	0.4800	0.486
2106	0.5629	0.4926	0.4103	0.514	3602	0.1245	0.1086	0.0896	0.533
2201	0.3015	0.2635	0.2193	0.527	3603	0.5720	0.4987	0.4124	0.531
2202	0.8704	0.7543	0.6192	0.519	3604	0.8348	0.7430	0.6371	0.466
2203	0.5530	0.4815	0.3969	0.547	3605	0.6091	0.5271	0.4317	0.513
2204	0.3015	0.2635	0.2193	0.527	3701	0.2807	0.2456	0.2045	0.506
2401	0.5153	0.4445	0.3626	0.504	3702	0.5204	0.4506	0.3683	0.542
2903	0.7615	0.6665	0.5558	0.513	3708	0.7074	0.6121	0.5008	0.526
2904	0.7901	0.6891	0.5727	0.486	3802	0.2476	0.2158	0.1784	0.538
2905	0.7182	0.6269	0.5202	0.525	3808	0.4590	0.4000	0.3326	0.466
2906	0.4194	0.3688	0.3090	0.509	3901	0.1808	0.1584	0.1316	0.561
2907	0.5891	0.5136	0.4252	0.522	3902	0.5212	0.4548	0.3760	0.553
2908	1.2529	1.1008	0.9273	0.463	3903	1.2827	1.1309	0.9545	0.504
2909	0.4693	0.4089	0.3380	0.530	3905	0.1667	0.1459	0.1207	0.573
3101	0.8243	0.7190	0.5968	0.494	3906	0.5308	0.4660	0.3903	0.516

Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio	Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio
3909	0.3764	0.3290	0.2730	0.538	4908	0.1133	0.0990	0.0814	0.560
4002	0.5212	0.4548	0.3760	0.553	4909	0.0448	0.0399	0.0337	0.521
4101	0.3745	0.3255	0.2685	0.513	4910	0.5171	0.4501	0.3721	0.514
4103	0.6583	0.5695	0.4647	0.553	4911	0.0771	0.0671	0.0557	0.496
4107	0.1911	0.1667	0.1382	0.518	5001	9.2063	8.1444	6.9919	0.354
4108	0.2216	0.1927	0.1585	0.547	5002	0.7012	0.6050	0.4922	0.532
4109	0.2280	0.1994	0.1661	0.505	5003	2.3002	1.9901	1.6412	0.437
4201	0.7556	0.6523	0.5335	0.488	5004	0.8928	0.7868	0.6665	0.454
4301	0.7981	0.6971	0.5791	0.527	5005	0.8625	0.7535	0.6315	0.436
4302	0.8582	0.7424	0.6061	0.542	5006	1.5030	1.3204	1.1201	0.378
4304	1.0752	0.9476	0.7998	0.497	5101	1.0446	0.9057	0.7459	0.482
4305	1.2702	1.0956	0.8933	0.508	5103	0.9797	0.8538	0.7041	0.548
4401	0.4711	0.4159	0.3519	0.480	5106	0.9797	0.8538	0.7041	0.548
4402	0.9215	0.7985	0.6542	0.543	5108	0.9545	0.8323	0.6883	0.533
4404	0.5815	0.5104	0.4278	0.496	5109	0.6675	0.5741	0.4657	0.516
4501	0.2277	0.1974	0.1611	0.577	5201	0.4263	0.3700	0.3042	0.517
4502	0.0529	0.0461	0.0381	0.532	5204	1.1495	1.0042	0.8389	0.460
4504	0.1429	0.1240	0.1011	0.580	5206	0.4152	0.3632	0.3035	0.470
4601	0.8930	0.7770	0.6434	0.499	5207	0.1744	0.1532	0.1279	0.544
4801	3.3845	2.9623	2.4892	0.412	5208	0.8716	0.7593	0.6283	0.513
4802	0.3676	0.3230	0.2709	0.511	5209	0.7904	0.6900	0.5744	0.477
4803	0.3600	0.3152	0.2614	0.582	5300	0.1451	0.1251	0.1015	0.555
4804	0.5853	0.5109	0.4227	0.554	5301	0.0402	0.0349	0.0286	0.549
4805	0.3868	0.3372	0.2786	0.546	5302	0.0159	0.0139	0.0114	0.502
4806	0.0783	0.0690	0.0578	0.539	5305	0.0655	0.0567	0.0462	0.583
4808	0.5279	0.4640	0.3902	0.492	5306	0.0552	0.0481	0.0395	0.566
4809	0.3731	0.3278	0.2742	0.536	5307	0.8131	0.7029	0.5754	0.506
4810	0.1764	0.1549	0.1293	0.560	5308	0.1171	0.1013	0.0825	0.575
4811	0.4145	0.3628	0.3010	0.565	6103	0.1042	0.0907	0.0742	0.595
4812	0.4352	0.3804	0.3155	0.537	6104	0.4884	0.4238	0.3477	0.542
4813	0.1988	0.1744	0.1456	0.542	6105	0.4421	0.3839	0.3163	0.502
4814	0.1410	0.1246	0.1051	0.555	6107	0.1626	0.1434	0.1198	0.560
4815	0.3308	0.2921	0.2456	0.577	6108	0.4966	0.4335	0.3581	0.557
4816	0.4881	0.4349	0.3728	0.509	6109	0.1192	0.1032	0.0843	0.536
4900	0.1829	0.1607	0.1358	0.400	6110	0.6945	0.6032	0.4963	0.532
4901	0.0595	0.0519	0.0431	0.482	6120	0.3655	0.3141	0.2538	0.546
4902	0.1452	0.1256	0.1023	0.544	6121	0.3981	0.3470	0.2876	0.503
4903	0.1941	0.1668	0.1342	0.579	6201	0.3489	0.3053	0.2549	0.481
4904	0.0271	0.0236	0.0194	0.561	6202	0.7749	0.6751	0.5588	0.511
4905	0.4623	0.4054	0.3374	0.568	6203	0.1322	0.1153	0.0945	0.620
4906	0.1185	0.1020	0.0825	0.559	6204	0.1593	0.1387	0.1141	0.564
4907	0.0658	0.0575	0.0476	0.540	6205	0.2667	0.2335	0.1945	0.526

Class	(2010) <u>2011</u>	(2011) <u>2012</u>	(2012) <u>2013</u>	Primary Ratio	Class	(2010) <u>2011</u>	(2011) <u>2012</u>	(2012) <u>2013</u>	Primary Ratio
6206	0.2671	0.2332	0.1931	0.537	6708	9.7272	8.8162	7.7756	0.442
6207	1.5246	1.3476	1.1420	0.509	6709	0.3042	0.2662	0.2214	0.534
6208	0.3066	0.2686	0.2232	0.561	6801	0.8595	0.7355	0.5888	0.553
6209	0.3343	0.2932	0.2447	0.521	6802	0.6993	0.6055	0.4936	0.571
6301	0.1430	0.1238	0.1018	0.480	6803	0.7953	0.7028	0.6023	0.335
6303	0.0853	0.0742	0.0613	0.524	6804	0.3735	0.3274	0.2729	0.520
6304	0.3566	0.3133	0.2618	0.546	6809	6.0542	5.2755	4.3339	0.562
6305	0.1273	0.1106	0.0906	0.576	6901	0.0246	0.0232	0.0203	0.756
6306	0.3642	0.3169	0.2615	0.513	6902	1.0305	0.9012	0.7566	0.418
6308	0.0760	0.0658	0.0541	0.532	6903	7.1519	6.4089	5.6176	0.311
6309	0.2367	0.2068	0.1715	0.527	6904	0.7155	0.6087	0.4834	0.551
6402	0.3059	0.2664	0.2190	0.565	6905	0.5910	0.5031	0.3984	0.582
6403	0.1961	0.1717	0.1427	0.552	6906	0.2380	0.2210	0.1977	0.658
6404	0.3222	0.2812	0.2325	0.556	6907	1.3592	1.1822	0.9758	0.524
6405	0.6218	0.5396	0.4439	0.507	6908	0.4725	0.4129	0.3438	0.502
6406	0.1428	0.1243	0.1020	0.579	6909	0.1372	0.1196	0.0985	0.547
6407	0.2824	0.2462	0.2031	0.548	7100	0.0367	0.0326	0.0277	0.466
6408	0.5161	0.4492	0.3712	0.514	7101	0.0266	0.0235	0.0198	0.448
6409	0.7854	0.6839	0.5668	0.487	7102	4.9959	4.4570	3.8132	0.547
6410	0.3613	0.3136	0.2576	0.533	7103	0.8151	0.7000	0.5657	0.537
6501	0.1734	0.1503	0.1230	0.558	7104	0.0380	0.0329	0.0268	0.569
6502	0.0369	0.0322	0.0268	0.532	7105	0.0271	0.0237	0.0195	0.531
6503	0.0814	0.0705	0.0578	0.505	7106	0.3215	0.2785	0.2270	0.592
6504	0.4311	0.3768	0.3113	0.573	7107	0.2903	0.2549	0.2129	0.550
6505	0.1611	0.1405	0.1151	0.608	7108	0.2255	0.1979	0.1653	0.547
6506	0.1419	0.1233	0.1010	0.569	7109	0.1713	0.1488	0.1219	0.566
6509	0.3985	0.3490	0.2896	0.558	7110	0.3586	0.3129	0.2610	0.461
6510	0.4734	0.4132	0.3451	0.451	7111	0.4916	0.4281	0.3565	0.441
6511	0.4639	0.4041	0.3336	0.548	7112	0.8536	0.7439	0.6141	0.549
6512	0.1483	0.1300	0.1089	0.482	7113	0.4613	0.4038	0.3363	0.535
6601	0.2476	0.2158	0.1787	0.524	7114	0.7814	0.6797	0.5575	0.587
6602	0.6297	0.5510	0.4585	0.537	7115	0.5837	0.5128	0.4290	0.540
6603	0.3571	0.3119	0.2592	0.517	7116	0.7282	0.6362	0.5296	0.508
6604	0.0991	0.0862	0.0708	0.559	7117	1.3172	1.1518	0.9575	0.516
6605	0.4294	0.3702	0.2995	0.571	7118	1.6973	1.4874	1.2434	0.508
6607	0.1766	0.1546	0.1289	0.517	7119	1.7134	1.4800	1.2066	0.546
6608	0.6118	0.5316	0.4416	0.414	7120	6.9938	6.1112	5.0906	0.496
6620	3.8112	3.2507	2.5890	0.564	7121	6.5478	5.7217	4.7661	0.496
6704	0.1486	0.1296	0.1073	0.533	7122	0.5161	0.4509	0.3738	0.544
6705	1.0416	0.9069	0.7451	0.582	7200	1.7596	1.5100	1.2209	0.522
6706	0.3466	0.3072	0.2615	0.498	7201	2.0650	1.7774	1.4452	0.513
6707	6.6547	5.7073	4.5437	0.647	7202	0.0329	0.0288	0.0240	0.465

Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio	Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio
7203	0.1459	0.1294	0.1089	0.575	<u>0517</u>	2.3954	2.0786	1.7940	0.407
7204	0.0000	0.0000	0.0000	0.500	<u>0518</u>	1.3719	1.1753	1.0039	0.410
7205	0.0000	0.0000	0.0000	0.500	<u>0519</u>	1.7400	1.4923	1.2672	0.462
7301	0.4978	0.4360	0.3634	0.513	<u>0521</u>	0.5486	0.4739	0.4062	0.450
7302	1.0741	0.9435	0.7929	0.494	<u>0601</u>	0.5923	0.5062	0.4281	0.478
7307	0.5159	0.4534	0.3814	0.500	<u>0602</u>	0.7197	0.6126	0.5181	0.442
7308	0.4422	0.3859	0.3189	0.559	<u>0603</u>	0.8052	0.6896	0.5877	0.427
7309	0.3352	0.2932	0.2430	0.565	<u>0604</u>	1.2120	1.0495	0.8979	0.492
7400	2.0650	1.7774	1.4452	0.513))	<u>0606</u>	0.6328	0.5417	0.4552	0.543
<u>0101</u>	1.3931	1.1978	1.0287	0.388	<u>0607</u>	0.7928	0.6816	0.5782	0.495
<u>0103</u>	1.6879	1.4600	1.2570	0.409	<u>0608</u>	0.3381	0.2915	0.2489	0.466
<u>0104</u>	1.0741	0.9214	0.7843	0.442	<u>0701</u>	1.7350	1.4804	1.2702	0.348
<u>0105</u>	1.4975	1.2814	1.0764	0.525	<u>0803</u>	0.5748	0.4909	0.4120	0.544
<u>0106</u>	1.7637	1.5157	1.2889	0.460	<u>0901</u>	1.3719	1.1753	1.0039	0.410
<u>0107</u>	1.0190	0.8749	0.7465	0.443	<u>1002</u>	0.9317	0.8019	0.6835	0.468
<u>0108</u>	1.0741	0.9214	0.7843	0.442	<u>1003</u>	0.7974	0.6874	0.5856	0.477
<u>0112</u>	0.8235	0.7072	0.6015	0.453	<u>1004</u>	0.5387	0.4603	0.3879	0.483
<u>0201</u>	1.8328	1.5687	1.3404	0.383	<u>1005</u>	8.7229	7.4569	6.3003	0.436
<u>0202</u>	3.2810	2.8197	2.4070	0.413	<u>1006</u>	0.1081	0.0923	0.0772	0.559
<u>0210</u>	1.0471	0.8987	0.7671	0.414	<u>1007</u>	0.3334	0.2843	0.2402	0.464
<u>0212</u>	1.3417	1.1517	0.9818	0.435	<u>1101</u>	0.8580	0.7324	0.6149	0.525
<u>0214</u>	1.4405	1.2326	1.0466	0.445	<u>1102</u>	1.5113	1.2942	1.0966	0.459
<u>0217</u>	1.4908	1.2811	1.0931	0.433	<u>1103</u>	1.2966	1.1112	0.9420	0.472
<u>0219</u>	1.0575	0.9053	0.7690	0.439	<u>1104</u>	0.6932	0.5959	0.5029	0.538
<u>0301</u>	0.8950	0.7735	0.6598	0.503	<u>1105</u>	0.9133	0.7837	0.6657	0.471
<u>0302</u>	2.3557	2.0149	1.7184	0.403	<u>1106</u>	0.3223	0.2814	0.2427	0.491
<u>0303</u>	1.8164	1.5615	1.3369	0.418	<u>1108</u>	0.6016	0.5194	0.4431	0.501
<u>0306</u>	1.0513	0.8969	0.7590	0.453	<u>1109</u>	1.5223	1.3100	1.1104	0.496
<u>0307</u>	0.9603	0.8228	0.6989	0.452	<u>1301</u>	0.5860	0.4947	0.4090	0.554
<u>0308</u>	0.6468	0.5603	0.4773	0.535	<u>1303</u>	0.2529	0.2151	0.1789	0.569
<u>0403</u>	1.8397	1.5745	1.3304	0.476	<u>1304</u>	0.0304	0.0260	0.0219	0.524
<u>0502</u>	1.4246	1.2202	1.0385	0.425	<u>1305</u>	0.5061	0.4352	0.3694	0.511
<u>0504</u>	1.8659	1.6214	1.3986	0.421	<u>1401</u>	0.2488	0.2186	0.1897	0.448
<u>0507</u>	3.4835	3.0300	2.6149	0.426	<u>1404</u>	0.9300	0.7995	0.6754	0.544
<u>0508</u>	1.7448	1.4898	1.2700	0.393	<u>1405</u>	0.8640	0.7337	0.6082	0.583
<u>0509</u>	1.3139	1.1282	0.9670	0.401	<u>1407</u>	0.6000	0.5175	0.4386	0.532
<u>0510</u>	2.2501	1.9430	1.6644	0.439	<u>1501</u>	0.7037	0.5992	0.5014	0.543
<u>0511</u>	1.6365	1.3992	1.1859	0.460	<u>1507</u>	0.6499	0.5580	0.4717	0.511
<u>0512</u>	1.3027	1.1197	0.9542	0.463	<u>1701</u>	0.7909	0.6785	0.5747	0.467
<u>0513</u>	0.9446	0.8112	0.6922	0.434	<u>1702</u>	1.6510	1.4170	1.2187	0.359
<u>0514</u>	1.8108	1.5485	1.3086	0.488	<u>1703</u>	0.9628	0.8182	0.6942	0.399
<u>0516</u>	1.5724	1.3522	1.1564	0.423	<u>1704</u>	0.7909	0.6785	0.5747	0.467

Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio	Class	((2010)) <u>2011</u>	((2011)) <u>2012</u>	((2012)) <u>2013</u>	Primary Ratio
<u>1801</u>	<u>0.4733</u>	<u>0.4118</u>	<u>0.3566</u>	<u>0.422</u>	<u>3412</u>	<u>0.6371</u>	<u>0.5467</u>	<u>0.4647</u>	<u>0.458</u>
<u>1802</u>	<u>0.7735</u>	<u>0.6620</u>	<u>0.5574</u>	<u>0.499</u>	<u>3414</u>	<u>0.7526</u>	<u>0.6493</u>	<u>0.5533</u>	<u>0.481</u>
<u>2002</u>	<u>0.9031</u>	<u>0.7796</u>	<u>0.6652</u>	<u>0.485</u>	<u>3415</u>	<u>0.8391</u>	<u>0.7289</u>	<u>0.6300</u>	<u>0.410</u>
<u>2004</u>	<u>0.7312</u>	<u>0.6300</u>	<u>0.5347</u>	<u>0.510</u>	<u>3501</u>	<u>1.1103</u>	<u>0.9554</u>	<u>0.8100</u>	<u>0.489</u>
<u>2007</u>	<u>0.7031</u>	<u>0.6095</u>	<u>0.5213</u>	<u>0.503</u>	<u>3503</u>	<u>0.3495</u>	<u>0.3044</u>	<u>0.2604</u>	<u>0.548</u>
<u>2008</u>	<u>0.3954</u>	<u>0.3419</u>	<u>0.2921</u>	<u>0.494</u>	<u>3506</u>	<u>0.9420</u>	<u>0.7999</u>	<u>0.6694</u>	<u>0.517</u>
<u>2009</u>	<u>0.3730</u>	<u>0.3216</u>	<u>0.2725</u>	<u>0.553</u>	<u>3509</u>	<u>0.4277</u>	<u>0.3682</u>	<u>0.3110</u>	<u>0.574</u>
<u>2101</u>	<u>0.7603</u>	<u>0.6607</u>	<u>0.5660</u>	<u>0.507</u>	<u>3510</u>	<u>0.3797</u>	<u>0.3269</u>	<u>0.2764</u>	<u>0.544</u>
<u>2102</u>	<u>0.7215</u>	<u>0.6186</u>	<u>0.5208</u>	<u>0.536</u>	<u>3511</u>	<u>0.6745</u>	<u>0.5825</u>	<u>0.4964</u>	<u>0.481</u>
<u>2104</u>	<u>0.3452</u>	<u>0.3014</u>	<u>0.2577</u>	<u>0.586</u>	<u>3512</u>	<u>0.4021</u>	<u>0.3467</u>	<u>0.2934</u>	<u>0.561</u>
<u>2105</u>	<u>0.7121</u>	<u>0.6086</u>	<u>0.5101</u>	<u>0.548</u>	<u>3513</u>	<u>0.6352</u>	<u>0.5530</u>	<u>0.4746</u>	<u>0.501</u>
<u>2106</u>	<u>0.5113</u>	<u>0.4435</u>	<u>0.3795</u>	<u>0.506</u>	<u>3602</u>	<u>0.1108</u>	<u>0.0955</u>	<u>0.0810</u>	<u>0.535</u>
<u>2201</u>	<u>0.2797</u>	<u>0.2422</u>	<u>0.2064</u>	<u>0.538</u>	<u>3603</u>	<u>0.5449</u>	<u>0.4712</u>	<u>0.4007</u>	<u>0.531</u>
<u>2202</u>	<u>0.8117</u>	<u>0.6950</u>	<u>0.5853</u>	<u>0.527</u>	<u>3604</u>	<u>0.7785</u>	<u>0.6830</u>	<u>0.5942</u>	<u>0.463</u>
<u>2203</u>	<u>0.5229</u>	<u>0.4509</u>	<u>0.3814</u>	<u>0.551</u>	<u>3605</u>	<u>0.5720</u>	<u>0.4890</u>	<u>0.4112</u>	<u>0.519</u>
<u>2204</u>	<u>0.2797</u>	<u>0.2422</u>	<u>0.2064</u>	<u>0.538</u>	<u>3701</u>	<u>0.2706</u>	<u>0.2331</u>	<u>0.1984</u>	<u>0.511</u>
<u>2401</u>	<u>0.4664</u>	<u>0.3984</u>	<u>0.3355</u>	<u>0.496</u>	<u>3702</u>	<u>0.5053</u>	<u>0.4325</u>	<u>0.3628</u>	<u>0.557</u>
<u>2903</u>	<u>0.7346</u>	<u>0.6365</u>	<u>0.5436</u>	<u>0.510</u>	<u>3708</u>	<u>0.6935</u>	<u>0.5944</u>	<u>0.5016</u>	<u>0.529</u>
<u>2904</u>	<u>0.7638</u>	<u>0.6567</u>	<u>0.5572</u>	<u>0.500</u>	<u>3802</u>	<u>0.2427</u>	<u>0.2092</u>	<u>0.1772</u>	<u>0.548</u>
<u>2905</u>	<u>0.6561</u>	<u>0.5670</u>	<u>0.4824</u>	<u>0.525</u>	<u>3808</u>	<u>0.4378</u>	<u>0.3755</u>	<u>0.3187</u>	<u>0.470</u>
<u>2906</u>	<u>0.3934</u>	<u>0.3417</u>	<u>0.2930</u>	<u>0.510</u>	<u>3901</u>	<u>0.1667</u>	<u>0.1449</u>	<u>0.1237</u>	<u>0.576</u>
<u>2907</u>	<u>0.5426</u>	<u>0.4671</u>	<u>0.3955</u>	<u>0.537</u>	<u>3902</u>	<u>0.4735</u>	<u>0.4086</u>	<u>0.3458</u>	<u>0.571</u>
<u>2908</u>	<u>1.2100</u>	<u>1.0498</u>	<u>0.9000</u>	<u>0.480</u>	<u>3903</u>	<u>1.2155</u>	<u>1.0602</u>	<u>0.9120</u>	<u>0.508</u>
<u>2909</u>	<u>0.4369</u>	<u>0.3769</u>	<u>0.3196</u>	<u>0.537</u>	<u>3905</u>	<u>0.1546</u>	<u>0.1344</u>	<u>0.1145</u>	<u>0.584</u>
<u>3101</u>	<u>0.8078</u>	<u>0.6940</u>	<u>0.5884</u>	<u>0.504</u>	<u>3906</u>	<u>0.5131</u>	<u>0.4451</u>	<u>0.3800</u>	<u>0.533</u>
<u>3102</u>	<u>0.2706</u>	<u>0.2331</u>	<u>0.1984</u>	<u>0.511</u>	<u>3909</u>	<u>0.3497</u>	<u>0.3029</u>	<u>0.2581</u>	<u>0.546</u>
<u>3103</u>	<u>0.5361</u>	<u>0.4631</u>	<u>0.3951</u>	<u>0.470</u>	<u>4002</u>	<u>0.4735</u>	<u>0.4086</u>	<u>0.3458</u>	<u>0.571</u>
<u>3104</u>	<u>0.6911</u>	<u>0.5945</u>	<u>0.5058</u>	<u>0.486</u>	<u>4101</u>	<u>0.3521</u>	<u>0.3024</u>	<u>0.2559</u>	<u>0.515</u>
<u>3105</u>	<u>0.8113</u>	<u>0.6987</u>	<u>0.5926</u>	<u>0.526</u>	<u>4103</u>	<u>0.6008</u>	<u>0.5151</u>	<u>0.4333</u>	<u>0.556</u>
<u>3303</u>	<u>0.4695</u>	<u>0.4029</u>	<u>0.3397</u>	<u>0.533</u>	<u>4107</u>	<u>0.1883</u>	<u>0.1622</u>	<u>0.1376</u>	<u>0.533</u>
<u>3304</u>	<u>0.5848</u>	<u>0.5074</u>	<u>0.4329</u>	<u>0.550</u>	<u>4108</u>	<u>0.1986</u>	<u>0.1712</u>	<u>0.1452</u>	<u>0.549</u>
<u>3309</u>	<u>0.4393</u>	<u>0.3796</u>	<u>0.3247</u>	<u>0.483</u>	<u>4109</u>	<u>0.2129</u>	<u>0.1841</u>	<u>0.1570</u>	<u>0.510</u>
<u>3402</u>	<u>0.4968</u>	<u>0.4281</u>	<u>0.3644</u>	<u>0.491</u>	<u>4201</u>	<u>0.6875</u>	<u>0.5844</u>	<u>0.4913</u>	<u>0.494</u>
<u>3403</u>	<u>0.2108</u>	<u>0.1821</u>	<u>0.1559</u>	<u>0.486</u>	<u>4301</u>	<u>0.7505</u>	<u>0.6483</u>	<u>0.5501</u>	<u>0.544</u>
<u>3404</u>	<u>0.4867</u>	<u>0.4188</u>	<u>0.3544</u>	<u>0.535</u>	<u>4302</u>	<u>0.8446</u>	<u>0.7239</u>	<u>0.6087</u>	<u>0.554</u>
<u>3405</u>	<u>0.3063</u>	<u>0.2629</u>	<u>0.2218</u>	<u>0.539</u>	<u>4304</u>	<u>1.0198</u>	<u>0.8905</u>	<u>0.7664</u>	<u>0.496</u>
<u>3406</u>	<u>0.3024</u>	<u>0.2598</u>	<u>0.2186</u>	<u>0.589</u>	<u>4305</u>	<u>1.2357</u>	<u>1.0480</u>	<u>0.8742</u>	<u>0.519</u>
<u>3407</u>	<u>0.7693</u>	<u>0.6583</u>	<u>0.5562</u>	<u>0.485</u>	<u>4401</u>	<u>0.4538</u>	<u>0.3955</u>	<u>0.3402</u>	<u>0.486</u>
<u>3408</u>	<u>0.2560</u>	<u>0.2173</u>	<u>0.1796</u>	<u>0.609</u>	<u>4402</u>	<u>0.8322</u>	<u>0.7141</u>	<u>0.6022</u>	<u>0.550</u>
<u>3409</u>	<u>0.1727</u>	<u>0.1481</u>	<u>0.1243</u>	<u>0.600</u>	<u>4404</u>	<u>0.5444</u>	<u>0.4720</u>	<u>0.4038</u>	<u>0.495</u>
<u>3410</u>	<u>0.2194</u>	<u>0.1898</u>	<u>0.1612</u>	<u>0.559</u>	<u>4501</u>	<u>0.2060</u>	<u>0.1771</u>	<u>0.1493</u>	<u>0.583</u>
<u>3411</u>	<u>0.5285</u>	<u>0.4530</u>	<u>0.3834</u>	<u>0.493</u>	<u>4502</u>	<u>0.0526</u>	<u>0.0452</u>	<u>0.0383</u>	<u>0.546</u>

Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio	Class	((2010)) 2011	((2011)) 2012	((2012)) 2013	Primary Ratio
4504	0.1250	0.1079	0.0913	0.583	5206	0.4176	0.3599	0.3071	0.470
4601	0.8373	0.7204	0.6101	0.503	5207	0.1693	0.1470	0.1253	0.557
4801	3.2810	2.8197	2.4070	0.413	5208	0.7792	0.6714	0.5696	0.512
4802	0.3501	0.3041	0.2598	0.533	5209	0.7258	0.6262	0.5351	0.470
4803	0.3574	0.3111	0.2653	0.593	5300	0.1320	0.1125	0.0940	0.579
4804	0.5628	0.4871	0.4142	0.568	5301	0.0359	0.0309	0.0262	0.547
4805	0.3937	0.3403	0.2890	0.557	5302	0.0139	0.0119	0.0101	0.512
4806	0.0805	0.0701	0.0600	0.567	5305	0.0582	0.0501	0.0423	0.591
4808	0.4967	0.4305	0.3677	0.502	5306	0.0497	0.0428	0.0363	0.571
4809	0.3568	0.3101	0.2648	0.544	5307	0.7869	0.6722	0.5659	0.507
4810	0.1789	0.1558	0.1330	0.583	5308	0.1041	0.0893	0.0751	0.578
4811	0.3992	0.3463	0.2945	0.574	6103	0.1001	0.0866	0.0731	0.613
4812	0.4167	0.3604	0.3066	0.547	6104	0.4995	0.4292	0.3624	0.545
4813	0.1967	0.1711	0.1463	0.551	6105	0.4181	0.3583	0.3031	0.509
4814	0.1485	0.1309	0.1134	0.571	6107	0.1499	0.1307	0.1118	0.579
4815	0.3016	0.2669	0.2318	0.584	6108	0.4537	0.3926	0.3336	0.567
4816	0.4260	0.3771	0.3288	0.523	6109	0.1136	0.0971	0.0814	0.551
4900	0.1785	0.1535	0.1317	0.410	6110	0.6411	0.5515	0.4660	0.541
4901	0.0510	0.0438	0.0371	0.491	6120	0.3285	0.2795	0.2331	0.550
4902	0.1344	0.1150	0.0968	0.549	6121	0.3723	0.3204	0.2725	0.499
4903	0.1829	0.1559	0.1301	0.593	6201	0.3307	0.2853	0.2436	0.483
4904	0.0236	0.0203	0.0172	0.570	6202	0.7510	0.6462	0.5470	0.515
4905	0.4458	0.3882	0.3315	0.580	6203	0.1208	0.1050	0.0893	0.632
4906	0.1170	0.0997	0.0833	0.561	6204	0.1531	0.1325	0.1125	0.574
4907	0.0632	0.0548	0.0466	0.553	6205	0.2458	0.2133	0.1821	0.536
4908	0.1079	0.0934	0.0787	0.567	6206	0.2456	0.2123	0.1804	0.550
4909	0.0424	0.0372	0.0317	0.506	6207	1.4669	1.2794	1.0985	0.513
4910	0.4657	0.4016	0.3414	0.515	6208	0.2808	0.2442	0.2082	0.570
4911	0.0735	0.0632	0.0537	0.497	6209	0.3123	0.2720	0.2332	0.519
5001	8.2784	7.1497	6.1578	0.375	6301	0.1376	0.1174	0.0990	0.491
5002	0.6546	0.5585	0.4678	0.539	6303	0.0771	0.0664	0.0564	0.525
5003	2.1378	1.8171	1.5287	0.454	6304	0.3393	0.2946	0.2511	0.563
5004	0.8447	0.7347	0.6323	0.456	6305	0.1149	0.0992	0.0840	0.593
5005	0.8281	0.7155	0.6119	0.433	6306	0.3583	0.3086	0.2621	0.512
5006	1.4426	1.2430	1.0676	0.380	6308	0.0693	0.0593	0.0501	0.530
5101	1.0385	0.8879	0.7495	0.477	6309	0.2174	0.1881	0.1601	0.531
5103	0.8725	0.7541	0.6402	0.550	6402	0.2974	0.2566	0.2171	0.577
5106	0.8725	0.7541	0.6402	0.550	6403	0.1929	0.1668	0.1414	0.574
5108	0.8763	0.7562	0.6428	0.531	6404	0.3087	0.2671	0.2268	0.574
5109	0.6346	0.5397	0.4518	0.510	6405	0.5666	0.4853	0.4096	0.519
5201	0.3898	0.3338	0.2814	0.525	6406	0.1342	0.1159	0.0981	0.591
5204	1.0906	0.9380	0.7997	0.458	6407	0.2677	0.2310	0.1960	0.561

Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio	Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio
<u>6408</u>	<u>0.5131</u>	<u>0.4428</u>	<u>0.3769</u>	<u>0.509</u>	<u>7101</u>	<u>0.0261</u>	<u>0.0226</u>	<u>0.0194</u>	<u>0.452</u>
<u>6409</u>	<u>0.7143</u>	<u>0.6142</u>	<u>0.5215</u>	<u>0.491</u>	<u>7102</u>	<u>4.7128</u>	<u>4.1763</u>	<u>3.6384</u>	<u>0.552</u>
<u>6410</u>	<u>0.3318</u>	<u>0.2851</u>	<u>0.2411</u>	<u>0.531</u>	<u>7103</u>	<u>0.8289</u>	<u>0.7038</u>	<u>0.5861</u>	<u>0.540</u>
<u>6501</u>	<u>0.1546</u>	<u>0.1325</u>	<u>0.1113</u>	<u>0.574</u>	<u>7104</u>	<u>0.0351</u>	<u>0.0300</u>	<u>0.0253</u>	<u>0.578</u>
<u>6502</u>	<u>0.0361</u>	<u>0.0313</u>	<u>0.0266</u>	<u>0.535</u>	<u>7105</u>	<u>0.0243</u>	<u>0.0210</u>	<u>0.0178</u>	<u>0.531</u>
<u>6503</u>	<u>0.0774</u>	<u>0.0661</u>	<u>0.0557</u>	<u>0.520</u>	<u>7106</u>	<u>0.3076</u>	<u>0.2641</u>	<u>0.2218</u>	<u>0.609</u>
<u>6504</u>	<u>0.3833</u>	<u>0.3332</u>	<u>0.2841</u>	<u>0.581</u>	<u>7107</u>	<u>0.2817</u>	<u>0.2456</u>	<u>0.2103</u>	<u>0.563</u>
<u>6505</u>	<u>0.1544</u>	<u>0.1337</u>	<u>0.1129</u>	<u>0.627</u>	<u>7108</u>	<u>0.2064</u>	<u>0.1796</u>	<u>0.1534</u>	<u>0.554</u>
<u>6506</u>	<u>0.1354</u>	<u>0.1165</u>	<u>0.0982</u>	<u>0.584</u>	<u>7109</u>	<u>0.1570</u>	<u>0.1353</u>	<u>0.1142</u>	<u>0.579</u>
<u>6509</u>	<u>0.3629</u>	<u>0.3148</u>	<u>0.2679</u>	<u>0.573</u>	<u>7110</u>	<u>0.3487</u>	<u>0.3000</u>	<u>0.2557</u>	<u>0.459</u>
<u>6510</u>	<u>0.4507</u>	<u>0.3881</u>	<u>0.3310</u>	<u>0.442</u>	<u>7111</u>	<u>0.4742</u>	<u>0.4055</u>	<u>0.3438</u>	<u>0.449</u>
<u>6511</u>	<u>0.4110</u>	<u>0.3554</u>	<u>0.3017</u>	<u>0.555</u>	<u>7112</u>	<u>0.8188</u>	<u>0.7066</u>	<u>0.5991</u>	<u>0.563</u>
<u>6512</u>	<u>0.1302</u>	<u>0.1125</u>	<u>0.0959</u>	<u>0.490</u>	<u>7113</u>	<u>0.4457</u>	<u>0.3861</u>	<u>0.3288</u>	<u>0.550</u>
<u>6601</u>	<u>0.2363</u>	<u>0.2038</u>	<u>0.1725</u>	<u>0.534</u>	<u>7114</u>	<u>0.7769</u>	<u>0.6714</u>	<u>0.5675</u>	<u>0.598</u>
<u>6602</u>	<u>0.6226</u>	<u>0.5404</u>	<u>0.4614</u>	<u>0.539</u>	<u>7115</u>	<u>0.5260</u>	<u>0.4584</u>	<u>0.3935</u>	<u>0.544</u>
<u>6603</u>	<u>0.3275</u>	<u>0.2825</u>	<u>0.2402</u>	<u>0.521</u>	<u>7116</u>	<u>0.6772</u>	<u>0.5864</u>	<u>0.4999</u>	<u>0.509</u>
<u>6604</u>	<u>0.0930</u>	<u>0.0802</u>	<u>0.0678</u>	<u>0.570</u>	<u>7117</u>	<u>1.2285</u>	<u>1.0590</u>	<u>0.8977</u>	<u>0.537</u>
<u>6605</u>	<u>0.3622</u>	<u>0.3094</u>	<u>0.2583</u>	<u>0.569</u>	<u>7118</u>	<u>1.6472</u>	<u>1.4278</u>	<u>1.2207</u>	<u>0.501</u>
<u>6607</u>	<u>0.1627</u>	<u>0.1410</u>	<u>0.1203</u>	<u>0.517</u>	<u>7119</u>	<u>1.6505</u>	<u>1.4088</u>	<u>1.1769</u>	<u>0.562</u>
<u>6608</u>	<u>0.6048</u>	<u>0.5152</u>	<u>0.4376</u>	<u>0.415</u>	<u>7120</u>	<u>6.6143</u>	<u>5.7082</u>	<u>4.8604</u>	<u>0.500</u>
<u>6620</u>	<u>3.5043</u>	<u>2.9596</u>	<u>2.4449</u>	<u>0.578</u>	<u>7121</u>	<u>6.1894</u>	<u>5.3424</u>	<u>4.5488</u>	<u>0.501</u>
<u>6704</u>	<u>0.1355</u>	<u>0.1170</u>	<u>0.0993</u>	<u>0.545</u>	<u>7122</u>	<u>0.4433</u>	<u>0.3837</u>	<u>0.3265</u>	<u>0.540</u>
<u>6705</u>	<u>0.9525</u>	<u>0.8265</u>	<u>0.7026</u>	<u>0.600</u>	<u>7200</u>	<u>1.7750</u>	<u>1.5073</u>	<u>1.2575</u>	<u>0.521</u>
<u>6706</u>	<u>0.3270</u>	<u>0.2866</u>	<u>0.2483</u>	<u>0.502</u>	<u>7201</u>	<u>1.9832</u>	<u>1.6867</u>	<u>1.4096</u>	<u>0.521</u>
<u>6707</u>	<u>6.5041</u>	<u>5.5538</u>	<u>4.6106</u>	<u>0.673</u>	<u>7202</u>	<u>0.0309</u>	<u>0.0267</u>	<u>0.0228</u>	<u>0.490</u>
<u>6708</u>	<u>9.5264</u>	<u>8.5271</u>	<u>7.5376</u>	<u>0.445</u>	<u>7203</u>	<u>0.1385</u>	<u>0.1220</u>	<u>0.1052</u>	<u>0.587</u>
<u>6709</u>	<u>0.2959</u>	<u>0.2564</u>	<u>0.2180</u>	<u>0.544</u>	<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>6801</u>	<u>0.8035</u>	<u>0.6772</u>	<u>0.5592</u>	<u>0.560</u>	<u>7205</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>6802</u>	<u>0.6880</u>	<u>0.5905</u>	<u>0.4969</u>	<u>0.588</u>	<u>7301</u>	<u>0.4867</u>	<u>0.4216</u>	<u>0.3601</u>	<u>0.518</u>
<u>6803</u>	<u>0.7045</u>	<u>0.6070</u>	<u>0.5250</u>	<u>0.341</u>	<u>7302</u>	<u>1.0006</u>	<u>0.8704</u>	<u>0.7473</u>	<u>0.484</u>
<u>6804</u>	<u>0.3344</u>	<u>0.2895</u>	<u>0.2467</u>	<u>0.532</u>	<u>7307</u>	<u>0.4775</u>	<u>0.4158</u>	<u>0.3568</u>	<u>0.504</u>
<u>6809</u>	<u>5.9379</u>	<u>5.1302</u>	<u>4.3260</u>	<u>0.584</u>	<u>7308</u>	<u>0.3867</u>	<u>0.3352</u>	<u>0.2849</u>	<u>0.563</u>
<u>6901</u>	<u>0.0227</u>	<u>0.0213</u>	<u>0.0189</u>	<u>0.740</u>	<u>7309</u>	<u>0.3082</u>	<u>0.2677</u>	<u>0.2281</u>	<u>0.576</u>
<u>6902</u>	<u>0.9811</u>	<u>0.8419</u>	<u>0.7186</u>	<u>0.423</u>	<u>7400</u>	<u>1.9832</u>	<u>1.6867</u>	<u>1.4096</u>	<u>0.521</u>
<u>6903</u>	<u>6.9913</u>	<u>6.1113</u>	<u>5.3667</u>	<u>0.321</u>					
<u>6904</u>	<u>0.8022</u>	<u>0.6765</u>	<u>0.5584</u>	<u>0.543</u>					
<u>6905</u>	<u>0.5755</u>	<u>0.4857</u>	<u>0.4008</u>	<u>0.583</u>					
<u>6906</u>	<u>0.2292</u>	<u>0.2132</u>	<u>0.1948</u>	<u>0.670</u>					
<u>6907</u>	<u>1.2548</u>	<u>1.0808</u>	<u>0.9155</u>	<u>0.534</u>					
<u>6908</u>	<u>0.4317</u>	<u>0.3723</u>	<u>0.3165</u>	<u>0.515</u>					
<u>6909</u>	<u>0.1291</u>	<u>0.1112</u>	<u>0.0940</u>	<u>0.550</u>					
<u>7100</u>	<u>0.0354</u>	<u>0.0309</u>	<u>0.0268</u>	<u>0.467</u>					

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed				
Class	(2010) 2011	(2011) 2012	(2012) 2013	Primary Ratio
((0540	<u>0.0283</u>	<u>0.0248</u>	<u>0.0209</u>	<u>0.426</u>
0541	<u>0.0132</u>	<u>0.0116</u>	<u>0.0097</u>	<u>0.421</u>
0550	<u>0.0278</u>	<u>0.0244</u>	<u>0.0206</u>	<u>0.420</u>
0551	<u>0.0151</u>	<u>0.0133</u>	<u>0.0112</u>	<u>0.407))</u>

Class	(2010) <u>2011</u>	(2011) <u>2012</u>	(2012) <u>2013</u>	Primary Ratio	Expected Loss Range	Maximum Experience Modification
<u>0540</u>	<u>0.0288</u>	<u>0.0247</u>	<u>0.0212</u>	<u>0.417</u>	<u>54,603</u> and higher	<u>0.60</u>)
<u>0541</u>	<u>0.0134</u>	<u>0.0116</u>	<u>0.0099</u>	<u>0.419</u>	<u>1</u> = <u>6,997</u>	<u>0.90</u>
<u>0550</u>	<u>0.0296</u>	<u>0.0254</u>	<u>0.0218</u>	<u>0.425</u>	<u>6,998</u> = <u>8,544</u>	<u>0.89</u>
<u>0551</u>	<u>0.0149</u>	<u>0.0128</u>	<u>0.0110</u>	<u>0.411</u>	<u>8,545</u> = <u>9,465</u>	<u>0.88</u>

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-890 Table IV.

**Maximum experience modifications
for firms with no compensable accidents:
Effective January 1, ~~(2014)~~ 2015**

Expected Loss Range	Maximum Experience Modification
(1 - 7,365	0.90
7,366 - 8,994	0.89
8,995 - 9,963	0.88
9,964 - 10,859	0.87
10,860 - 11,806	0.86
11,807 - 12,797	0.85
12,798 - 13,669	0.84
13,670 - 14,555	0.83
14,556 - 15,476	0.82
15,477 - 16,435	0.81
16,436 - 17,432	0.80
17,433 - 18,466	0.79
18,467 - 19,542	0.78
19,543 - 20,652	0.77
20,653 - 21,805	0.76
21,806 - 22,995	0.75
22,996 - 24,227	0.74
24,228 - 25,497	0.73
25,498 - 26,811	0.72
26,812 - 28,162	0.71
28,163 - 29,557	0.70
29,558 - 30,993	0.69
30,994 - 32,468	0.68
32,469 - 33,988	0.67
33,989 - 35,546	0.66
35,547 - 37,149	0.65
37,150 - 39,646	0.64
39,647 - 43,043	0.63
43,044 - 46,968	0.62
46,969 - 54,602	0.61

<u>9,466</u> = <u>10,316</u>	<u>0.87</u>
<u>10,317</u> = <u>11,216</u>	<u>0.86</u>
<u>11,217</u> = <u>12,157</u>	<u>0.85</u>
<u>12,158</u> = <u>12,986</u>	<u>0.84</u>
<u>12,987</u> = <u>13,827</u>	<u>0.83</u>
<u>13,828</u> = <u>14,702</u>	<u>0.82</u>
<u>14,703</u> = <u>15,613</u>	<u>0.81</u>
<u>15,614</u> = <u>16,560</u>	<u>0.80</u>
<u>16,561</u> = <u>17,543</u>	<u>0.79</u>
<u>17,544</u> = <u>18,565</u>	<u>0.78</u>
<u>18,566</u> = <u>19,619</u>	<u>0.77</u>
<u>19,620</u> = <u>20,715</u>	<u>0.76</u>
<u>20,716</u> = <u>21,845</u>	<u>0.75</u>
<u>21,846</u> = <u>23,016</u>	<u>0.74</u>
<u>23,017</u> = <u>24,222</u>	<u>0.73</u>
<u>24,223</u> = <u>25,470</u>	<u>0.72</u>
<u>25,471</u> = <u>26,754</u>	<u>0.71</u>
<u>26,755</u> = <u>28,079</u>	<u>0.70</u>
<u>28,080</u> = <u>29,443</u>	<u>0.69</u>
<u>29,444</u> = <u>30,845</u>	<u>0.68</u>
<u>30,846</u> = <u>32,289</u>	<u>0.67</u>
<u>32,290</u> = <u>33,769</u>	<u>0.66</u>
<u>33,770</u> = <u>35,292</u>	<u>0.65</u>
<u>35,293</u> = <u>37,664</u>	<u>0.64</u>
<u>37,665</u> = <u>40,891</u>	<u>0.63</u>
<u>40,892</u> = <u>44,620</u>	<u>0.62</u>
<u>44,621</u> = <u>51,872</u>	<u>0.61</u>
<u>51,873</u> and higher	<u>0.60</u>

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-901 Risk classification hazard group table. Effective ~~(November 19, 2010)~~ July 1, 2014.

Risk Classification	Hazard Group
101	9
103	8
104	8
105	5
<u>106</u>	<u>9</u>

Risk Classification	Hazard Group	Risk Classification	Hazard Group
107	9	701	9
108	8	803	5
112	7	901	8
201	9	1002	8
202	9	1003	7
210	8	1004	6
212	9	1005	8
214	8	1006	5
217	7	1007	7
219	7	1101	5
301	4	1102	8
302	9	1103	8
303	9	1104	3
306	8	1105	7
307	7	1106	5
308	3	1108	5
403	6	1109	6
502	8	1301	2
504	9	1303	3
507	8	1304	5
508	9	1305	4
509	9	1401	9
510	7	1404	3
511	7	1405	1
512	9	1407	4
513	6	1501	5
514	7	1507	5
516	8	1701	7
517	9	1702	9
518	9	1703	9
519	9	1704	7
521	7	1801	9
540	8	1802	5
541	9	2002	6
550	9	2004	4
551	9	2007	6
601	7	2008	6
602	7	2009	3
603	9	2101	5
604	7	2102	3
606	4	2104	2
607	6	2105	2
608	7	2106	4

Risk Classification	Hazard Group	Risk Classification	Hazard Group
2201	6	3604	7
2202	5	3605	5
2203	2	3701	5
2204	6	3702	3
2401	1	3708	5
2903	4	3802	3
2904	6	3808	7
2905	3	3901	1
2906	4	3902	4
2907	3	3903	6
2908	7	3905	1
2909	4	3906	4
3101	6	3909	3
3102	6	4002	7
3103	6	4101	5
3104	6	4103	2
3105	5	4107	6
3303	3	4108	3
3304	3	4109	6
3309	6	4201	6
3402	6	4301	4
3403	6	4302	4
3404	5	4304	6
3405	3	4305	5
3406	1	4401	6
3407	6	4402	2
3408	1	4404	5
3409	1	4501	1
3410	2	4502	5
3411	6	4504	1
3412	8	4601	5
3414	6	4802	7
3415	9	4803	2
3501	6	4804	2
3503	3	4805	2
3506	7	4806	5
3509	1	4808	6
3510	2	4809	3
3511	6	4810	3
3512	3	4811	3
3513	8	4812	2
3602	4	4813	3
3603	4	<u>4814</u>	<u>3</u>

Risk Classification	Hazard Group	Risk Classification	Hazard Group
4815	3	6109	4
4816	6	6110	5
4900	9	6120	5
4901	6	6121	5
4902	3	6201	7
4903	1	6202	6
4904	3	6203	1
4905	2	6204	2
4906	2	6205	4
4907	4	6206	3
4908	2	6207	6
4909	3	6208	2
4910	6	6209	3
4911	6	6301	8
5001	9	6303	5
5002	3	6304	1
5003	9	6305	1
5004	8	6306	4
5005	9	6308	2
5006	9	6309	3
5101	4	6402	1
5103	3	6403	1
5106	2	6404	3
5108	3	6405	5
5109	6	6406	1
5201	4	6407	3
5204	8	6408	4
5206	6	6409	6
5207	2	6410	3
5208	4	6501	1
5209	6	6502	4
5300	2	6503	5
5301	3	6504	1
5302	5	6505	1
5305	1	6506	2
5306	1	6509	2
5307	4	6510	8
5308	1	6511	3
6103	1	6512	6
6104	2	6601	4
6105	6	6602	5
6107	1	6603	4
6108	1	6604	1

Risk Classification	Hazard Group	Risk Classification	Hazard Group
6605	1	7119	6
6607	4	7120	9
6608	9	7121	9
6620	1	7122	5
6704	2	7200	3
6705	2	7201	5
6706	6	7202	6
6707	1	7203	1
6708	8	7301	6
6709	2	7302	7
6801	3	7307	5
6802	2	7308	1
6803	9	7309	2
6804	3	7400	6
6809	2	The following classes have no hazard group assigned to them	
6901	1	6625	
6902	9	6626	
6903	9	6627	
6904	1	6618	
6905	1	7204	
6906	1	7205	
6907	4		
6908	4		
6909	2		
7100	7	<u>AMENDATORY SECTION</u> (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)	
7101	8	WAC 296-17-895 Industrial insurance accident fund base rates, stay at work and medical aid base rates by class of industry. Industrial insurance accident fund, stay at work and medical aid fund base rates by class of industry shall be as set forth below.	
7102	3		
7103	4		
7104	3		
7105	3		
7106	3		
7107	2		
7108	4		
7109	4		
7110	5		
7111	4		
7112	4		
7113	3		
7114	3		
7115	3		
7116	8		
7117	3		
7118	7		

Base Rates Effective January 1, ((2014)) 2015				
	Class	Accident Fund	Stay at Work	Medical Aid Fund
	((0101	2.5160	0.0512	0.9653
	0103	2.6537	0.0537	1.2190
	0104	1.5406	0.0313	0.6588
	0105	1.9466	0.0391	1.0944
	0107	1.6638	0.0338	0.6732
	0108	1.5406	0.0313	0.6588
	0112	1.1221	0.0227	0.5474
	0201	3.4771	0.0712	1.0282
	0202	5.1068	0.1038	2.1108
	0210	1.6836	0.0343	0.6491
	0212	1.9705	0.0400	0.8217
	0214	2.2228	0.0452	0.9140

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
0217	2.0189	0.0410	0.8814	1101	1.1219	0.0226	0.5984
0219	1.7000	0.0345	0.7103	1102	2.2314	0.0452	1.0086
0301	1.0633	0.0213	0.6428	1103	1.9275	0.0390	0.8963
0302	3.7635	0.0768	1.2981	1104	0.8477	0.0169	0.5522
0303	2.7078	0.0551	1.0562	1105	1.2791	0.0259	0.5944
0306	1.6610	0.0338	0.6444	1106	0.3924	0.0078	0.2991
0307	1.3739	0.0279	0.6074	1108	0.8223	0.0165	0.4960
0308	0.7346	0.0146	0.5447	1109	2.1338	0.0430	1.1538
0403	2.7136	0.0550	1.2414	1301	0.8131	0.0164	0.3885
0502	2.1155	0.0431	0.8228	1303	0.3063	0.0061	0.1824
0504	2.5371	0.0511	1.3703	1304	0.0419	0.0008	0.0226
0507	4.6451	0.0935	2.5360	1305	0.6850	0.0138	0.3925
0508	3.0958	0.0633	0.9843	1401	0.2814	0.0056	0.1946
0509	2.5238	0.0515	0.9018	1404	1.1580	0.0232	0.7470
0510	3.1006	0.0628	1.4513	1405	1.0982	0.0221	0.6374
0511	2.4281	0.0493	1.0119	1407	0.6936	0.0138	0.4849
0512	2.1104	0.0428	0.9271	1501	0.9353	0.0189	0.4866
0513	1.3242	0.0269	0.5702	1507	0.8614	0.0173	0.4777
0514	2.6781	0.0542	1.2503	1701	1.1500	0.0232	0.5702
0516	2.4545	0.0499	1.0260	1702	2.9554	0.0605	0.8915
0517	3.5093	0.0710	1.6603	1703	1.7179	0.0353	0.4576
0518	2.3252	0.0474	0.8569	1704	1.1500	0.0232	0.5702
0519	2.7010	0.0547	1.2122	1801	0.6669	0.0134	0.3608
0521	0.8098	0.0164	0.3855	1802	1.1100	0.0223	0.6158
0601	0.9362	0.0190	0.4024	2002	1.1457	0.0230	0.6835
0602	1.1364	0.0232	0.4097	2004	1.0350	0.0208	0.6224
0603	1.4098	0.0287	0.5388	2007	0.8196	0.0164	0.5402
0604	1.5514	0.0310	0.9982	2008	0.5205	0.0104	0.3181
0606	0.8128	0.0163	0.4906	2009	0.4622	0.0092	0.3358
0607	1.0441	0.0211	0.5483	2101	0.9819	0.0195	0.6996
0608	0.4790	0.0097	0.2573	2102	0.9035	0.0181	0.5491
0701	3.3517	0.0689	0.8033	2104	0.3347	0.0065	0.3539
0803	0.7215	0.0145	0.4245	2105	0.8410	0.0169	0.5045
0901	2.3252	0.0474	0.8569	2106	0.6622	0.0132	0.4523
1002	1.3484	0.0272	0.6925	2201	0.3370	0.0067	0.2356
1003	1.1278	0.0227	0.6311	2202	1.0871	0.0219	0.6089
1004	0.8163	0.0165	0.3779	2203	0.6118	0.0122	0.4524
1005	13.3280	0.2709	5.4060	2204	0.3370	0.0067	0.2356
1006	0.1211	0.0024	0.0681	2401	0.6956	0.0141	0.3265
1007	0.5445	0.0111	0.2145	2903	0.8876	0.0177	0.6086

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
2904	1.0262	0.0207	0.5561	3702	0.6186	0.0124	0.3910
2905	0.8222	0.0164	0.5611	3708	0.8950	0.0180	0.4915
2906	0.5028	0.0100	0.3652	3802	0.2828	0.0056	0.1985
2907	0.7015	0.0140	0.4514	3808	0.6388	0.0129	0.3060
2908	1.6050	0.0322	0.9257	3901	0.1827	0.0036	0.1630
2909	0.5464	0.0109	0.3732	3902	0.5603	0.0111	0.4399
3101	1.0672	0.0215	0.5903	3903	1.4053	0.0278	1.0962
3102	0.3517	0.0070	0.2195	3905	0.1645	0.0032	0.1526
3103	0.7289	0.0147	0.4103	3906	0.5854	0.0116	0.4437
3104	0.9393	0.0189	0.5083	3909	0.4201	0.0083	0.3124
3105	1.0613	0.0212	0.6762	4002	0.5603	0.0111	0.4399
3303	0.6164	0.0124	0.3735	4101	0.4673	0.0094	0.2728
3304	0.6002	0.0119	0.4902	4103	0.7569	0.0151	0.4933
3309	0.5822	0.0117	0.3264	4107	0.2301	0.0046	0.1473
3402	0.7060	0.0142	0.4063	4108	0.2491	0.0050	0.1707
3403	0.2940	0.0059	0.1668	4109	0.2789	0.0056	0.1759
3404	0.6308	0.0126	0.3981	4201	1.0875	0.0221	0.4357
3405	0.3859	0.0077	0.2490	4301	0.8846	0.0176	0.6407
3406	0.3530	0.0070	0.2569	4302	1.0199	0.0204	0.6382
3407	1.1910	0.0241	0.5743	4304	1.1942	0.0237	0.9105
3408	0.3157	0.0063	0.1983	4305	1.7172	0.0348	0.7899
3409	0.1988	0.0040	0.1434	4401	0.5574	0.0111	0.4007
3410	0.2609	0.0052	0.2046	4402	1.0729	0.0215	0.6672
3411	0.7872	0.0159	0.3922	4404	0.6934	0.0138	0.4712
3412	0.9529	0.0193	0.4240	4501	0.2442	0.0048	0.1892
3414	0.9630	0.0194	0.5448	4502	0.0613	0.0012	0.0421
3415	1.2417	0.0251	0.6348	4504	0.1539	0.0030	0.1217
3501	1.4921	0.0300	0.8325	4601	1.1005	0.0221	0.6385
3503	0.3778	0.0074	0.3345	4802	0.4103	0.0081	0.3122
3506	1.3798	0.0280	0.6016	4803	0.3295	0.0064	0.3319
3509	0.4967	0.0099	0.3690	4804	0.6267	0.0124	0.4881
3510	0.4674	0.0093	0.3122	4805	0.4199	0.0083	0.3176
3511	0.8729	0.0175	0.5023	4806	0.0825	0.0016	0.0698
3512	0.4800	0.0095	0.3566	4808	0.6149	0.0122	0.4342
3513	0.7272	0.0144	0.5412	4809	0.3918	0.0077	0.3287
3602	0.1454	0.0029	0.0991	4810	0.1735	0.0034	0.1636
3603	0.6609	0.0132	0.4586	4811	0.4159	0.0082	0.3709
3604	0.9778	0.0194	0.7411	4812	0.4957	0.0099	0.3623
3605	0.7853	0.0158	0.4186	4813	0.2069	0.0041	0.1743
3701	0.3517	0.0070	0.2195	4900	0.2835	0.0058	0.1105

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
4901	0.0812	0.0016	0.0413	6109	0.1477	0.0030	0.0875
4902	0.1764	0.0035	0.1046	6110	0.8120	0.0162	0.5247
4903	0.2258	0.0045	0.1452	6120	0.4555	0.0092	0.2484
4904	0.0301	0.0006	0.0225	6121	0.5056	0.0102	0.2819
4905	0.4349	0.0085	0.4195	6201	0.4613	0.0093	0.2542
4906	0.1421	0.0029	0.0850	6202	0.9436	0.0189	0.5905
4907	0.0745	0.0015	0.0543	6203	0.1194	0.0023	0.1302
4908	0.1224	0.0024	0.1153	6204	0.1714	0.0034	0.1327
4909	0.0502	0.0010	0.0609	6205	0.3009	0.0060	0.2176
4910	0.6268	0.0126	0.3855	6206	0.3032	0.0060	0.2169
4911	0.0971	0.0020	0.0562	6207	1.5734	0.0310	1.3563
5001	14.1627	0.2880	5.6421	6208	0.3017	0.0059	0.2813
5002	0.8845	0.0178	0.4848	6209	0.3792	0.0075	0.2876
5003	3.5476	0.0725	1.1903	6301	0.2039	0.0041	0.0867
5004	1.1179	0.0224	0.6835	6303	0.1026	0.0021	0.0650
5005	1.1930	0.0241	0.5578	6304	0.3691	0.0073	0.3253
5006	2.3140	0.0471	0.8722	6305	0.1328	0.0026	0.1071
5101	1.4358	0.0291	0.6756	6306	0.4539	0.0091	0.2685
5103	1.0976	0.0218	0.8128	6308	0.0930	0.0019	0.0558
5106	1.0976	0.0218	0.8128	6309	0.2739	0.0055	0.1895
5108	1.1114	0.0222	0.7586	6402	0.3285	0.0065	0.2576
5109	0.9009	0.0182	0.4222	6403	0.1999	0.0039	0.1744
5201	0.5477	0.0110	0.3078	6404	0.3368	0.0067	0.2728
5204	1.5637	0.0316	0.7566	6405	0.8067	0.0163	0.4299
5206	0.5589	0.0113	0.2920	6406	0.1455	0.0029	0.1249
5207	0.1818	0.0036	0.1583	6407	0.3177	0.0063	0.2328
5208	1.0571	0.0212	0.6662	6408	0.6481	0.0130	0.3821
5209	1.0494	0.0211	0.5637	6409	1.0402	0.0210	0.5375
5300	0.1726	0.0035	0.1046	6410	0.4375	0.0088	0.2696
5301	0.0469	0.0009	0.0316	6501	0.1921	0.0038	0.1342
5302	0.0207	0.0004	0.0116	6502	0.0423	0.0008	0.0305
5305	0.0700	0.0014	0.0537	6503	0.1123	0.0023	0.0524
5306	0.0604	0.0012	0.0476	6504	0.4364	0.0086	0.3942
5307	1.0722	0.0217	0.5232	6505	0.1517	0.0030	0.1570
5308	0.1305	0.0026	0.0943	6506	0.1542	0.0031	0.1165
6103	0.1023	0.0020	0.0944	6509	0.4089	0.0080	0.3582
6104	0.5688	0.0114	0.3721	6510	0.6555	0.0133	0.3087
6105	0.5781	0.0117	0.3006	6511	0.4952	0.0098	0.3764
6107	0.1687	0.0033	0.1648	6512	0.1823	0.0037	0.1092
6108	0.5333	0.0105	0.4264	6601	0.2814	0.0056	0.1946

Base Rates Effective January 1, ((2014)) 2015				Base Rates Effective January 1, ((2014)) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
6602	0.6671	0.0132	0.5235	7113	0.4988	0.0099	0.3889
6603	0.4257	0.0085	0.2775	7114	0.7568	0.0149	0.6845
6604	0.1080	0.0021	0.0820	7115	0.6045	0.0119	0.5018
6605	0.4900	0.0098	0.3447	7116	0.8402	0.0168	0.5598
6607	0.1978	0.0039	0.1427	7117	1.5862	0.0317	1.0506
6608	0.9967	0.0204	0.3099	7118	1.9574	0.0390	1.3524
6620	4.8693	0.0985	2.3591	7119	1.9981	0.0401	1.2182
6704	0.1717	0.0034	0.1189	7120	8.6409	0.1733	5.2071
6705	1.0291	0.0202	0.9075	7121	8.0849	0.1621	4.8937
6706	0.3753	0.0074	0.3039	7122	0.5576	0.0110	0.4325
6707	6.2118	0.1220	5.6365	7200	2.3056	0.0467	1.0691
6708	9.3895	0.1812	10.7590	7201	2.7191	0.0551	1.2646
6709	0.3303	0.0065	0.2604	7202	0.0454	0.0009	0.0226
6801	1.1332	0.0229	0.5535	7203	0.1350	0.0026	0.1666
6802	0.7739	0.0154	0.5505	7204	0.0000	0.0000	0.0000
6803	1.3385	0.0274	0.4338	7205	0.0000	0.0000	0.0000
6804	0.4405	0.0088	0.3136	7301	0.5946	0.0119	0.3970
6809	6.6659	0.1314	5.6394	7302	1.2396	0.0247	0.8614
6901	0.0000	0.0000	0.0715	7307	0.5697	0.0113	0.4225
6902	1.5510	0.0316	0.5937	7308	0.4624	0.0091	0.3893
6903	11.2069	0.2276	4.6804	7309	0.3321	0.0065	0.2948
6904	0.9478	0.0192	0.4243	7400	2.7191	0.0551	1.2646))
6905	0.7348	0.0148	0.3845	0101	2.2621	0.0462	0.8413
6906	0.0000	0.0000	0.3845	0103	2.5025	0.0507	1.1821
6907	1.6013	0.0320	1.0158	0104	1.6229	0.0329	0.7176
6908	0.5802	0.0116	0.3583	0105	1.9768	0.0397	1.1578
6909	0.1563	0.0031	0.1133	0106	2.5237	0.0510	1.2439
7100	0.0446	0.0009	0.0299	0107	1.5542	0.0315	0.6957
7101	0.0356	0.0007	0.0203	0108	1.6229	0.0329	0.7176
7102	4.1060	0.0784	5.3172	0112	1.2050	0.0244	0.5700
7103	1.0344	0.0209	0.5231	0201	3.0762	0.0630	1.0339
7104	0.0420	0.0008	0.0302	0202	5.0960	0.1035	2.2059
7105	0.0318	0.0006	0.0213	0210	1.6385	0.0334	0.6693
7106	0.3189	0.0063	0.2633	0212	2.0315	0.0413	0.8710
7107	0.2947	0.0058	0.2641	0214	2.2095	0.0450	0.9162
7108	0.2253	0.0044	0.1987	0217	2.2434	0.0455	0.9889
7109	0.1843	0.0037	0.1385	0219	1.6204	0.0330	0.6745
7110	0.4910	0.0099	0.2336	0301	1.1443	0.0229	0.7321
7111	0.7209	0.0146	0.2959	0302	3.8666	0.0791	1.3404
7112	0.9462	0.0188	0.6905	0303	2.8050	0.0571	1.1513

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>0306</u>	<u>1.6429</u>	<u>0.0335</u>	<u>0.6542</u>	<u>1106</u>	<u>0.3859</u>	<u>0.0076</u>	<u>0.3027</u>
<u>0307</u>	<u>1.4460</u>	<u>0.0293</u>	<u>0.6499</u>	<u>1108</u>	<u>0.7936</u>	<u>0.0159</u>	<u>0.4941</u>
<u>0308</u>	<u>0.7557</u>	<u>0.0150</u>	<u>0.5732</u>	<u>1109</u>	<u>2.0041</u>	<u>0.0402</u>	<u>1.1671</u>
<u>0403</u>	<u>2.6534</u>	<u>0.0537</u>	<u>1.2740</u>	<u>1301</u>	<u>0.8300</u>	<u>0.0168</u>	<u>0.3924</u>
<u>0502</u>	<u>2.2238</u>	<u>0.0453</u>	<u>0.8843</u>	<u>1303</u>	<u>0.3303</u>	<u>0.0066</u>	<u>0.1953</u>
<u>0504</u>	<u>2.5773</u>	<u>0.0519</u>	<u>1.4268</u>	<u>1304</u>	<u>0.0407</u>	<u>0.0008</u>	<u>0.0228</u>
<u>0507</u>	<u>4.7270</u>	<u>0.0950</u>	<u>2.7160</u>	<u>1305</u>	<u>0.6710</u>	<u>0.0135</u>	<u>0.3891</u>
<u>0508</u>	<u>2.9435</u>	<u>0.0603</u>	<u>0.9404</u>	<u>1401</u>	<u>0.2943</u>	<u>0.0058</u>	<u>0.2371</u>
<u>0509</u>	<u>2.1222</u>	<u>0.0433</u>	<u>0.7960</u>	<u>1404</u>	<u>1.1317</u>	<u>0.0226</u>	<u>0.7429</u>
<u>0510</u>	<u>3.2034</u>	<u>0.0647</u>	<u>1.6188</u>	<u>1405</u>	<u>1.1055</u>	<u>0.0222</u>	<u>0.6749</u>
<u>0511</u>	<u>2.4892</u>	<u>0.0506</u>	<u>1.0787</u>	<u>1407</u>	<u>0.7277</u>	<u>0.0145</u>	<u>0.5019</u>
<u>0512</u>	<u>1.8966</u>	<u>0.0384</u>	<u>0.9232</u>	<u>1501</u>	<u>0.9502</u>	<u>0.0192</u>	<u>0.5078</u>
<u>0513</u>	<u>1.4384</u>	<u>0.0292</u>	<u>0.6255</u>	<u>1507</u>	<u>0.8650</u>	<u>0.0174</u>	<u>0.5029</u>
<u>0514</u>	<u>2.6150</u>	<u>0.0529</u>	<u>1.2595</u>	<u>1701</u>	<u>1.1273</u>	<u>0.0228</u>	<u>0.5543</u>
<u>0516</u>	<u>2.4023</u>	<u>0.0488</u>	<u>1.0361</u>	<u>1702</u>	<u>2.8222</u>	<u>0.0579</u>	<u>0.8931</u>
<u>0517</u>	<u>3.4354</u>	<u>0.0694</u>	<u>1.7293</u>	<u>1703</u>	<u>1.6717</u>	<u>0.0343</u>	<u>0.4759</u>
<u>0518</u>	<u>2.2308</u>	<u>0.0455</u>	<u>0.8286</u>	<u>1704</u>	<u>1.1273</u>	<u>0.0228</u>	<u>0.5543</u>
<u>0519</u>	<u>2.5350</u>	<u>0.0514</u>	<u>1.1896</u>	<u>1801</u>	<u>0.6627</u>	<u>0.0133</u>	<u>0.3672</u>
<u>0521</u>	<u>0.7718</u>	<u>0.0156</u>	<u>0.4044</u>	<u>1802</u>	<u>1.0992</u>	<u>0.0221</u>	<u>0.6121</u>
<u>0601</u>	<u>0.8848</u>	<u>0.0179</u>	<u>0.4065</u>	<u>2002</u>	<u>1.2049</u>	<u>0.0242</u>	<u>0.7107</u>
<u>0602</u>	<u>1.1631</u>	<u>0.0238</u>	<u>0.4125</u>	<u>2004</u>	<u>0.9633</u>	<u>0.0193</u>	<u>0.6142</u>
<u>0603</u>	<u>1.2736</u>	<u>0.0260</u>	<u>0.4983</u>	<u>2007</u>	<u>0.8667</u>	<u>0.0173</u>	<u>0.5926</u>
<u>0604</u>	<u>1.5526</u>	<u>0.0310</u>	<u>0.9953</u>	<u>2008</u>	<u>0.5162</u>	<u>0.0103</u>	<u>0.3261</u>
<u>0606</u>	<u>0.8141</u>	<u>0.0163</u>	<u>0.5058</u>	<u>2009</u>	<u>0.4423</u>	<u>0.0088</u>	<u>0.3313</u>
<u>0607</u>	<u>1.0682</u>	<u>0.0215</u>	<u>0.5919</u>	<u>2101</u>	<u>0.9068</u>	<u>0.0180</u>	<u>0.6744</u>
<u>0608</u>	<u>0.4785</u>	<u>0.0096</u>	<u>0.2583</u>	<u>2102</u>	<u>0.9256</u>	<u>0.0185</u>	<u>0.5697</u>
<u>0701</u>	<u>3.1691</u>	<u>0.0653</u>	<u>0.7905</u>	<u>2104</u>	<u>0.3427</u>	<u>0.0066</u>	<u>0.3751</u>
<u>0803</u>	<u>0.7576</u>	<u>0.0152</u>	<u>0.4406</u>	<u>2105</u>	<u>0.9228</u>	<u>0.0185</u>	<u>0.5592</u>
<u>0901</u>	<u>2.2308</u>	<u>0.0455</u>	<u>0.8286</u>	<u>2106</u>	<u>0.6403</u>	<u>0.0127</u>	<u>0.4550</u>
<u>1002</u>	<u>1.3143</u>	<u>0.0265</u>	<u>0.6776</u>	<u>2201</u>	<u>0.3289</u>	<u>0.0065</u>	<u>0.2409</u>
<u>1003</u>	<u>1.0813</u>	<u>0.0217</u>	<u>0.6093</u>	<u>2202</u>	<u>1.0782</u>	<u>0.0217</u>	<u>0.6191</u>
<u>1004</u>	<u>0.7816</u>	<u>0.0158</u>	<u>0.3743</u>	<u>2203</u>	<u>0.6236</u>	<u>0.0124</u>	<u>0.4645</u>
<u>1005</u>	<u>13.2154</u>	<u>0.2687</u>	<u>5.5583</u>	<u>2204</u>	<u>0.3289</u>	<u>0.0065</u>	<u>0.2409</u>
<u>1006</u>	<u>0.1436</u>	<u>0.0029</u>	<u>0.0905</u>	<u>2401</u>	<u>0.6637</u>	<u>0.0134</u>	<u>0.3285</u>
<u>1007</u>	<u>0.5134</u>	<u>0.0104</u>	<u>0.2105</u>	<u>2903</u>	<u>0.9076</u>	<u>0.0180</u>	<u>0.6412</u>
<u>1101</u>	<u>1.1683</u>	<u>0.0235</u>	<u>0.6235</u>	<u>2904</u>	<u>1.0245</u>	<u>0.0206</u>	<u>0.5807</u>
<u>1102</u>	<u>2.2227</u>	<u>0.0451</u>	<u>0.9993</u>	<u>2905</u>	<u>0.8039</u>	<u>0.0160</u>	<u>0.5583</u>
<u>1103</u>	<u>1.8658</u>	<u>0.0378</u>	<u>0.8912</u>	<u>2906</u>	<u>0.4948</u>	<u>0.0098</u>	<u>0.3726</u>
<u>1104</u>	<u>0.8701</u>	<u>0.0174</u>	<u>0.5838</u>	<u>2907</u>	<u>0.6799</u>	<u>0.0136</u>	<u>0.4543</u>
<u>1105</u>	<u>1.3145</u>	<u>0.0266</u>	<u>0.6468</u>	<u>2908</u>	<u>1.5794</u>	<u>0.0315</u>	<u>1.0516</u>

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
<u>2909</u>	<u>0.5386</u>	<u>0.0107</u>	<u>0.3870</u>	<u>3902</u>	<u>0.5460</u>	<u>0.0108</u>	<u>0.4366</u>
<u>3101</u>	<u>1.0968</u>	<u>0.0220</u>	<u>0.6298</u>	<u>3903</u>	<u>1.4027</u>	<u>0.0277</u>	<u>1.1271</u>
<u>3102</u>	<u>0.3601</u>	<u>0.0072</u>	<u>0.2233</u>	<u>3905</u>	<u>0.1625</u>	<u>0.0032</u>	<u>0.1581</u>
<u>3103</u>	<u>0.7151</u>	<u>0.0144</u>	<u>0.4143</u>	<u>3906</u>	<u>0.5929</u>	<u>0.0117</u>	<u>0.4668</u>
<u>3104</u>	<u>0.9597</u>	<u>0.0193</u>	<u>0.5216</u>	<u>3909</u>	<u>0.4114</u>	<u>0.0081</u>	<u>0.3228</u>
<u>3105</u>	<u>1.0365</u>	<u>0.0207</u>	<u>0.6748</u>	<u>4101</u>	<u>0.4679</u>	<u>0.0094</u>	<u>0.2775</u>
<u>3303</u>	<u>0.6040</u>	<u>0.0121</u>	<u>0.3769</u>	<u>4103</u>	<u>0.7501</u>	<u>0.0150</u>	<u>0.4962</u>
<u>3304</u>	<u>0.6596</u>	<u>0.0130</u>	<u>0.5423</u>	<u>4107</u>	<u>0.2366</u>	<u>0.0047</u>	<u>0.1583</u>
<u>3309</u>	<u>0.5892</u>	<u>0.0118</u>	<u>0.3487</u>	<u>4108</u>	<u>0.2383</u>	<u>0.0047</u>	<u>0.1677</u>
<u>3402</u>	<u>0.6770</u>	<u>0.0136</u>	<u>0.3957</u>	<u>4109</u>	<u>0.2730</u>	<u>0.0054</u>	<u>0.1802</u>
<u>3403</u>	<u>0.2871</u>	<u>0.0058</u>	<u>0.1663</u>	<u>4201</u>	<u>1.0388</u>	<u>0.0211</u>	<u>0.4324</u>
<u>3404</u>	<u>0.6184</u>	<u>0.0123</u>	<u>0.4111</u>	<u>4301</u>	<u>0.8841</u>	<u>0.0175</u>	<u>0.6615</u>
<u>3405</u>	<u>0.3951</u>	<u>0.0079</u>	<u>0.2575</u>	<u>4302</u>	<u>1.0564</u>	<u>0.0211</u>	<u>0.6959</u>
<u>3406</u>	<u>0.3509</u>	<u>0.0069</u>	<u>0.2696</u>	<u>4304</u>	<u>1.1883</u>	<u>0.0234</u>	<u>0.9595</u>
<u>3407</u>	<u>1.1042</u>	<u>0.0223</u>	<u>0.5365</u>	<u>4305</u>	<u>1.7913</u>	<u>0.0363</u>	<u>0.8040</u>
<u>3408</u>	<u>0.3116</u>	<u>0.0062</u>	<u>0.2046</u>	<u>4401</u>	<u>0.5586</u>	<u>0.0111</u>	<u>0.4185</u>
<u>3409</u>	<u>0.1965</u>	<u>0.0039</u>	<u>0.1474</u>	<u>4402</u>	<u>1.0399</u>	<u>0.0208</u>	<u>0.6629</u>
<u>3410</u>	<u>0.2465</u>	<u>0.0049</u>	<u>0.1992</u>	<u>4404</u>	<u>0.6907</u>	<u>0.0138</u>	<u>0.4766</u>
<u>3411</u>	<u>0.7386</u>	<u>0.0149</u>	<u>0.3867</u>	<u>4501</u>	<u>0.2384</u>	<u>0.0047</u>	<u>0.1833</u>
<u>3412</u>	<u>0.9361</u>	<u>0.0190</u>	<u>0.4405</u>	<u>4502</u>	<u>0.0650</u>	<u>0.0013</u>	<u>0.0453</u>
<u>3414</u>	<u>1.0129</u>	<u>0.0203</u>	<u>0.5866</u>	<u>4504</u>	<u>0.1435</u>	<u>0.0028</u>	<u>0.1226</u>
<u>3415</u>	<u>1.2005</u>	<u>0.0242</u>	<u>0.6257</u>	<u>4802</u>	<u>0.4054</u>	<u>0.0080</u>	<u>0.3294</u>
<u>3501</u>	<u>1.4750</u>	<u>0.0296</u>	<u>0.8497</u>	<u>4803</u>	<u>0.3527</u>	<u>0.0068</u>	<u>0.3657</u>
<u>3503</u>	<u>0.3826</u>	<u>0.0075</u>	<u>0.3476</u>	<u>4804</u>	<u>0.6336</u>	<u>0.0125</u>	<u>0.5156</u>
<u>3506</u>	<u>1.3845</u>	<u>0.0281</u>	<u>0.6286</u>	<u>4805</u>	<u>0.4529</u>	<u>0.0090</u>	<u>0.3549</u>
<u>3509</u>	<u>0.4981</u>	<u>0.0099</u>	<u>0.3739</u>	<u>4806</u>	<u>0.0879</u>	<u>0.0017</u>	<u>0.0835</u>
<u>3510</u>	<u>0.4665</u>	<u>0.0093</u>	<u>0.3304</u>	<u>4808</u>	<u>0.6160</u>	<u>0.0123</u>	<u>0.4317</u>
<u>3511</u>	<u>0.9024</u>	<u>0.0181</u>	<u>0.5466</u>	<u>4809</u>	<u>0.4027</u>	<u>0.0079</u>	<u>0.3409</u>
<u>3512</u>	<u>0.4818</u>	<u>0.0095</u>	<u>0.3713</u>	<u>4810</u>	<u>0.1853</u>	<u>0.0036</u>	<u>0.1845</u>
<u>3513</u>	<u>0.7560</u>	<u>0.0150</u>	<u>0.5808</u>	<u>4811</u>	<u>0.4332</u>	<u>0.0085</u>	<u>0.3928</u>
<u>3602</u>	<u>0.1384</u>	<u>0.0028</u>	<u>0.0968</u>	<u>4812</u>	<u>0.5035</u>	<u>0.0100</u>	<u>0.3898</u>
<u>3603</u>	<u>0.6616</u>	<u>0.0131</u>	<u>0.4893</u>	<u>4813</u>	<u>0.2169</u>	<u>0.0043</u>	<u>0.1927</u>
<u>3604</u>	<u>0.9508</u>	<u>0.0188</u>	<u>0.7323</u>	<u>4814</u>	<u>0.1353</u>	<u>0.0026</u>	<u>0.1703</u>
<u>3605</u>	<u>0.7805</u>	<u>0.0157</u>	<u>0.4304</u>	<u>4815</u>	<u>0.2507</u>	<u>0.0047</u>	<u>0.3545</u>
<u>3701</u>	<u>0.3601</u>	<u>0.0072</u>	<u>0.2233</u>	<u>4816</u>	<u>0.4039</u>	<u>0.0077</u>	<u>0.4740</u>
<u>3702</u>	<u>0.6353</u>	<u>0.0127</u>	<u>0.4192</u>	<u>4900</u>	<u>0.2797</u>	<u>0.0057</u>	<u>0.1162</u>
<u>3708</u>	<u>0.9213</u>	<u>0.0185</u>	<u>0.5421</u>	<u>4901</u>	<u>0.0724</u>	<u>0.0015</u>	<u>0.0389</u>
<u>3802</u>	<u>0.2959</u>	<u>0.0059</u>	<u>0.2097</u>	<u>4902</u>	<u>0.1743</u>	<u>0.0035</u>	<u>0.1071</u>
<u>3808</u>	<u>0.6347</u>	<u>0.0128</u>	<u>0.3117</u>	<u>4903</u>	<u>0.2277</u>	<u>0.0045</u>	<u>0.1527</u>
<u>3901</u>	<u>0.1773</u>	<u>0.0035</u>	<u>0.1676</u>	<u>4904</u>	<u>0.0281</u>	<u>0.0006</u>	<u>0.0218</u>

Base Rates Effective January 1, (2014) 2015				Base Rates Effective January 1, (2014) 2015			
Class	Accident Fund	Stay at Work	Medical Aid Fund	Class	Accident Fund	Stay at Work	Medical Aid Fund
4905	0.4505	0.0088	0.4468	6201	0.4562	0.0092	0.2612
4906	0.1522	0.0031	0.0915	6202	0.9750	0.0195	0.6122
4907	0.0742	0.0015	0.0589	6203	0.1182	0.0023	0.1365
4908	0.1240	0.0024	0.1199	6204	0.1733	0.0034	0.1437
4909	0.0504	0.0010	0.0602	6205	0.2870	0.0057	0.2268
4910	0.5971	0.0119	0.3839	6206	0.2922	0.0058	0.2210
4911	0.0983	0.0020	0.0581	6207	1.6435	0.0324	1.3634
5001	12.9188	0.2630	5.2722	6208	0.2948	0.0057	0.2863
5002	0.8790	0.0177	0.4977	6209	0.3633	0.0071	0.3047
5003	3.3490	0.0684	1.2312	6301	0.2028	0.0041	0.0931
5004	1.0888	0.0218	0.6973	6303	0.0996	0.0020	0.0641
5005	1.1597	0.0234	0.6005	6304	0.3759	0.0074	0.3381
5006	2.2718	0.0463	0.8879	6305	0.1258	0.0025	0.1104
5101	1.5159	0.0307	0.7230	6306	0.4666	0.0093	0.2920
5103	1.0396	0.0206	0.8081	6308	0.0917	0.0018	0.0549
5106	1.0396	0.0206	0.8081	6309	0.2636	0.0052	0.1934
5108	1.0925	0.0218	0.7466	6402	0.3406	0.0067	0.2768
5109	0.9192	0.0186	0.4367	6403	0.2126	0.0042	0.1837
5201	0.5319	0.0107	0.3074	6404	0.3390	0.0067	0.2874
5204	1.5628	0.0316	0.7565	6405	0.7659	0.0154	0.4340
5206	0.5884	0.0119	0.3178	6406	0.1481	0.0029	0.1300
5207	0.1889	0.0037	0.1661	6407	0.3160	0.0062	0.2464
5208	1.0122	0.0202	0.6520	6408	0.6663	0.0133	0.4318
5209	1.0132	0.0204	0.5633	6409	0.9823	0.0198	0.5435
5300	0.1653	0.0033	0.1058	6410	0.4306	0.0086	0.2656
5301	0.0442	0.0009	0.0318	6501	0.1851	0.0037	0.1289
5302	0.0188	0.0004	0.0112	6502	0.0432	0.0009	0.0330
5305	0.0668	0.0013	0.0530	6503	0.1108	0.0022	0.0579
5306	0.0591	0.0012	0.0463	6504	0.4099	0.0080	0.3966
5307	1.0995	0.0222	0.5502	6505	0.1573	0.0030	0.1685
5308	0.1258	0.0025	0.0911	6506	0.1582	0.0031	0.1239
6103	0.1054	0.0021	0.1016	6509	0.3992	0.0078	0.3608
6104	0.6277	0.0125	0.4125	6510	0.6506	0.0132	0.3146
6105	0.5760	0.0116	0.3122	6511	0.4676	0.0092	0.3698
6107	0.1634	0.0032	0.1711	6512	0.1702	0.0034	0.1012
6108	0.5207	0.0103	0.4330	6601	0.2864	0.0057	0.2002
6109	0.1487	0.0030	0.0913	6602	0.7030	0.0139	0.5652
6110	0.7949	0.0158	0.5359	6603	0.4175	0.0083	0.2739
6120	0.4434	0.0089	0.2452	6604	0.1086	0.0021	0.0838
6121	0.5041	0.0101	0.2830	6605	0.4555	0.0091	0.3107

**Base Rates Effective
January 1, (~~2014~~) 2015**

Class	Accident Fund	Stay at Work	Medical Aid Fund
6607	0.1942	0.0039	0.1442
6608	1.0169	0.0208	0.3371
6620	4.8047	0.0970	2.4654
6704	0.1650	0.0033	0.1210
6705	0.9752	0.0190	0.9579
6706	0.3711	0.0073	0.3120
6707	6.6439	0.1299	6.1101
6708	9.4806	0.1813	11.2852
6709	0.3431	0.0068	0.2765
6801	1.1585	0.0235	0.5295
6802	0.8104	0.0161	0.5973
6803	1.2017	0.0246	0.3939
6804	0.4155	0.0082	0.3109
6809	6.8589	0.1339	6.4657
6901	0.0000	0.0000	0.0725
6902	1.5104	0.0308	0.6087
6903	10.9605	0.2227	4.7326
6904	1.1549	0.0234	0.5157
6905	0.7918	0.0160	0.4109
6906	0.0000	0.0000	0.4109
6907	1.5474	0.0309	1.0380
6908	0.5546	0.0111	0.3555
6909	0.1602	0.0032	0.1153
7100	0.0447	0.0009	0.0307
7101	0.0366	0.0007	0.0210
7102	4.1362	0.0783	5.4669
7103	1.1364	0.0230	0.5708
7104	0.0415	0.0008	0.0305
7105	0.0304	0.0006	0.0206
7106	0.3350	0.0066	0.2732
7107	0.3010	0.0059	0.2950
7108	0.2235	0.0044	0.1974
7109	0.1815	0.0036	0.1421
7110	0.4976	0.0101	0.2468
7111	0.7248	0.0147	0.3026
7112	0.9636	0.0191	0.7392
7113	0.5106	0.0101	0.4115
7114	0.8204	0.0160	0.7485
7115	0.5787	0.0114	0.5017
7116	0.8247	0.0164	0.5721

**Base Rates Effective
January 1, (~~2014~~) 2015**

Class	Accident Fund	Stay at Work	Medical Aid Fund
7117	1.5439	0.0307	1.0919
7118	2.0467	0.0408	1.4058
7119	2.0620	0.0413	1.2721
7120	8.5969	0.1721	5.3516
7121	8.0364	0.1608	5.0453
7122	0.5192	0.0103	0.3973
7200	2.4952	0.0506	1.1701
7201	2.7479	0.0556	1.3336
7202	0.0425	0.0009	0.0241
7203	0.1350	0.0026	0.1809
7204	0.0000	0.0000	0.0000
7205	0.0000	0.0000	0.0000
7301	0.6035	0.0120	0.4326
7302	1.2264	0.0244	0.8670
7307	0.5526	0.0109	0.4282
7308	0.4322	0.0085	0.3812
7309	0.3261	0.0064	0.3018
7400	2.7479	0.0556	1.3336

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-89502 Industrial insurance accident fund, stay at work, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective January 1, (2014) 2015				
Class	Accident Fund	Stay at Work	Medical Aid Fund	Supplemental Pension Fund
((0540	0.0410	0.0008	0.0180	0.0007
0541	0.0198	0.0004	0.0078	0.0007
0550	0.0406	0.0008	0.0170	0.0007
0551	0.0232	0.0005	0.0086	0.0007))
0540	0.0438	0.0009	0.0188	0.0007
0541	0.0204	0.0004	0.0087	0.0007
0550	0.0441	0.0009	0.0194	0.0007
0551	0.0231	0.0005	0.0092	0.0007

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-89507 Horse racing rates. Horse racing industry industrial insurance accident fund, stay at work fund, medical aid fund, supplemental pension fund and composite rate by class.

Base Rates Effective January 1, ~~(2014)~~ 2015

Class	Accident Fund	Stay at Work Fund	Medical Aid Fund	Supplemental Pension Fund	Composite Rate
((6618*	80	2	67	1	150
6625**	78.26	1.72	63.86	0.16	144.00
6626***	0.7200	0.0123	0.6605	0.0072	1.40
6627****	9.4300	0.1840	8.6720	0.0940	18.38))
<u>6618</u>	<u>80.00*</u>	<u>2.00*</u>	<u>67.00*</u>	<u>1.00*</u>	<u>150.00*</u>
<u>6625</u>	<u>73.90**</u>	<u>1.66**</u>	<u>67.16**</u>	<u>8.96**</u>	<u>151.68**</u>
<u>6626</u>	<u>0.7000***</u>	<u>0.0163***</u>	<u>0.7541***</u>	<u>0.0896***</u>	<u>1.5600***</u>
<u>6627</u>	<u>8.8990****</u>	<u>0.2007****</u>	<u>8.5983****</u>	<u>0.6720****</u>	<u>18.3700****</u>

*This rate is calculated on a percentage of ownership in a horse or horses.

**This rate is calculated per month.

***This rate is calculated per horse per day.

****This rate is calculated per day.

Note: These rates are not subject to experience rating or retrospective rating.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((45.5)) 44.8~~ mils ~~(((\$0.0455)) (\$0.0448)) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July, and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-229. All such moneys shall be deposited in the supplemental pension fund.~~

For the purpose of partially funding the Logger Safety initiative, the 44.8 mils (\$0.0448) will be increased by 2.0 mils (\$0.0020) to 46.8 mils (\$0.0468) per hour for each employer and worker for work reported in the forest products risk classifications: 1002, 1003, 1004, 1005, 2401, 2903, 2904, 2905, 2907, 2909, 5001, 5002, 5003, 5004, 5005, 5006, and 6902. Each of these risk classifications are defined under chapter 296-17A WAC and incorporated here by this reference. (See section 217(6), chapter 4, Laws of 2013 2nd sp. sess.)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-89505 2007 Rate holiday dividend.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-89506 Farm internship program industrial insurance, accident fund, stay at work fund, medical aid fund, and supplemental pension by class.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17B-540 Determining loss incurred for each claim. (1) Calculating the initial loss incurred:

For each of your claims, we will multiply the case incurred loss by the appropriate discounted loss development factors to determine the initial loss incurred.

If you have a fatality, we will use ~~((two hundred seventy-eight thousand six hundred)) two hundred ninety-four thousand~~ dollars as the claim's initial incurred loss for the claim, with ~~((two hundred forty-nine thousand one hundred)) two hundred sixty-six thousand three hundred~~ dollars for accident fund incurred loss and ~~((twenty-nine thousand five hundred)) twenty-seven thousand seven hundred~~ dollars for the medical aid incurred loss, regardless of the case incurred loss, and before recovery factors if applicable.

(2) Applying the single loss occurrence limit:

The initial loss incurred for a claim will be the amount we use as the loss incurred unless the single loss occurrence limit applies.

The single loss occurrence limit applies when the sum of all initial losses incurred for your claims arising out of a single event is greater than your selected single loss occurrence limit. In that case, each claim's initial loss incurred will be its proportionate share of your single loss occurrence limit.

(3) Applying the expected loss ratio factors:

The preliminary loss incurred for a claim will be the amount of the initial loss incurred, after application of the single loss limit, multiplied by the appropriate expected loss ratio factor. The accident fund and medical aid fund portions of each claim will have separate expected loss ratio factors applied.

AMENDATORY SECTION (Amending WSR 13-24-073, filed 11/30/13, effective 1/1/14)

WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

RETROSPECTIVE RATING STANDARD PREMIUM SIZE RANGES

Effective January 1, (~~2014~~) 2015

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
1	5,900	6,899	37	117,400	125,899
2	6,900	7,809	38	125,900	134,799
3	7,810	8,779	39	134,800	144,699
4	8,780	9,839	40	144,700	155,099
5	9,840	10,969	41	155,100	166,399
6	10,970	12,169	42	166,400	178,599
7	12,170	13,459	43	178,600	191,599
8	13,460	14,829	44	191,600	205,999
9	14,830	16,279	45	206,000	221,299
10	16,280	17,809	46	221,300	237,999
11	17,810	19,439	47	238,000	256,199
12	19,440	21,179	48	256,200	276,199
13	21,180	23,009	49	276,200	297,999
14	23,010	24,959	50	298,000	321,899
15	24,960	27,009	51	321,900	348,299
16	27,010	29,199	52	348,300	377,799
17	29,200	31,499	53	377,800	410,599
18	31,500	33,949	54	410,600	447,099
19	33,950	36,529	55	447,100	488,199
20	36,530	39,269	56	488,200	534,999
21	39,270	42,189	57	535,000	587,899
22	42,190	45,289	58	587,900	648,899
23	45,290	48,559	59	648,900	719,199
24	48,560	52,059	60	719,200	801,199
25	52,060	55,759	61	801,200	897,699
26	55,760	59,699	62	897,700	1,012,999
27	59,700	63,899	63	1,013,000	1,151,999
28	63,900	68,369	64	1,152,000	1,322,999
29	68,370	73,129	65	1,323,000	1,536,999
30	73,130	78,209	66	1,537,000	1,813,999
31	78,210	83,659	67	1,814,000	2,178,999
32	83,660	89,479	68	2,179,000	2,687,999
33	89,480	95,729	69	2,688,000	3,438,999
34	95,730	102,399	70	3,439,000	4,677,999
35	102,400	109,599	71	4,678,000	7,009,999
36	109,600	117,399	72	7,010,000	12,829,999
			73	12,830,000	32,829,999
			74	32,830,000	and over))
			1	<u>5,970</u>	= <u>6,979</u>
			2	<u>6,980</u>	= <u>7,899</u>
			3	<u>7,900</u>	= <u>8,889</u>
			4	<u>8,890</u>	= <u>9,959</u>

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
<u>5</u>	<u>9,960</u>	<u>11,099</u>	<u>47</u>	<u>240,900</u>	<u>259,299</u>
<u>6</u>	<u>11,100</u>	<u>12,319</u>	<u>48</u>	<u>259,300</u>	<u>279,499</u>
<u>7</u>	<u>12,320</u>	<u>13,619</u>	<u>49</u>	<u>279,500</u>	<u>301,599</u>
<u>8</u>	<u>13,620</u>	<u>15,009</u>	<u>50</u>	<u>301,600</u>	<u>325,799</u>
<u>9</u>	<u>15,010</u>	<u>16,479</u>	<u>51</u>	<u>325,800</u>	<u>352,499</u>
<u>10</u>	<u>16,480</u>	<u>18,019</u>	<u>52</u>	<u>352,500</u>	<u>382,299</u>
<u>11</u>	<u>18,020</u>	<u>19,669</u>	<u>53</u>	<u>382,300</u>	<u>415,499</u>
<u>12</u>	<u>19,670</u>	<u>21,429</u>	<u>54</u>	<u>415,500</u>	<u>452,499</u>
<u>13</u>	<u>21,430</u>	<u>23,289</u>	<u>55</u>	<u>452,500</u>	<u>494,099</u>
<u>14</u>	<u>23,290</u>	<u>25,259</u>	<u>56</u>	<u>494,100</u>	<u>541,399</u>
<u>15</u>	<u>25,260</u>	<u>27,329</u>	<u>57</u>	<u>541,400</u>	<u>594,999</u>
<u>16</u>	<u>27,330</u>	<u>29,549</u>	<u>58</u>	<u>595,000</u>	<u>656,699</u>
<u>17</u>	<u>29,550</u>	<u>31,879</u>	<u>59</u>	<u>656,700</u>	<u>727,799</u>
<u>18</u>	<u>31,880</u>	<u>34,359</u>	<u>60</u>	<u>727,800</u>	<u>810,799</u>
<u>19</u>	<u>34,360</u>	<u>36,969</u>	<u>61</u>	<u>810,800</u>	<u>908,499</u>
<u>20</u>	<u>36,970</u>	<u>39,739</u>	<u>62</u>	<u>908,500</u>	<u>1,024,999</u>
<u>21</u>	<u>39,740</u>	<u>42,699</u>	<u>63</u>	<u>1,025,000</u>	<u>1,165,999</u>
<u>22</u>	<u>42,700</u>	<u>45,829</u>	<u>64</u>	<u>1,166,000</u>	<u>1,338,999</u>
<u>23</u>	<u>45,830</u>	<u>49,139</u>	<u>65</u>	<u>1,339,000</u>	<u>1,554,999</u>
<u>24</u>	<u>49,140</u>	<u>52,679</u>	<u>66</u>	<u>1,555,000</u>	<u>1,835,999</u>
<u>25</u>	<u>52,680</u>	<u>56,429</u>	<u>67</u>	<u>1,836,000</u>	<u>2,204,999</u>
<u>26</u>	<u>56,430</u>	<u>60,419</u>	<u>68</u>	<u>2,205,000</u>	<u>2,719,999</u>
<u>27</u>	<u>60,420</u>	<u>64,669</u>	<u>69</u>	<u>2,720,000</u>	<u>3,479,999</u>
<u>28</u>	<u>64,670</u>	<u>69,189</u>	<u>70</u>	<u>3,480,000</u>	<u>4,733,999</u>
<u>29</u>	<u>69,190</u>	<u>74,009</u>	<u>71</u>	<u>4,734,000</u>	<u>7,093,999</u>
<u>30</u>	<u>74,010</u>	<u>79,149</u>	<u>72</u>	<u>7,094,000</u>	<u>12,979,999</u>
<u>31</u>	<u>79,150</u>	<u>84,659</u>	<u>73</u>	<u>12,980,000</u>	<u>33,219,999</u>
<u>32</u>	<u>84,660</u>	<u>90,549</u>	<u>74</u>	<u>33,220,000</u>	<u>and over</u>
<u>33</u>	<u>90,550</u>	<u>96,879</u>			
<u>34</u>	<u>96,880</u>	<u>103,599</u>			
<u>35</u>	<u>103,600</u>	<u>110,899</u>			
<u>36</u>	<u>110,900</u>	<u>118,799</u>			
<u>37</u>	<u>118,800</u>	<u>127,399</u>			
<u>38</u>	<u>127,400</u>	<u>136,399</u>			
<u>39</u>	<u>136,400</u>	<u>146,399</u>			
<u>40</u>	<u>146,400</u>	<u>156,999</u>			
<u>41</u>	<u>157,000</u>	<u>168,399</u>			
<u>42</u>	<u>168,400</u>	<u>180,699</u>			
<u>43</u>	<u>180,700</u>	<u>193,899</u>			
<u>44</u>	<u>193,900</u>	<u>208,499</u>			
<u>45</u>	<u>208,500</u>	<u>223,999</u>			
<u>46</u>	<u>224,000</u>	<u>240,899</u>			

WSR 14-24-086

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 1, 2014, 2:49 p.m., effective January 1, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-390 WAC by simplifying the existing fee structure for fruit and vegetable inspections to make it easier for both industry and program staff to understand, and by changing fees to reflect the current cost of providing these inspections and other services.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-390-060, 16-390-100, 16-390-200, 16-390-210, 16-390-220, 16-390-242 and 16-390-245; and amending WAC 16-390-005, 16-390-010, 16-390-020, 16-

390-030, 16-390-040, 16-390-150, 16-390-230, 16-390-240, 16-390-250, 16-390-260, 16-390-270, and 16-390-280.

Statutory Authority for Adoption: RCW 15.17.140(2), 15.17.040, chapter 17.24 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 14-19-125 on September 17, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 12, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 1, 2014.

Don R. Hover
Director

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-005 Definitions. (~~"Certification"~~ means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects:

~~"Customer assisted inspection program (CAIP)"~~ means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.

~~"Department"~~ means the Washington state department of agriculture (WSDA).

~~"Director"~~ means the director of the department or the director's designated representative.

~~"Grade and condition certificate"~~ means a document issued by the director of a certification confirming the results of an inspection.

~~"Inspection"~~ means a review or examination of fruits and vegetables in order to determine quality, condition, and/or presence or absence of pests or diseases and/or other defects:

~~"Platform inspection"~~ means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.) "Certificate" means an official document issued by the director which reports certification results.

"Certificate of compliance" means a shipping document issued by the fruit and vegetable industry attesting that the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accu-

rately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"Certification" means the complete service performed by the director, from inspection through the issuance of any applicable documentation of the results of the inspection.

"Customer assisted inspection program (CAIP)" means a quality or condition inspection performed by industry using the United States Department of Agriculture (USDA) standards with verification and oversight by the director.

"CWT" means a hundredweight, a unit of measure equaling one hundred pounds.

"Director" means the director of the department of agriculture or the director's designated representative. As used in this chapter, WSDA refers to the director unless the context states otherwise.

"Grade and condition certificate" means an official note sheet issued by the director confirming the results of an inspection.

"Hourly fee" means the fee charged for services based on the hours documented by each WSDA inspector providing the service. Hourly fees are charged based on increments of fifteen minutes, with time rounded up or down to the next fifteen minute interval as follows: Eight minutes into a quarter hour is rounded up to the full quarter hour. Less than eight minutes into a quarter hour is rounded down and not billed.

"Inspection" means the inspection by the director of any fruits or vegetables for the purpose of certification at any time prior to, during, or subsequent to harvest.

"Inspection service notification" means customer notification to the director of any request for inspection services.

"Lot" means, unless otherwise stated in this chapter, a distinct unit of fruits or vegetables.

"Regular business hours" means the hours between 8:00 a.m. and 5:00 p.m. Pacific time Monday through Friday except state holidays.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-010 ((Fruit and vegetable)) Inspection districts. ((The department has)) There are two fruit and vegetable inspection districts((, which are)):

(1) ((Fruit and vegetable inspection)) District two((, which)) consists of Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Kittitas, Klickitat, Lewis, Pacific, Skamania, ((Yakima, Pacific, Lewis,)) Wahkiakum, ((Cowlitz, Clark, Benton, Franklin,)) Walla Walla, ((Columbia, Asotin,)) Whitman, and ((Garfield)) Yakima counties((, and)).

(2) ((Fruit and vegetable inspection)) District four((, which)) consists of Adams, Chelan, Clallam, Douglas, Ferry, Grant, Grays Harbor, Island, Jefferson, ((Clallam, Island, Mason,)) King, Kitsap, Lincoln, Mason, Okanogan, Pend Oreille, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, ((King, Snohomish, Skagit, Grant, Adams,

Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whateom, Chelan, Douglas)) and ((Okanogan)) Whatcom counties.

NEW SECTION

WAC 16-390-015 Minimum inspection fee. A minimum fee of one-half hour under the applicable hourly fee specified in WAC 16-390-025(1) will be charged for any inspection service.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-020 ((Grade and condition certificates—Fruits.)) Certificate fee. ((WSDA fees for grade and condition certificates for all fruits are:

(1) A minimum charge of twenty-five dollars.

(2) The fees for ~~federal state or state grade and condition certificates~~ of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples online for domestic shipping, CA, etc.	\$0.17
Apples for export	\$0.17
Apriocots, cherries, nectarines, peaches, plums, prunes, other soft fruits, grapes and berries	\$0.23
Pears	\$0.17
Pears for export	\$0.17

(3) ~~The department will give a volume discount for apples and pears that are inspected and certified online for domestic shipment, controlled atmosphere certification, etc. Packing of up to 4800 cwt per eight-hour shift, the normal inspection fee will be assessed, and every cwt of product above 4800 cwt for that same shift will be charged at \$0.12 cwt. Platform inspection fees will still apply (WAC 16-390-200).~~

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.

(5) The department charges a fee of fifty dollars per hour, with a minimum certificate charge of twenty-five dollars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.) There is a fee of twenty-five dollars for each certificate issued, EXCEPT that a grade and condition certificate will be issued upon completion of a certification with no additional fee beyond the applicable CWT or hourly fee.

NEW SECTION

WAC 16-390-025 Hourly inspection fee. (1) Effective January 1, 2015, the hourly inspection fee is \$65.00 per hour for regular hours and \$97.50 for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(2) Effective January 1, 2017, the hourly inspection fee is \$75.00 per hour for regular hours and \$112.50 per hour for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(3) An additional fee amounting to three regular hours, plus the inspection fees for time worked, at the applicable hourly fee specified in this section will be charged when inspection service notification is not given prior to the end of normal business hours on the day preceding any weekend or holiday inspection work.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-030 ((Grade and condition certificates—Vegetables.)) Fruit and vegetable CWT fees. ((WSDA fees for grade and condition certificates for all vegetables are:

(1) A minimum charge of twenty-five dollars.

(2) The fees for ~~federal state or state grade and condition certificates~~ for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.23
Cantaloupes and corn	\$0.14
Onions	\$0.09
Potatoes	\$0.07
In-state processing potatoes	\$0.08
Complete inspection	Rate shall be reduced for the level of service required
Tomatoes	\$0.21

(3) For the inspection of vegetables not listed, the department charges a fee of fifty dollars per hour.

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

(5) ~~When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of fifty dollars per hour, with a minimum certificate charge of twenty-five dollars.)~~ The following inspection and certification services are charged fees based on the stated CWT fee, provided that if the applied CWT fee would result in a charge less than the applicable hourly fee under WAC 16-390-025 for the staff hours worked, the applicable hourly fee will be assessed.

(1) Effective January 1, 2015, the fee for federal-state grade and condition certification for all fresh and processing

fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.175 per CWT or fraction thereof.

(2) Effective January 1, 2017, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.185 per CWT or fraction thereof.

(3) In-state processing potatoes are charged the following fees:

(a) Effective January 1, 2015, the fee to determine the percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.038 per CWT or fraction thereof.

(b) Effective January 1, 2017, the fee to establish a percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.043 per CWT or fraction thereof.

(c) Effective January 1, 2015, the fee to establish a percentage of dirt, rot, and green is \$0.021 per CWT or fraction thereof.

(d) Effective January 1, 2017, the fee to determine the percentage of dirt, rot, and green is \$0.023 per CWT or fraction thereof.

(e) Contracts may be negotiated with the potato processing industry for inspection services to meet specific inspection requests, but not for less than the equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-040 Customer assisted inspection program (CAIP) certification charges~~((—Fruits and vegetables)).~~ ((WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

(1) A minimum charge of twenty-five dollars.

(2)) The fees for federal-state grade and condition ((certificates)) CAIP certification for all fresh market fruits and vegetables in any type of containers ((~~wrapped, piece pack, face and fill~~), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per cwt., with a minimum charge of fifty dollars per hour for each staff hour worked.
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of fifty dollars per staff hour worked. If

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
	the cwt. rate results in an inspection fee that is less than the equivalent of fifty dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$150.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$65.00.)

are one-half of the applicable CWT fees specified in WAC 16-390-030, but not less than the applicable equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-150 Shipping permits and certificates of compliance~~((—Fruits and vegetables))~~ **for apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries.** (1) Each shipment of apples, apricots, ~~((Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries and asparagus must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.~~

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is three dollars.

(b) Two-thirds of the rate for federal-state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars)) asparagus, Italian prunes, peaches, pears, and sweet cherries must be covered by a shipping permit or certificate of compliance. No shipping permit or certificate of compliance will be issued unless the sweet cherries are determined to be free from live Western cherry fruit fly (*Rhagoletis indifferens*) larvae at the time of shipment.

(2) In-state shipments of apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries to processors do not require a shipping permit or certificate of compliance.

(3) A shipping permit or certificate of compliance may be issued without additional charge if the lot has been issued a grade and condition certificate.

(4) If a lot has not been issued a grade and condition certificate, a shipping permit or certificate of compliance will be issued only after the lot is in full compliance with chapter 15.17 RCW and will be subject to a charge of two-thirds the applicable CWT fee specified in WAC 16-390-030, but not less than \$5.00.

(5) A shipping permit or certificate of compliance to ship a lot of apples or pears to a processing plant outside the state is five dollars.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-230 ~~Apple ((pest certification)) maggot survey fees.~~ The fee for the apple ((pest certification, using the)) maggot survey ((method)) program on all ((fresh)) apples ((produced)) grown or packed in Washington state ((or marketed under Washington state grades)) and ((standards)) introduced into commerce for sale or shipment as fresh apples is \$.015 per ((ewt. or fraction thereof)) CWT. This fee is assessed by the director on all certificates of compliance and all shipping permits.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-240 ~~((Fresh produce)) USDA audit verification ((program)) and terminal market inspection fees.~~ (1) The ((fresh produce)) fee for USDA audit verification ((program is a federal state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained)) services are \$92.00 per hour as per the authority of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621).

(2) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(3) The fee for terminal market inspection services is \$74.00 per hour, \$151.00 per lot for a carlot equivalent of each product, and \$125.00 per lot for one-half carlot equivalent or less of each product. The fee for each additional lot of the same product is \$69.00. The overtime fee is an additional \$38.00 per hour. The fee for a holiday is an additional \$74.00 per hour. The mileage fee related to terminal market inspection services is \$1.32 per mile. USDA fees for lots and mileage are regulated by 7 C.F.R. 51.38 and 51.40, respectively, and are current as of August 5, 2014.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-250 ~~((Miscellaneous)) Other services and ((certification)) fees.~~ (1) ((Department)) Other services not involving certification services, provided to other agencies, commissions, growers, businesses, and organizations are charged at the ((rate of fifty dollars per hour)) applicable hourly fee specified in WAC 16-390-025.

(2) ((The charge for mileage related to)) Other inspection and certification services ((is)), such as bean, pea, lentil, hay or straw certification provided to other programs in the department, other agencies, commissions, growers, businesses, and organizations are charged at the ((rate established by the office of financial management (OFM) at the time the service was performed)) applicable hourly fee specified in WAC 16-390-025.

(3) The ((department may charge)) fee for ((telegrams)) facsimile((s)) or electronic transmission of inspection documents ((at the rate of four)) not provided with certification services is five dollars per transmission ((in addition to any Western Union charges made directly to the applicant)).

(4) The ((cost of extra copies)) fee for a certified copy of an original ((documents)) certificate is ((four)) five dollars ((per set).

The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.

(6) When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set).

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-260 ~~((Extra fees for inspection and certification services)) Overtime and holiday charges.~~ ((The department does assess extra charges on services provided according to the following:

(1) The minimum inspection charge for each commodity and requested document is twenty-five dollars.

(2) If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of fifty dollars per hour.

(3)(a) For all inspection services performed beyond a regularly scheduled eight-hour week-day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to seventy-five dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

(b) The following are state legal holidays:

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November

Holiday	Date
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

~~(4) Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.)~~ All certification services performed outside of regular business hours are charged a fee equivalent to the applicable overtime fee specified in WAC 16-390-025 unless an applicable CWT fee meets or exceeds the overtime fee.

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

~~WAC 16-390-270 ((Fruit and vegetable))~~ **Waived fees.** ~~((The department may waive inspection fees))~~ Certificate of compliance fees may be waived for fruits and vegetables donated to bona fide nonprofit organizations ((#)). The shipping containers ((#)) must be conspicuously labeled or marked "not for resale."

AMENDATORY SECTION (Amending WSR 12-19-040, filed 9/12/12, effective 10/13/12)

WAC 16-390-280 Payment and collection of ((fruit and vegetable)) fees and charges. (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement ~~((you receive from the department))~~.

(2) If ~~((your))~~ payment is not received within thirty days, service may be withheld until ~~((your))~~ the delinquent account is paid in full.

(3) ~~((If your account is delinquent, the department may require that you pay cash for subsequent services.~~

(4)) The ~~((department assesses))~~ director may assess a penalty of eighteen percent per annum on all ((delinquent)) unpaid account balances thirty days after billing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-390-060 Certificate charges—Other agricultural commodities.
- WAC 16-390-100 Fruit and vegetable certificate fees.
- WAC 16-390-200 Platform inspection fees.
- WAC 16-390-210 Fumigation fees.
- WAC 16-390-220 Field or orchard inspection fees.
- WAC 16-390-242 Fresh produce audit verification program fees for fruit and vegetable audit verification certificates.
- WAC 16-390-245 USDA positive lot identification fees.

**WSR 14-24-087
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed December 1, 2014, 3:53 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-50 WAC to modify requirements in the Washington State Building Code related to plumbing fixtures in Occupancy Group E school buildings. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-50-2900.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-16-033 on July 28, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-2900 Chapter 29—Plumbing systems.

SECTION 2901—GENERAL.

2901.1 Scope. The provisions of this chapter and the state plumbing code shall govern the erection, installation, *alteration*, repairs, relocation, replacement, *addition* to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the state plumbing code.

2901.2 Health codes. In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

SECTION 2902—MINIMUM PLUMBING FACILITIES.

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be determined individually

by the *building official* based on the occupancy which most nearly resembles the proposed occupancy. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3. Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.1 Fixture calculations. To determine the *occupant load* of each sex, the total *occupant load* shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the *occupant load* of each sex in accordance with Table 2902.1. Fractional numbers resulting from applying the fixture ratios of Table 2902.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

EXCEPTION: The total *occupant load* shall not be required to be divided in half where *approved* statistical data indicate a distribution of the sexes of other than 50 percent of each sex.

2902.1.1.1 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.1.2 Urinals. Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

2902.1.2 Family or assisted-use toilet and bath fixtures. Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile occupancies.

2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

EXCEPTIONS:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or less.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.

2902.2.1 Family or assisted-use toilet facilities serving as separate facilities. Where a building or tenant space requires a separate toilet facility for each sex and each toilet facility is required to have only one water closet, two family/assisted-use toilet facilities shall be permitted to serve as the required separate facilities. Family or assisted-use toilet facilities shall not be required to be identified for exclusive use by either sex as required by Section 2902.4.

2902.3 Employee and public toilet facilities. Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with

Section 2902.1 for all users. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall either be separate or combined employee and public toilet facilities.

EXCEPTION: Public toilet facilities shall not be required in open or enclosed parking garages. Toilet facilities shall not be required in parking garages where there are no parking attendants.

2902.3.1 Access. The route to the public toilet facilities required by Section 2902.3 shall not pass through kitchens, food preparation areas, unpackaged food storage areas, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant. All routes shall comply with the accessibility requirements of this code. The public shall have access to the required toilet facilities at all times that the building is occupied. For other requirements for plumbing facilities, see Chapter 11.

2902.3.1.1 Food preparation areas. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public or residents of Group R-2 boarding homes and residential treatment facilities licensed by Washington state.

2902.3.2 Location of toilet facilities in occupancies other than malls. In occupancies other than covered and open mall buildings, the required *public* and employee toilet facilities shall be located in each building not more than one story above or below the space required to be provided with toilet facilities, or conveniently in a building adjacent thereto on the same property, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

EXCEPTION: The location and maximum travel distances to required employee facilities in factory and industrial occupancies are permitted to exceed that required by this section, provided that the location and maximum travel distance are *approved*.

2902.3.3 Location of toilet facilities in malls. In covered and open mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet (91,440 mm). In mall buildings, the required facilities shall be based on total square footage (m²) within a covered mall building or within the perimeter line of an open mall building, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum travel distance to central toilet facilities in mall buildings shall be measured from the main entrance of any store or tenant space. In mall buildings, where employees' toilet facilities are not provided in the individual store, the maximum travel distance shall be measured from the employees' work area of the store or tenant space.

2902.3.4 Pay facilities. Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities. Required facilities shall be free of charge.

2902.3.5 Door locking. Where a toilet room is provided for the use of multiple occupants, the egress door for the room shall not be lockable from the inside of the room. This section does not apply to family or assisted-use toilet rooms.

2902.4 Signage. Required public facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility. Signs for accessible toilet facilities shall comply with Section 1110.

2902.4.1 Directional signage. Directional signage indicating the route to the public facilities shall be posted in accordance with Section 3107. Such signage shall be located in a *corridor* or aisle, at the entrance to the facilities for customers and visitors.

2902.5 Drinking fountain location. Drinking fountains shall not be required to be located in individual tenant spaces provided that public drinking fountains are located within a travel distance of 500 feet of the most remote location in the tenant space and not more than one story above or below the tenant space. Where the tenant space is in a covered or open mall, such distance shall not exceed 300 feet. Drinking fountains shall be located on an accessible route. Drinking fountains shall not be located in toilet rooms.

2902.5.1 Drinking fountain number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

- EXCEPTIONS:
1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
 2. A drinking fountain need not be provided in a drinking or dining establishment.

2902.5.2 Multistory buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2902.5.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2902.6 Dwelling units. Dwelling units shall be provided with a kitchen sink.

2902.7 Water closet space requirements. The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

2902.8 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

SECTION 2903—RESERVED.

SECTION 2904—RESERVED.

**Table 2902.1
Minimum Number of Required Plumbing Fixtures^a
(See Sections 2902.2 and 2902.3)**

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathtubs /Showers
				Male	Female	Male	Female	
1	Assembly	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		—
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		—
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		—
		A-4	Coliseums, arenas, skating rinks, pools, and tennis courts for indoor sporting events and activities	1 per 75 for first 1,500 and 1 per 120 for remainder exceeding 1,500	1 per 40 for first 1,520 and 1 per 60 for remainder exceeding 1,520	1 per 200	1 per 150	

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathtubs /Showers
				Male	Female	Male	Female	
		A-5	Stadiums amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for first 1,500 and 1 per 120 for remainder exceeding 1,500	1 per 40 for first 1,520 and 1 per 60 for remainder exceeding 1,520	1 per 200	1 per 150	—
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for first 80 and 1 per 80 for remainder exceeding 80		—
3	Educational	E	Educational facilities	1 per ((50)) <u>35</u>	1 per ((30)) <u>25</u>	1 per ((400)) <u>85</u>	1 per ((60)) <u>50</u>	—
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		Check State (UPC)
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8
		I-2	Hospitals, ambulatory nursing home care recipient ^b	1 per room ^c		1 per room ^c		1 per 15
			Employees, other than residential care ^b	1 per 25		1 per 35		—
			Visitors other than residential care	1 per 75		1 per 100		—
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15
			Reformatories, detention centers and correctional centers ^b	1 per 15		1 per 15		1 per 15
			Employees ^b	1 per 25		1 per 35		—
I-4	Adult day care and child day care	1 per 15		1 per 15		1		
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8
			Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit
		R-3	One- and two-family dwellings	1 per dwelling unit		1 per 10		1 per dwelling unit
			Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8
R-4	Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8		
8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100		1 per 100		Check State (UPC)

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code, except with respect to Group E occupancies the provisions of note "e" shall apply.

b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.

- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. For Group E occupancies: The number of occupants shall be determined by using a calculation of 100 square feet gross building area per student for the minimum number of plumbing fixtures.

WSR 14-24-088
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 1, 2014, 4:00 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-51 WAC to modify requirements in the Washington State Residential Code related to fire separation requirements for townhouse construction. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-51-0302.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-16-031 on July 28, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allhouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-23-084, filed 11/19/13, effective 4/1/14)

WAC 51-51-0302 Section R302—Fire-resistant construction.

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

- EXCEPTIONS:
1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
 2. Walls of dwellings and accessory structures located on the same lot.
 3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
 4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
 5. Foundation vents installed in compliance with this code are permitted.

TABLE R302.1(1)
EXTERIOR WALLS

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	Fire-resistance rated	1-hour tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area per story	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For IS: 1 foot = 304.8 mm. N/A = Not Applicable

^a Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fire blocking is provided from the wall top plate to the underside of the roof sheathing.

^b Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided no gable vent openings are installed.

Table R302.1(2)
Exterior Walls—Dwellings with Fire Sprinklers

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	Fire-resistance rated	1-hour tested in accordance with ASTM E 119 or UL 263 with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Fire-resistance rated	1 hour on the underside ^{b, c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	N/A	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

For IS: 1 foot = 304.8 mm. N/A = Not Applicable

^a For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with P2904, the fire separation distance for nonrated exterior walls and rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.

^b Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fire blocking is provided from the wall top plate to the underside of the roof sheathing.

^c Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided no gable vent openings are installed.

R302.2 Townhouses. Each *townhouse* shall be considered a separate building and shall be separated by one of the following methods:

1. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 and a fire sprinkler system in accordance with Section P2904 in both townhouses shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

3. Two wall assemblies meeting the requirements of Section R302.1 for exterior walls shall be provided.

R302.2.1 Continuity. The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

Where a story extends beyond the exterior wall of a story below:

1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story; or
2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302.

R302.2.4 Structural independence. Each individual townhouse shall be structurally independent.

- EXCEPTIONS:
1. Foundation supporting exterior walls or common walls.
 2. Structural roof and wall sheathing from each unit may be fastened to the common wall framing.
 3. Nonstructural wall and roof coverings.
 4. Flashing at termination of roof covering over common wall.
 5. Townhouses separated by a common ((1-hour fire-resistance-rated)) wall as provided in Section R302.2, Item 1 or 2.
 6. Floor sheathing may fasten to the floor framing of both units.

R302.3.1 Supporting construction. When floor assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have an equal or greater fire-resistance rating.

- EXCEPTION:
- The supporting construction is not required to be fire-resistance rated where:
1. Automatic fire sprinklers are installed in accordance with appendix R in both dwelling units;
- or

2. All required smoke alarms in both dwelling units are interconnected in such a manner that the actuation of one alarm will activate all alarms in both dwelling units.

WSR 14-24-089
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 1, 2014, 4:06 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-50 WAC to modify requirements in the Washington State Building Code related to portable school classrooms. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-50-0200 and 51-50-0903.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-17-111 on August 19, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

ADULT FAMILY HOME. A dwelling, licensed by Washington state, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

AIR-IMPERMEABLE INSULATION. An insulation having an air permeance equal to or less than 0.02 L/s-m² at 75 Pa pressure differential tested in accordance with ASTM E2178 or ASTM E283.

CHILD CARE. The care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CLUSTER. Clusters are multiple portable school classrooms separated by less than the requirements of the building code for separate buildings.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

NIGHTCLUB. An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

NONSTRUCTURAL CONCRETE. Any element made of plain or reinforced concrete that is not part of a structural system required to transfer either gravity or lateral loads to the ground.

PORTABLE SCHOOL CLASSROOM. A prefabricated structure(;) consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections(~~(, which requires a chassis to be transported.)~~) and is designed to be used as an educational space with or without a permanent foundation. The structure shall be (~~(trailerable and)~~) capable of being demounted and relocated to other locations as needs arise.

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E Occupancies.

EXCEPTIONS: 1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster ((~~or portion of a cluster~~)) of portable school classrooms does not exceed ((~~5,000~~) 6,000 square feet ((~~1465 m²~~)) (557 m²); and clusters of portable school classrooms shall be separated as required by the building code((-)); or

2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or

3. Group E occupancies with an occupant load of 50 or less, calculated in accordance with Table 1004.1.2.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy, where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. Where a Group M occupancy that is used for the display and sale of upholstered furniture or mattresses exceeds 5000 square feet (464 m²).

903.2.8 Group R. An automatic fire sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- EXCEPTION: Group R-1 if all of the following conditions apply:
1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
 2. The Group R fire area is only one story.
 3. The Group R fire area does not include a basement.
 4. The Group R fire area is no closer than 30 feet from another structure.
 5. Cooking is not allowed within the Group R fire area.
 6. The Group R fire area has an occupant load of no more than 8.
 7. A hand held (portable) fire extinguisher is in every Group R fire area.

WSR 14-24-090
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 1, 2014, 4:12 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-54A WAC to modify requirements in the Washington State Fire Code related to portable school classrooms. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-54A-0202 and 51-54A-0903.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-16-030 on July 28, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0202 General definitions.

SECTION 202 GENERAL DEFINITIONS

ADULT FAMILY HOME. A dwelling, licensed by Washington state, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

ALERT SIGNAL. A distinctive signal indicating the need for trained personnel and occupants to initiate a specific action, such as shelter-in-place.

ALERT SYSTEM. Approved devices, equipment and systems or combinations of systems used to transmit or broadcast an alert signal.

CHILD CARE. For the purposes of these regulations, child care is the care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CLUSTER. Clusters are multiple portable school classrooms separated by less than the requirements of the building code for separate buildings.

COVERED BOAT MOORAGE. A pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

ELECTRICAL CODE. The National Electrical Code, promulgated by the National Fire Protection Association, as adopted by rule or local ordinance under the authority of chapter 19.28 RCW.

EMERGENCY DRILL. An exercise performed to train staff and occupants and to evaluate their efficiency and effectiveness in carrying out emergency procedures.

EXISTING. Buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this code.

GRAVITY-OPERATED DROP OUT VENTS. Automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent openings when exposed to fire.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

MOTOR VEHICLE. Includes, but not limited to, a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for use upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles.

NIGHTCLUB. An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

Group I-2. This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

- Foster care facilities
- Detoxification facilities
- Hospice care centers
- Hospitals
- Nursing homes
- Psychiatric hospitals

Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Licensed care facility. A facility such as the above providing licensed care to clients in one of the categories listed in Section 310.1 of the International Building Code licensed by Washington state shall be classified as Group R-2.

Family home child care. Family home child care licensed by Washington state for the care of twelve or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group R-3.

Child care facility. Child care facilities that provide supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS:

1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Family child care homes licensed by Washington state for the care of 12 or fewer children shall be classified as Group R-3.

Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*. This group shall include:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 occupants
- Congregate living facilities (transient) with more than 10 occupants
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Assisted living facilities as licensed by Washington state under chapter 388-78A WAC
- Boarding houses (nontransient) with more than 16 occupants
- Congregate living facilities (nontransient) with more than 16 occupants
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Residential treatment facilities as licensed by Washington state under chapter 246-337 WAC
- Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, or I, including:

- Buildings that do not contain more than two dwelling units.

Boarding houses (nontransient) with 16 or fewer occupants.

Boarding houses (transient) with 10 or fewer occupants.

Care facilities that provide accommodations for five or fewer persons receiving care.

Congregate living facilities (nontransient) with 16 or fewer occupants.

Congregate living facilities (transient) with 10 or fewer occupants.

Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Adult family homes, family home child care. Adult family homes and family home child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

Foster family care homes. Foster family care homes licensed by Washington state are permitted to comply with the *International Residential Code*, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 Classification is not adopted. Any reference in this code to R-4 does not apply.

PORTABLE SCHOOL CLASSROOM. A prefabricated structure((:)) consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections, ((which requires a chassis to be transported.)) and is designed to be used as an educational space with or without a permanent foundation. The structure shall be ((trailerable and)) capable of being demounted and relocated to other locations as needs arise.

RECALL SIGNAL. An electrically or mechanically operated signal used to recall occupants after an emergency drill or to terminate a shelter-in-place event that shall be distinct from any alarm or alert signal used to initiate an emergency plan, or other signals.

SHELTER-IN-PLACE. An emergency response used to minimize exposure of facility occupants to chemical or environmental hazards by taking refuge in predetermined interior rooms or areas where actions are taken to isolate the interior environment from the exterior hazard.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0903 Automatic sprinkler systems.

903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies.

- EXCEPTIONS:
1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster of portable classrooms does not exceed ((5,000)) 6,000 square feet ~~((1465 m²))~~ (557 m²); and clusters of portable school classrooms shall be separated as required by the building code((:)); or
 2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
 3. Group E occupancies with an occupant load of 50 or less, calculated in accordance with Table 1004.1.2.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- EXCEPTION:
- Group R-1 if all of the following conditions apply:
1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
 2. The Group R fire area is on only one story.
 3. The Group R fire area does not include a basement.
 4. The Group R fire area is no closer than 30 feet from another structure.
 5. Cooking is not allowed within the Group R fire area.
 6. The Group R fire area has an occupant load of no more than 8.
 7. A hand-held (portable) fire extinguisher is in every Group R fire area.

903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, or where new walls, partitions or other similar obstructions are installed that increase the exit access travel distance to more than 75 feet, the basement shall be equipped throughout with an approved automatic sprinkler system.

WSR 14-24-091 PERMANENT RULES BUILDING CODE COUNCIL

[Filed December 1, 2014, 4:20 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-54A WAC to modify requirements in the Washington State Fire Code related to emergency voice alarm requirements in Occupancy Group E. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order:
Amending WAC 51-54A-0907.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-16-032 on July 28, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0907 Fire alarm and detection systems.

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/ alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

EXCEPTION:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 3.1 Interior corridors are protected by smoke detectors.
 - 3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
4. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the emergency voice/alarm communication system will activate on sprinkler water flow and manual activation.

907.2.9.1.1 Group R-2 boarding homes. A manual fire alarm system shall be installed in Group R-2 occupancies where the building contains a boarding home licensed by the state of Washington.

EXCEPTION: In boarding homes licensed by the state of Washington, manual fire alarm boxes in resident sleeping areas shall not be required at exits if located at all constantly attended staff locations, provided such staff locations are visible, continuously accessible, located on each floor, and positioned so no portion of the story exceeds a horizontal travel distance of 200 feet to a manual fire alarm box.

WSR 14-24-092
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 1, 2014, 4:24 p.m., effective May 1, 2015]

Effective Date of Rule: May 1, 2015.

Purpose: Make changes to chapter 51-51 WAC to modify requirements in the Washington State Residential Code related to residential rooftop solar photovoltaic systems. Requirements have been previously changed through emergency rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 51-51-2302.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.020, 19.27.031.

Adopted under notice filed as WSR 14-16-042 on July 28, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

NEW SECTION

WAC 51-51-2300 Section M2302—Photovoltaic solar energy systems.

M2302.2 Requirements. The installation, inspection, maintenance, repair and replacement of photovoltaic systems and all system components shall comply with the manufacturer's instructions, sections M2302.2.1 through M2302.2.3, NFPA 70, and the IFC as amended by Washington state.

M2302.2.1 Roof-mounted panels and modules. Where photovoltaic panels and modules are installed on roofs, the

roof shall be constructed to support the loads imposed by such modules.

EXCEPTION: The roof structure shall be deemed adequate to support the load of the rooftop solar photovoltaic system if all of the following requirements are met:

1. The solar photovoltaic panel system shall be designed for the wind speed of the local area, and shall be installed per the manufacturer's specifications.
2. The ground snow load does not exceed 70 pounds per square foot.
3. The total dead load of modules, supports, mountings, raceways, and all other appurtenances weigh no more than four pounds per square foot.
4. Photovoltaic modules are not mounted higher than 18 inches above the surface of the roofing to which they are affixed.
5. Supports for solar modules are to be installed to spread the dead load across as many roof-framing members as needed, so that no point load exceeds 50 pounds.

Roof-mounted photovoltaic panels and modules that serve as roof covering shall conform to the requirements for roof coverings in Chapter 9. Where mounted on or above the roof coverings, the photovoltaic panels and modules and supporting structure shall be constructed of noncombustible materials or fire-retardant treated wood equivalent to that required for the roof construction.

WSR 14-24-102
PERMANENT RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed December 2, 2014, 10:48 a.m., effective January 2, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To correct a typographical error in WAC 182-512-0795 (1)(b). The WAC citation listed as WAC 182-512-0190 should be WAC 182-512-0790.

Citation of Existing Rules Affected by this Order: Amending WAC 182-512-0795.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 14-20-112 on September 30, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 2, 2014.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0795 SSI-related medical—Budgeting a sponsor's income. (1) The agency counts some of the income of a person's sponsor as unearned income to the medical assistance unit (MAU) if:

(a) The sponsor signed the U.S. Citizenship and Immigration Services (USCIS) Affidavit of Support form I-864 or I-864A; and

(b) The person is not exempt from the deeming process in WAC (~~(182-512-0190)~~) 182-512-0790.

(2) The agency determines the amount of income that must be deemed from the sponsor by taking the following steps:

(a) Add together all of the sponsor's earned and unearned income that is not excluded under WAC 182-512-0860;

(b) Add all of the spouse's earned and unearned income that is not excluded under WAC 182-512-0860;

(c) Subtract an allocation for the sponsor equal to the one-person federal benefit rate (FBR);

(d) Subtract an allocation for the sponsor's spouse as follows:

(i) If the spouse is also a cosponsor of the noncitizen, allow an allocation equal to the one-person FBR; or

(ii) If the spouse is not a cosponsor but lived in the same household as the sponsor, allow an allocation equal to one-half of the FBR.

(e) Subtract an allocation equal to one-half FBR for each dependent of the sponsor. The dependent's income is not subtracted from the sponsor's dependent's allocation; and

(f) The income remaining is deemed as unearned income to the noncitizen and is added to the noncitizen's own income.

(3) If the sponsor has sponsored other noncitizens, all of the sponsor's income is deemed to each person that they sponsored and is not divided between them.

WSR 14-24-103
PERMANENT RULES
NOXIOUS WEED
CONTROL BOARD

[Filed December 2, 2014, 11:27 a.m., effective January 2, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Washington state noxious weed list provides the basis for noxious weed control efforts for county and district weed control boards as well as other entities. This rule-making order amends chapter 16-750 WAC by: Adding Ravenna grass as a Class A noxious weed; adding pampas grass as a Class C noxious weed; adding jubata grass as a Class C noxious weed; adding Italian arum as a Class C noxious weed; changing the designations of nine Class B noxious weeds in three counties; reclassifying shiny geranium from a Class A to a Class B noxious weed; updating three scientific

names; and amending state weed board officer terms from one year to two years.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-005, 16-750-011, 16-750-015, and 16-750-130.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Other Authority: Chapter 34.05 RCW

Adopted under notice filed as WSR 14-20-125 on October 1, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: December 2, 2014.

Anthony J. Stadelman
Chairman

AMENDATORY SECTION (Amending WSR 14-02-072, filed 12/30/13, effective 1/30/14)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
broom, French	<i>Genista monspessulana</i>
broom, Spanish	<i>Spartium junceum</i>
common crupina	<i>Crupina vulgaris</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense-flowered	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
cordgrass, smooth	<i>Spartina alterniflora</i>
dyer's woad	<i>Isatis tinctoria</i>

AMENDATORY SECTION (Amending WSR 14-02-072, filed 12/30/13, effective 1/30/14)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blueweed, <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 6 (b) region 5, except Spokane County
(2) Brazilian elodea, <i>Egeria densa</i>	(a) region 1, except Grays Harbor and Pacific counties (b) region 2, except Kitsap and Snohomish counties

Common Name	Scientific Name
eggleaf spurge	<i>Euphorbia oblongata</i>
false brome	<i>Brachypodium sylvaticum</i>
floating primrose-willow	<i>Ludwigia peploides</i>
flowering rush	<i>Butomus umbellatus</i>
garlic mustard	<i>Alliaria petiolata</i>
giant hogweed	<i>Heracleum mantegazzianum</i>
goatsrue	<i>Galega officinalis</i>
hydrilla	<i>Hydrilla verticillata</i>
Johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana</i> var. <i>lobata</i>
meadow clary	<i>Salvia pratensis</i>
oriental clematis	<i>Clematis orientalis</i>
purple starthistle	<i>Centaurea calcitrapa</i>
<u>Ravenna grass</u>	<u><i>Saccharum ravennae</i></u>
reed sweetgrass	<i>Glyceria maxima</i>
ricefield bulrush	<i>Schoenoplectus mucronatus</i>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>
(shiny geranium	<i>Geranium lucidum</i>)
silverleaf nightshade	<i>Solanum elaeagnifolium</i>
spurge flax	<i>Thymelaea passerina</i>
Syrian bean-caper	<i>Zygophyllum fabago</i>
Texas blueweed	<i>Helianthus ciliaris</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
variable-leaf milfoil	<i>Myriophyllum heterophyllum</i>
wild four o'clock	<i>Mirabilis nyctaginea</i>

Name		Will be a "Class B designate" in all lands lying within:
		(c) King County of region 2, except lakes Dolloff, Fenwick, Union, Washington, and Sammamish, and the Sammamish River
		(d) region 3, except Wahkiakum County
		(e) regions 4, 5, and 6
(3)	bugloss, annual, <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, and 6
		(b) region 5, except Spokane County
(4)	bugloss, common, <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 4, and 6
		(b) region 5, except Spokane County
(5)	butterfly bush, <i>Buddleja davidii</i>	(a) The portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 2
		(b) Cowlitz County of region 3
(6)	camelthorn, <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, and 5
		(b) region 6, except Walla Walla County
(7)	common fennel, <i>Foeniculum vulgare</i> (except bulbous fennel, <i>F. vulgare</i> var. <i>azoricum</i>)	(a) region 1, except Jefferson County
		(b) region 2, except King and Skagit counties
		(c) region 3, except Clark County
		(d) regions 4, 5, and 6
(8)	common reed, <i>Phragmites australis</i> (nonnative genotypes only)	(a) regions 1, 2, 3, and 4
		(b) region 5, except Grant County
		(c) Asotin, Columbia, and Garfield counties of region 6
(9)	Dalmatian toadflax, <i>Linaria dalmatica</i> ssp. <i>dalmatica</i>	(a) regions 1((2, and 3)) <u>and 2</u>
		(b) <u>region 3, except Cowlitz County</u>
		(c) Adams and Lincoln counties of region 5
		((e)) (d) Benton and Walla Walla counties of region 6
(10)	Eurasian watermilfoil, <i>Myriophyllum spicatum</i>	(a) region 1, except Pacific and Mason counties
		(b) Island and San Juan counties of region 2
		(c) Clark and Cowlitz counties of region 3
		(d) Chelan and Okanogan counties, and all lakes with public boat launches except Fan Lake in Pend Oreille County of region 4
		(e) Adams and Lincoln counties of region 5
		(f) Asotin, Columbia, and Garfield counties of region 6
(11)	fanwort, <i>Cabomba caroliniana</i>	(a) regions 2, 4, 5, and 6
		(b) region 1, except Grays Harbor
		(c) region 3, except Cowlitz County
(12)	gorse, <i>Ulex europaeus</i>	(a) region 1, except Grays Harbor and Pacific counties
		(b) regions 2, 3, 4, 5, 6
(13)	grass-leaved arrowhead, <i>Sagittaria graminea</i>	(a) region 1, except Mason County
		(b) region 2, except Snohomish County
		(c) regions 3, 4, 5, and 6
(14)	hairy willow-herb, <i>Epilobium hirsutum</i>	(a) regions 1, 3, and 4
		(b) region 2, except Thurston and Whatcom counties

Name		Will be a "Class B designate" in all lands lying within:
		(c) region 5, except Klickitat County
		(d) Asotin, Columbia, and Garfield counties of region 6
(15)	hawkweed oxtongue, <i>Picris hieracioides</i>	(a) regions 1, 2, 4, 5, and 6 (b) region 3, except Skamania County
(16)	hawkweed, orange, <i>Hieracium aurantiacum</i>	(a) regions 1, 3, and 6 (b) region 2, except Whatcom County (c) region 4, except Pend Oreille and Stevens counties (d) region 5, except Kittitas and Spokane counties
(17)	hawkweeds: All nonnative species and hybrids of the Meadow subgenus (<i>Pilosella</i>), including, but not limited to, mouseear (<i>Hieracium pilosella</i>), pale (<i>H. lactucella</i>), queen-devil (<i>H. glomeratum</i>), tall (<i>H. piloselloides</i>), whiplash (<i>H. flagellare</i>), yellow (<i>H. caespitosum</i>), and yellow-devil (<i>H. x floribundum</i>)	(a) region 1 (b) region 2, except Pierce and Thurston counties (c) region 3, except Cowlitz County (d) Chelan, Douglas, and Okanogan counties of region 4 (e) region 5, except Klickitat and Spokane counties (f) region 6
(18)	hawkweeds: All nonnative species and hybrids of the Wall subgenus (<i>Hieracium</i>), including, but not limited to, common (<i>Hieracium lachenalii</i>), European (<i>H. sabaudum</i>), polar (<i>H. atratum</i>), smooth (<i>H. laevigatum</i>), spotted (<i>H. maculatum</i>), and wall (<i>H. murorum</i>)	(a) regions 1, 3, 5, and 6 (b) region 2, except <u>King</u> , Skagit and Whatcom counties (c) region 4, except Stevens County
(19)	herb-Robert, <i>Geranium robertianum</i>	(a) regions 4, 5, and 6
(20)	hoary alyssum, <i>Berteroa incana</i>	(a) regions 1, 2, 3, and 6 (b) <u>((All areas south of highway 20 in Ferry County and all areas in Okanogan County except Ranges 29-31 East of Townships 37-40 North of)) region 4, except Pend Oreille County and those areas lying north of highway 20 in Ferry County</u> (c) region 5, except Klickitat County
(21)	houndstongue, <i>Cynoglossum officinale</i>	(a) regions 1, 2, and 3 (b) Chelan County of region 4 (c) Yakima, Grant and Adams counties of region 5 (d) Benton County of region 6
(22)	indigobush, <i>Amorpha fruticosa</i>	(a) regions 1, 2, and 4 (b) Lewis and Skamania counties of region 3 (c) region 5, except Klickitat County
(23)	knapweed, black, <i>Centaurea nigra</i>	<u>(a)</u> regions 1, 2, 3, 4, 5, and 6
(24)	knapweed, brown, <i>Centaurea jacea</i>	<u>(a)</u> regions 1, 2, 3, 4, 5, and 6
(25)	knapweed, diffuse, <i>Centaurea diffusa</i>	(a) region 1, except Mason County (b) region(s 2 and 3) <u>2</u>

Name		Will be a "Class B designate" in all lands lying within:
		(c) <u>region 3, except Cowlitz County</u>
		(d) Adams County of region 5
(26)	knapweed, meadow, <i>Centaurea</i> ((<i>jaeaea</i> x <i>nigra</i>)) <u>x <i>moncktonii</i></u>	(a) regions 1((-3,)) and 4
		(b) region 2, except Pierce and Whatcom counties
		(c) Thurston County of region 2, except below the ordinary high water mark of the Nisqually River
		(d) <u>region 3, except Cowlitz County</u>
		(e) region 5, except Kittitas and Klickitat counties
		(((e)) (f)) region 6, except Franklin and Walla Walla counties
(27)	knapweed, Russian, <i>Acroptilon</i> <i>repens</i>	(a) regions 1, 2, and 3
		(b) Ferry and Pend Oreille counties of region 4
		(c) Lincoln, Spokane, and Whitman counties of region 5
		(d) Adams County of region 5, except for the area west of Highway 17 and north of Highway 26
		(e) Asotin and Garfield counties of region 6
(28)	knapweed, spotted, <i>Centaurea</i> <i>stoebe</i>	(a) region 1, except Grays Harbor
		(b) region 2, except Whatcom County
		(c) <u>region 3, except Cowlitz County</u>
		(d) Ferry County of region 4
		(e) Adams, Grant and Yakima counties of region 5
		(f) region 6, except Columbia and Walla Walla counties
(29)	knotweed, Bohemian, <i>Polygonum</i> x <i>bohemicum</i>	(a) Island County of region 2
		(b) ((Cowlitz and)) Skamania ((counties)) <u>County</u> of region 3
		(c) region 4, except Stevens County
		(d) region 5, except Whitman and Yakima counties
		(e) region 6
(30)	knotweed, giant, <i>Polygonum</i> <i>sachalinense</i>	(a) region 2, except King, Pierce, and Snohomish counties
		(b) region 3, except <u>Cowlitz and Lewis</u> ((County)) <u>counties</u>
		(c) regions 4, 5, and 6
(31)	knotweed, Himalayan, <i>Polygonum</i> <i>polystachyum</i>	(a) region 1, except Pacific County
		(b) region 2, except King and Pierce counties
		(c) Cowlitz, Lewis and Skamania counties of region 3
		(d) region 4, except Stevens County
		(e) regions 5 and 6
(32)	knotweed, Japanese, <i>Polygonum</i> <i>cuspidatum</i>	(a) Island, San Juan, and Whatcom counties of region 2
		(b) ((Cowlitz and)) Skamania ((counties)) <u>County</u> of region 3
		(c) region 4, except Okanogan and Stevens counties
		(d) region 5, except Spokane County
		(e) region 6
(33)	kochia, <i>Kochia scoparia</i>	(a) regions 1, 2, and 3
		(b) Stevens and Pend Oreille counties of region 4
		(c) Adams County of region 5
(34)	lesser celandine, <i>Ficaria verna</i>	(a) Snohomish County of region 2

		Will be a "Class B designate" in all lands lying within:	
Name			
		(b)	Skamania County of region 3
		(c)	Pend Oreille and Stevens counties of region 4
(35)	loosestrife, garden, <i>Lysimachia vulgaris</i>	(a)	regions 1, 2, 3, 4, 5, 6
(36)	loosestrife, purple, <i>Lythrum salicaria</i>	(a)	Clallam and Jefferson counties of region 1
		(b)	region 2, except Kitsap, Pierce, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	Columbia, Garfield, and Walla Walla counties of region 6
(37)	loosestrife, wand, <i>Lythrum virgatum</i>	(a)	Clallam and Jefferson counties of region 1
		(b)	region 2, except Kitsap, Pierce, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	Columbia, Garfield, and Walla Walla counties of region 6
(38)	parrotfeather, <i>Myriophyllum aquaticum</i>	(a)	region 1, except Pacific County
		(b)	regions 2, 4, 5, and 6
		(c)	Clark and Skamania counties of region 3
(39)	perennial pepperweed, <i>Lepidium latifolium</i>	(a)	regions 1, 2, and 4
		(b)	region 3, except Clark and Cowlitz counties
		(c)	Kittitas, Lincoln and Spokane counties of region 5
		(d)	Columbia and Garfield counties of region 6
(40)	poison hemlock, <i>Conium maculatum</i>	(a)	Clallam, Mason, and Pacific counties of region 1
		(b)	region 2, except King, Skagit, and Whatcom counties
		(c)	Clark and Skamania counties of region 3
		(d)	Chelan and Pend Oreille counties of region 4
		(e)	Grant, Kittitas and Lincoln counties of region 5
(41)	policeman's helmet, <i>Impatiens glandulifera</i>	(a)	region 1, except Pacific County
		(b)	region 2, except Pierce, Thurston, and Whatcom counties
		(c)	region 3, except Clark County
		(d)	regions 4, 5, and 6
(42)	puncturevine, <i>Tribulus terrestris</i>	(a)	regions 1, 2, and 3
		(b)	Ferry, Pend Oreille, and Stevens counties of region 4
		(c)	region 5, except Grant, Klickitat, and Yakima counties
(43)	rush skeletonweed, <i>Chondrilla juncea</i>	(a)	regions 1 and 3
		(b)	region 2, except Kitsap County
		(c)	region 4, except all areas of Stevens County south of Township 29

Name		Will be a "Class B designate" in all lands lying within:	
		(d)	Kittitas and Yakima counties of region 5, and Adams County, except those areas lying east of Sage Road, the western border of Range 36
		(e)	Asotin County of region 6
(44)	saltcedar, <i>Tamarix ramosissima</i> (unless intentionally planted prior to 2004)	(a)	regions 1, 3, 4, and 5
		(b)	region 2, except King and Thurston counties
		(c)	region 6, except Benton and Franklin counties
(45)	Scotch broom, <i>Cytisus scoparius</i>	(a)	regions 4 and 6
		(b)	region 5, except Klickitat County
(46)	<u>shiny geranium, <i>Geranium lucidum</i></u>	<u>(a)</u>	<u>regions 1, 2, 4, 5, and 6</u>
		<u>(b)</u>	<u>region 3, except Clark County</u>
<u>(47)</u>	spurge laurel, <i>Daphne laureola</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, and Pierce counties
		(c)	region 3, except Skamania County
		(d)	regions 4, 5, and 6
((47)) <u>(48)</u>	spurge, leafy, <i>Euphorbia esula</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Spokane and Whitman counties
		(c)	region 6, except Columbia and Garfield counties
((48)) <u>(49)</u>	spurge, myrtle, <i>Euphorbia myrsinites</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, and Whatcom counties
		(c)	regions 3, 5, and 6
		(d)	region 4, except Okanogan and Stevens counties
((49)) <u>(50)</u>	sulfur cinquefoil, <i>Potentilla recta</i>	(a)	region 1
		(b)	region 2, except Pierce and Thurston counties
		(c)	region 3, except Lewis and Skamania counties
		(d)	Adams, Grant, Lincoln, and Whitman counties of region 5
		(e)	region 6, except Asotin County
((50)) <u>(51)</u>	tansy ragwort, <i>Senecio jacobaea</i>	(a)	Island and San Juan counties of region 2
		(b)	Clark and Wahkiakum counties of region 3
		(c)	regions 4 and 6
		(d)	region 5, except Klickitat County
((51)) <u>(52)</u>	thistle, musk, <i>Carduus nutans</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Douglas and Ferry counties
		(c)	region 5, except Kittitas County
((52)) <u>(53)</u>	thistle, plumeless, <i>Carduus acanthoides</i>	(a)	regions 1, 2, 3, 5, 6
		(b)	region 4, except those areas north of State Highway 20 in Stevens County
((53)) <u>(54)</u>	thistle, Scotch, <i>Onopordum acanthium</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except Douglas County
		(c)	region 5, except Spokane and Whitman counties
((54)) <u>(55)</u>	velvetleaf, <i>Abutilon theophrasti</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Yakima County
		(c)	region 6, except Franklin County

Name	Will be a "Class B designate" in all lands lying within:
((55)) (56) water primrose, <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 4, 5, and 6 (b) region 3, except Cowlitz County
((56)) (57) white bryony, <i>Bryonia alba</i>	(a) regions 1, 2, 3, and 4 (b) region 5, except Whitman County (c) Benton County of region 6
((57)) (58) wild chervil, <i>Anthriscus sylvestris</i>	(a) regions 1, 4, and 6 (b) region 2, except Island and Whatcom counties (c) Wahkiakum and Lewis counties of region 3 (d) region 5, except Whitman County
((58)) (59) yellow archangel, <i>Lamiaeum galeobdolon</i>	(a) Clallam County of region 1 (b) Island, San Juan, Skagit, and Whatcom counties of region 2 (c) ((Cowlitz,)) Skamania and Wahkiakum counties of region 3 (d) regions 4, 5, and 6
((59)) (60) yellow floating heart, <i>Nymphoides peltata</i>	(a) regions 1, 2, and 6 (b) region 3, except Cowlitz County (c) region 4, except Stevens County (d) region 5, except Spokane County
((60)) (61) yellow nutsedge, <i>Cyperus esculentus</i>	(a) regions 1, 3, and 4 (b) region 2, except Skagit and Thurston counties (c) region 5, except Klickitat and Yakima Counties (d) region 6, except Franklin and Walla Walla counties
((61)) (62) yellow starthistle, <i>Centaurea solstitialis</i>	(a) regions 1, 2, and 3 (b) region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County (c) region 5, except Klickitat, and Whitman counties

AMENDATORY SECTION (Amending WSR 14-02-072, filed 12/30/13, effective 1/30/14)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
absinth wormwood	<i>Artemisia absinthium</i>
Austrian fieldcress	<i>Rorippa austriaca</i>
babysbreath	<i>Gypsophila paniculata</i>
black henbane	<i>Hyoscyamus niger</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus armeniacus</i>
blackgrass	<i>Alopecurus myosuroides</i>
buffalobur	<i>Solanum rostratum</i>
cereal rye	<i>Secale cereale</i>
common barberry	<i>Berberis vulgaris</i>
common catsear	<i>Hypochaeris radicata</i>

Common Name	Scientific Name
common groundsel	<i>Senecio vulgaris</i>
common St. Johnswort	<i>Hypericum perforatum</i>
common tansy	<i>Tanacetum vulgare</i>
common teasel	<i>Dipsacus fullonum</i>
curly-leaf pondweed	<i>Potamogeton crispus</i>
English ivy 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica'
	<i>Hedera helix</i> 'Baltica'
	<i>Hedera helix</i> 'Pittsburgh'
	<i>Hedera helix</i> 'Star'
field bindweed	<i>Convolvulus arvensis</i>
fragrant water lily	<i>Nymphaea odorata</i>
hairy whitetop	((Cardaria pubescens)) <u><i>Lepidium appelianum</i></u>

Common Name	Scientific Name
hoary cress	((<i>Cardaria draba</i>)) <u><i>Lepidium draba</i></u>
<u>Italian arum</u>	<u><i>Arum italicum</i></u>
Japanese eelgrass	<i>Zostera japonica</i>
jointed goatgrass	<i>Aegilops cylindrica</i>
<u>jubata grass</u>	<u><i>Cortaderia jubata</i></u>
lawnweed	<i>Soliva sessilis</i>
lepyrodiclis	<i>Lepyrodictis holosteoides</i>
longspine sandbur	<i>Cenchrus longispinus</i>
nonnative cattail species and hybrids	Including, but not limited to, <i>Typha angustifolia</i> , <i>T. domingensis</i> ((<i>T. minima</i>)) and <i>T. x glauca</i>
old man's beard	<i>Clematis vitalba</i>
oxeye daisy	<i>Leucanthemum vulgare</i>
<u>pampas grass</u>	<u><i>Cortaderia selloana</i></u>
perennial sowthistle	<i>Sonchus arvensis</i> ssp. <i>arvensis</i>
reed canarygrass	<i>Phalaris arundinacea</i>
Russian olive	<i>Elaeagnus angustifolia</i>
scentless mayweed	<i>Matricaria perforata</i>
smoothseed alfalfa dodder	<i>Cuscuta approximata</i>
spikeweed	<i>Hemizonia pungens</i>
spiny cocklebur	<i>Xanthium spinosum</i>
Swainsonpea	<i>Sphaerophysa salsula</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
tree-of-heaven	<i>Ailanthus altissima</i>
white cockle	<i>Silene latifolia</i> ssp. <i>alba</i>
wild carrot (except where commercially grown)	<i>Daucus carota</i>
yellow flag iris	<i>Iris pseudacorus</i>
yellow toadflax	<i>Linaria vulgaris</i>

AMENDATORY SECTION (Amending WSR 12-01-050, filed 12/15/11, effective 1/15/12)

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

(1) The officers of the board are the chairperson, vice-chairperson, and secretary. The title of the chief administrative officer is the executive secretary.

(2) Duties of officers.

(a) The chairperson presides at all meetings of the board, has the power to appoint committees, acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private

agencies, and performs such other duties as pertain to the office.

(b) The vice-chairperson performs the duties of the chairperson in his or her absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson will assume the duties of and serve out the term of the chairperson upon permanent departure of the chairperson.

(c) The secretary is the official keeper of the minutes and, approves them, and presents them to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary performs the duties of the chairperson.

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board is (~~(twelve months)~~) two years following elections held at the first board meeting in January and ending at the January meeting of the (~~(following)~~) second year.

(4) Election of officers. Elections will be held every two years at the (~~(first)~~) January meeting of the first year (~~(in January)~~). Officers are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

WSR 14-24-105
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS

[Filed December 2, 2014, 1:47 p.m., effective January 2, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-017, 263-12-020, 263-12-050, 263-12-059, 263-12-092, 263-12-115, 263-12-116, 263-12-117, 263-12-052 and 263-12-01501; and by adding three new sections WAC 263-12-118, 263-12-11801 and 263-12-11802, regarding filing of motions with the board. Rules are being modified to meet current business needs, and to clarify current practice and procedure before the board.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-017, 263-12-020, 263-12-050, 263-12-059, 263-12-092, 263-12-115, 263-12-116, 263-12-117, 263-12-052, and 263-12-01501.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 14-21-066 on October 9, 2014.

Changes Other than Editing from Proposed to Adopted Version: WAC 263-12-115(10), the proposed language "The industrial appeals judge may authorize telephone testimony over the objection of a party after weighing the following nonexclusive factors:" is replaced with "For good cause the

industrial appeals judge may authorize telephone testimony over the objection of a party after weighing the following nonexclusive factors:"

WAC 263-12-117(2), the proposed language "The industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:" is replaced with "For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:"

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 2, 2014.

J. Scott Timmons
Executive Secretary

AMENDATORY SECTION (Amending WSR 11-23-154, filed 11/22/11, effective 12/23/11)

WAC 263-12-01501 Communications and filing with the board. (1) **Where to file communications with the board.** ~~((a) Where to file.)~~ Except as provided elsewhere in this section all written communications ~~(, except those listed below,)~~ shall be filed with the board at its headquarters in Olympia, Washington. With written permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions (other than motions for stay filed pursuant to RCW 51.52.050), briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

~~((b))~~ (2) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, ~~((c))~~ by telephone facsimile, or by electronic filing.

~~((d))~~ (a) **Filing personally.** The filing of a written communication with the board personally is ~~((perfected))~~ accomplished by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

~~((e))~~ (b) **Filing by mail.** The filing of a written communication with the board is ~~((perfected))~~ accomplished by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a stat-

ute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

~~((f))~~ (c) **Filing by telephone facsimile.**

~~((g))~~ (i) The filing of a written communication with the board by telephone facsimile is ~~((perfected))~~ accomplished when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment during the board's customary office hours. All facsimile communications ~~(, except those listed below, shall)~~ must be filed with the board ~~((at its headquarters in Olympia, Washington. With permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions (other than motions for stay filed pursuant to RCW 51.52.050), briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle))~~ via fax numbers listed on the board's web site.

~~((h))~~ (ii) The hours of ~~((operation))~~ staffing of the board's telephone facsimile equipment are ~~((8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next business day))~~ the board's customary office hours. Documents sent by facsimile communication outside of the board's customary office hours will be deemed filed on the board's next business day.

~~((i))~~ (iii) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

~~((j))~~ ~~((No))~~ (iv) Written communication should not exceed fifteen pages in length, exclusive of the cover page required by this rule.

~~((k))~~ (v) The party attempting to file ~~((the))~~ a written communication by telephone facsimile bears the risk that the written communication will not be received or legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

~~((l))~~ (vi) The board may require a party to file an original of any document previously filed by telephone facsimile.

~~((m))~~ (d) **Electronic filing.** Electronic filing is accomplished by using the electronic filing link on the board's web site. Communication sent by e-mail will not constitute or accomplish filing. Communication filed using the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. A separate transmission must be used for each appeal. Transmissions

containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(3) Electronic filing of a notice of appeal. A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's ~~((internet))~~ web site. An electronic notice of appeal is filed when it is received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. ~~((Otherwise the notice of appeal is considered filed at the beginning of the next business day.))~~ Appeals received via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board ~~((shall))~~ will issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board ~~((must))~~ will notify the filing party of the rejection.

~~((+))~~ **(4) Electronic filing of application for approval of claim resolution structured settlement agreement.** An application for approval of claim resolution structured settlement agreement must be filed electronically using the form for electronic filing of applications for approval of claim resolution structured settlement agreement as provided on the board's ~~((internet))~~ web site. An electronic application for approval of claim resolution structured settlement agreement is filed when received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. ~~((Otherwise the application for approval of claim resolution structured settlement is considered to be filed at the beginning of the next business day.))~~ Applications received by the board via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board ~~((shall))~~ will issue confirmation to the filing party that an electronic application for approval of claim resolution structured settlement agreement has been received. An electronic copy of the signed agreement for claim resolution structured settlement agreement must be submitted as an attachment to the application for approval. The board will reject an application for approval of claim resolution structured settlement agreement that fails to comply with the board's filing requirements. The board ~~((must))~~ will notify the filing party of the rejection.

~~((e))~~ **(5) Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

~~((d))~~ **(6) Form requirements.** Any written communications with the board concerning an appeal should reference the docket number ~~((which was))~~ assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91, effective 7/15/91)

WAC 263-12-017 Request for public records. (1) In accordance with requirements of chapter ~~((42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency; public records may be inspected or copied, or copies of such records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:))~~ 42.56 RCW, the board will make nonexempt "public records" available for inspection and copying.

(2) A request ~~((shall))~~ to inspect or copy public records should be made in writing upon ~~((a form prescribed by))~~ the ~~((board))~~ board's request form, which ~~((shall be))~~ is available at its Olympia headquarters or its web site. The form ~~((shall))~~ may be presented to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the headquarters of the board during customary office hours. The form may also be mailed, faxed, or e-mailed to the attention of the public records officer at the address or fax number provided on the board's web site.

The request ~~((shall))~~ should include the following information:

(a) The name and address of the person requesting the record and any other contact information, such as phone number or e-mail address, that may aid in responding to the request;

(b) The date ~~((of which))~~ the request ~~((was))~~ is made;

(c) The ~~((nature of the request;))~~

~~((d))~~ If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index; and

~~((e))~~ If the request matter is not identifiable by reference to the board's current index, and appropriate description of the record requested) identity of the record(s) requested. If the record(s) requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index should be included whenever possible. If the requested record(s) is not identifiable by reference to the board's current index, as detailed a description as possible should be included to aid staff in identifying the records sought; and

~~((d))~~ Whether the request is for copies or to inspect records.

(3) Requestors desiring copies of records shall make arrangements with the records officer to pay for the cost of providing the records. Costs shall include the cost of copies and the cost of mailing the records. The per page cost for standard size (8 1/2" x 11") black and white or color photocopies will be as posted on the board's web site. Nonstandard-sized documents and documents produced on something other than paper will be provided at the actual cost to reproduce and may include the cost of the materials used. Mailing cost will include actual postage and the cost of the container.

(4) Requestors desiring to inspect records shall make arrangements with the records officer for inspection. There is no cost to inspect records. Records will be made available for

inspection at the board's Olympia headquarters during the board's customary office hours.

~~((5))~~ In all cases in which a member of the public is making a request, ~~((it shall be the obligation of))~~ the public records officer or staff member to whom the request is made ~~((to))~~ will assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending WSR 10-14-061, filed 6/30/10, effective 7/31/10)

WAC 263-12-020 Appearances of parties before the board. ~~((1))~~ Who may appear~~((-((a)))?)~~? Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by ~~((an attorney at law or other authorized lay representative of the party's choosing as prescribed in subsection (3) below))~~ a representative as described in subsections (3) and (4) of this section.

(2) Who must obtain approval prior to representing a party? A person who is disbarred or is presently suspended from the practice of law for disciplinary reasons in any jurisdiction, or has previously been denied admission to the bar in any jurisdiction for reasons other than failure to pass a bar examination, shall not represent a party without the prior approval of the board. A written petition for approval shall be filed sixty calendar days prior to any event for which the person seeks to appear as a representative. The board may deny any petition that fails to demonstrate competence, moral character, or fitness.

(3) Who may represent a party?

(a) A worker or beneficiary may be represented by:

(i) An attorney at law with membership in good standing in the Washington state bar association or a paralegal supervised by an attorney at law with membership in good standing in the Washington state bar association.

(ii) An attorney at law with membership in good standing in the highest court of any other state or the District of Columbia.

(iii) A lay representative so long as the person does not charge a fee and is not otherwise compensated for the representation except as provided in (a)(iv) of this subsection.

(iv) A person employed by the worker's labor union whose duties include handling industrial insurance matters for the union.

(b) An employer or retrospective rating group may be represented by:

(i) An attorney at law with membership in good standing in the Washington state bar association or a paralegal supervised by an attorney at law with membership in good standing in the Washington state bar association.

(ii) An attorney at law with membership in good standing in the highest court of any other state or the District of Columbia.

(iii) An employee of the employer or retrospective rating group.

(iv) A firm that contracts with the employer or retrospective rating group to handle matters pertaining to industrial insurance.

~~((b))~~ **(4) Appeals under the Washington Industrial Safety and Health Act.**

~~((a))~~ (a) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection ~~((2) below))~~ (7) of this section and will be deemed a party to the appeal.

~~((b))~~ (b) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection ~~((2) below))~~ (7) of this section and will be deemed a party to the appeal.

~~((c))~~ **(5) May a self-represented party be accompanied by another person?** Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures. If the lay person is also a witness to the proceeding, the industrial appeals judge may exclude the lay person from the proceeding as provided by Evidence Rule 615.

~~((d))~~ **(6) Assistance by the industrial appeals judge.** Although the industrial appeals judge may not advocate for either party, all parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties are informed of the procedure ~~((which is))~~ to be followed and the issues ~~((which are))~~ involved in the proceedings. Any party who appears representing himself or herself shall be advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

~~((e))~~ **(7) How to make an appearance.**

(a) Appearance by employer representative. Within fourteen days of receipt of an order granting appeal, any representative of an employer or retrospective rating group must file a written notice of appearance that includes the name, address, and telephone number of the individual who will appear.

(b) Appearances by a worker or beneficiary representative shall be made either by:

(i) Filing a written notice of appearance with the board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Appearing at the time and place of a conference or hearing on the appeal, and notifying the industrial appeals judge of the party to be represented, and the name and address of the representative.

~~((f))~~ **(8) Notice to other parties.**

(a) The appearing party shall furnish copies of every written notice of appearance to all other parties or their representatives of record at the time the original notice is filed with the board.

~~((g))~~ (b) The board ~~((shall))~~ will serve all of its notices and orders on each representative and each party represented. Service upon the representative shall constitute service upon the party. Where more than one individual associated with a firm, or organization, including the office of the attorney gen-

eral, has made an appearance, service under this subsection shall be satisfied by serving the individual who filed the notice of appeal, or who last filed a written notice of appearance or, if no notice of appeal or written notice of appearance has been filed on behalf of the party, the individual who last appeared at any proceeding concerning the appeal.

~~((3))~~ **Lay representation.** Duly authorized lay representatives may be permitted to appear in proceedings before the board without a formal request for admission to practice before the board so long as the lay representative does not charge a fee and is not otherwise compensated for the representation except as provided below:

(a) A worker or beneficiary may be represented by a person employed by the worker's labor union whose duties include handling industrial insurance matters for the union. Lay persons may not represent workers before the board in return for remuneration received from the worker or from the worker's receipt of benefits under this act.

(b) An employer may be represented by an employee. An employer may also be represented by a firm or firms that contracts with the employer to handle matters pertaining to industrial insurance without regard to whether a fee is charged. Within fourteen days of receipt of an order granting appeal, any representative of an employer must file a written notice of appearance that includes the name, address, and telephone number of the individual who will appear.

(c) In appeals involving the Washington Industrial Safety and Health Act under chapter 49.17 RCW and assessments under chapter 51.48 RCW, an employer may be represented by a lay person without regard to whether a fee is charged.

(d) Paralegals supervised by an attorney licensed in the state of Washington to practice law may represent any party appearing before the board.

~~(4))~~ **(9) Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately notify the board and all parties of record in writing. The notice of withdrawal shall comply with the rules applicable to notices of withdrawal filed with the superior court in civil cases. Withdrawal ~~((shall be))~~ is subject to approval by the industrial appeals judge or the executive secretary. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record together with the written consent of the prior attorney or representative. If such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

~~((5))~~ **(10) Conduct.** All persons appearing as counsel or representatives in proceedings before the board or before its industrial appeals judges shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(a) Industrial appeals judge. If any such person does not conform to such standard, the industrial appeals judge presiding over the appeal, at his or her discretion and depending on all the circumstances, may take any of the following actions:

(i) Admonish or reprimand such person~~((;))~~.

(ii) Exclude such person from further participation ~~((in the proceedings and))~~ or adjourn the ~~((same;))~~ proceeding.

(ii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100~~((;))~~.

(iv) Report the matter to the board.

(b) The board. In its discretion, either upon referral by an industrial appeals judge as stated above or on its own motion, after information comes to light that establishes to the board a question regarding a person's ethical conduct and fitness to practice before the board, and after notice and hearing, the board may take appropriate disciplinary action including, but not limited to:

(i) A letter of reprimand~~((;))~~.

(ii) Refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial appeals judges~~((;))~~.

(iii) Certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100. If the circumstances require, the board may take action as described above prior to notice and hearing if the conduct or fitness of the person appearing before the board requires immediate action in order to preserve the orderly disposition of the ~~((appeal or appeals))~~ appeal(s).

(c) Proceedings. If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the industrial appeals judge may, at his or her discretion and depending on all the circumstances:

(i) Admonish or reprimand such person~~((;))~~.

(ii) Exclude such person from further participation ~~((in the proceedings and))~~ or adjourn the ~~((same;))~~ proceeding.

(iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100~~((;))~~.

(iv) Report the matter to the board for action consistent with (b) of this subsection.

AMENDATORY SECTION (Amending WSR 11-20-003, filed 9/21/11, effective 10/22/11)

WAC 263-12-050 Contents of notice of appeal. The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General rule.** In all appeals, the notice of appeal should contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any;

(b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;

(c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;

(d) A statement of facts in full detail in support of each stated reason;

(e) The specific nature and extent of the relief sought;

(f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;

(g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true;

(h) The signature of the appealing party or the party's representative.

(2) **Industrial insurance appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal should also contain:

(a) The name and address of the injured worker;

(b) The name and address of the worker's employer at the time the injury occurred;

(c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(d) The nature of the injury or occupational disease;

(e) The time when and the place where the injury occurred or the occupational disease arose.

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal should also contain:

(a) The time when and the place where the criminal act occurred;

(b) The name and address of the alleged perpetrator of the crime; and

(c) The nature of the injury.

(4) **Assessment appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal should also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due.

(5) **LEOFF and public employee death benefit appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Firefighters' Retirement System (chapter 41.26 RCW), the notice of appeal should also contain:

(a) The time when and the place where the death occurred; and

(b) The name and address of the decedent's employer at the time the injury occurred.

(6) **Asbestos certification appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal should also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.

(7) **WISHA appeals.** ~~(In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where the employer has moved for a stay of abatement pursuant to RCW 49.17.140, the employer shall, within seven working days of the date of the board's notice of filing of appeal, file with the board, the department, and any~~

~~affected employees affidavits and documents supporting the request for a stay of the abatement of the violation(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing: (1) whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and (2) whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.~~

~~If an employer fails to file the supporting documents within seven working days of the date of the board's notice of filing of appeal, the request for a stay of the abatement of the violation(s) will be denied. Within fourteen working days of the date of the board's notice of filing of appeal, the department of labor and industries and any affected employees shall file affidavits and documents supporting the request for a stay of the abatement of the violation(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing: (1) whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and (2) whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.~~

~~In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal should also contain:~~

~~(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;~~

~~(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s);~~

~~(c) A statement certifying compliance with WAC 263-12-059.~~

~~(i) In appeals where the employer has made or renewed its request for a stay of the abatement of the violation(s) alleged in the citation and notice or corrective notice of redetermination, if the employer fails to comply with WAC 263-12-059, the motion for a stay of the abatement of the violation(s) will be denied.) For appeals arising under the Washington Industrial Safety and Health Act, refer to WAC 263-12-059.~~

(8) **Other safety appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explo-

sives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;

(c) If applicable, a statement certifying compliance with WAC 263-12-059.

AMENDATORY SECTION (Amending WSR 11-20-003, filed 9/21/11, effective 10/22/11)

WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act~~((—Notice to interested employees))~~; **contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal.** **(1) Contents of notice of appeal in WISHA appeals.** In all appeals arising under the Washington Industrial Safety and Health Act, the notice of appeal should contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any.

(b) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from. This requirement may be satisfied by attaching a copy of the citation, penalty assessment, or notice of abatement date.

(c) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s). If the employer has no affected employees who are members of a union, the employer shall affirmatively certify that no union employees are affected by the appeal.

(d) The reason why the appealing party considers such order or decision, to be unjust or unlawful.

(e) A statement of facts in full detail in support of each stated reason.

(f) The specific nature and extent of the relief sought.

(g) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.

(h) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(i) The signature of the appealing party or the party's representative.

In all appeals where a stay of abatement of alleged violation(s) pending appeal is requested, the notice of appeal must comply with additional requirements set forth in subsection (3) of this section.

(2) Employer duty to notify affected employees.

(a) In the case of any appeal by an employer concerning an alleged violation of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either:

~~((1))~~ (i) Providing copies of the appeal to each employee member of the employer's safety committee; or

~~((2))~~ (ii) By posting a copy of the appeal in a conspicuous place at the work site at which the alleged violation

occurred. Any posting shall remain during the pendency of the appeal.

(b) The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

(c) The employer shall file with the board a certificate of proof of compliance with this section within fourteen days of ~~((receipt))~~ issuance of the board's notice ~~((acknowledging receipt of the appeal. In appeals where the employer has moved for a stay of the abatement of the violation(s) alleged in the citation and notice or corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer. If the employer fails to provide the names and addresses of union representatives at the time of filing of the notice of appeal, the motion to stay the abatement of the violation(s) will be denied. Additionally, the employer shall include with the notice of appeal a certification that the employer has posted the notice of appeal and the motion to stay the abatement of the violation(s) in a conspicuous place at the work site at which the alleged violation(s) occurred. If the employer fails to file a certification of the posting of the notice of appeal and the motion to stay the abatement of the violation(s), the motion to stay the abatement of the violation(s) will be denied. Any posting shall remain during the pendency of the appeal. If notice as required by this section is not possible the employer shall advise the board or its designee of the reasons why notice cannot be accomplished. If the board, or its designee, accepts the impossibility of the required notice it will prescribe the terms and conditions of a substitute notice procedure reasonably calculated to give notice to affected employees))~~ of filing of appeal. A certification form is provided on the board's web site.

(3) Request for a stay of abatement in WISHA appeals.

(a) **How made.** Any request for stay of abatement pending appeal must be included in the notice of appeal. An employer may request a stay of abatement pending appeal by placing "STAY OF ABATEMENT REQUESTED" prominently on the first page of the notice of appeal in bold print. The board will issue a final decision on such requests within forty-five working days of the board's notice of filing of appeal.

(b) Union information.

(i) **Appeals from corrective notice of redetermination.** In appeals where the employer has requested a stay of abatement of the violation(s) alleged in the corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall affirmatively inform the board that no union employees are affected by the appeal.

(ii) **Appeals from citation and notice.** Where an employer files an appeal from a citation and notice and the department of labor and industries chooses to forward the appeal to the board to be treated as an appeal to the board, the employer shall provide the board with the names and addresses of any unions representing workers for the

employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall inform the board that no union employees are affected by the appeal. The employer shall provide this information to the board within fourteen days of the date of the board's notice of filing of appeal.

(c) Supporting and opposing documents.

(i) Supporting documents. In appeals where the employer has requested a stay of abatement pursuant to RCW 49.17.140, the employer shall, within fourteen calendar days of the date of the board's notice of filing of appeal, file with the board supporting declarations, affidavits, and documents it wishes the board to consider in deciding the request. The employer must also simultaneously provide supporting documents to the department and any affected employees' safety committee or union representative. Supporting affidavits or declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(ii) Opposing documents. Within twenty-eight calendar days of the date of the board's notice of filing of appeal, the department of labor and industries and any affected employees shall file with the board any declarations, affidavits, and documents they wish the board to consider in deciding the request. The department must also simultaneously serve these opposing documents on the employer and any affected employees' safety committee or representative. The employees must also simultaneously serve the opposing documents on the employer and the department. Supporting and opposing affidavits and declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(4) Denial of request to stay abatement. If any of the following procedural or substantive grounds are present, the

board will deny the request for a stay of abatement pending appeal:

(a) The request for stay of abatement is not contained in the employer's notice of appeal as required by RCW 49.17.140 (4)(a).

(b) The employer fails to include union information as required in subsection (3)(b) of this section.

The employer fails to timely file a certification that its employees have been notified about the appeal and the request for stay of abatement as required in subsection (2) of this section.

(c) The employer fails to file supporting documents within fourteen calendar days of the issuance of the board's notice of filing of appeal as required in subsection (3)(c)(i) of this section.

(d) The request is moot.

(e) The only violation alleged by the department of labor and industries is a general violation.

(f) The employer fails to show good cause for a stay of abatement in its supporting documents.

(g) The preliminary evidence shows it is more likely than not that a stay would result in death or serious physical harm to a worker.

(5) Expedited nature of requests to stay abatement/ requests to enlarge time. Requests to stay abatement pending appeal must be decided in accordance with a strict statutory timeline. Oral argument will not be permitted. The board will grant requests to enlarge time to file documents or certifications only after receipt of a written motion with supporting affidavit filed with the board and all other parties before the filing deadline and only upon a showing of good cause.

AMENDATORY SECTION (Amending WSR 08-01-081, filed 12/17/07, effective 1/17/08)

WAC 263-12-115 Procedures at hearings. (1) **Industrial appeals judge.** All hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence.

(a) In any appeal under either the Industrial Insurance Act, the Worker and Community Right to Know Act, or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief except that in an appeal from an order of the department that alleges fraud or willful misrepresentation the department or self-insured employer shall initially introduce all evidence in its case-in-chief.

(b) In all appeals subject to the provisions of the Washington Industrial Safety and Health Act, the department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order. Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

(4) **Rulings.** The industrial appeals judge on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and statements that are inadmissible pursuant to WAC 263-12-095(5). All rulings upon objections to the admissibility of evidence shall be made in accordance with rules of evidence applicable in the superior courts of this state.

(5) **Interlocutory appeals to the board - Confidentiality of trade secrets.** A direct appeal to the board shall be allowed as a matter of right from any ruling of an industrial appeals judge adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

(6) **Interlocutory review by a chief industrial appeals judge.**

(a) Except as provided in subsection (5) of this section interlocutory rulings of the industrial appeals judge are not subject to direct review by the board. A party to an appeal or a witness who has made a motion to quash a subpoena to appear at board related proceedings, may within five working days of receiving an adverse ruling from an industrial appeals judge request a review by a chief industrial appeals judge or his or her designee. Such request for review shall be in writing and shall be accompanied by an affidavit in support of the request and setting forth the grounds for the request, including the reasons for the necessity of an immediate review during the course of conference or hearing proceedings. Within ten working days of receipt of the written request, the chief industrial appeals judge, or designee, may decline to review the ruling based upon the written request and supporting affidavit; or, after such review as he or she deems appropriate, may either affirm or reverse the ruling, or refer the matter to the industrial appeals judge for further consideration.

(b) Failure to request review of an interlocutory ruling shall not constitute a waiver of the party's objection, nor shall an unfavorable response to the request preclude a party from subsequently renewing the objection whenever appropriate.

(c) No conference or hearing shall be interrupted for the purpose of filing a request for review of the industrial appeals judge's rulings; nor shall any scheduled proceedings be canceled pending a response to the request.

(7) **Recessed hearings.** Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "notice of hearing" shall be required as to any recessed hearing.

(8) **Failure to present evidence when due.** If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to appear and present such evidence, the industrial appeals judge may conclude the hearing and issue a proposed decision and order on

the record, or recess or set over the proceedings for further hearing for the receipt of such evidence.

(9) **Offers of proof in colloquy.** When an objection to a question is sustained an offer of proof in question and answer form shall be permitted unless the question is clearly objectionable on any theory of the case.

(10) Telephone testimony. At hearings, the parties may present the testimony of witnesses by telephone if agreed to by all parties and approved by the industrial appeals judge. For good cause the industrial appeals judge may authorize telephone testimony over the objection of a party after weighing the following nonexclusive factors:

- The need to weigh a witness's demeanor or credibility.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the hearing.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Feasibility of taking a perpetuation deposition.
- Availability of quality telecommunications equipment and service.

When telephone testimony is permitted, the industrial appeals judge presiding at the hearing will swear in the witness testifying by phone as if the witness appeared live at the hearing. For rules relating to telephone deposition testimony, see WAC 263-12-117.

AMENDATORY SECTION (Amending WSR 10-14-061, filed 6/30/10, effective 7/31/10)

WAC 263-12-116 Exhibits. (1) Whenever possible, exhibits should be submitted on paper 8 1/2" x 11" in size. A larger version may be shown to the judge or witness for purpose of demonstration and a smaller version marked and offered as the exhibit.

(2) Exhibits containing audio, video, or other electronic material may be submitted on a CD, DVD, flash drive, or similar device, subject to the following conditions:

- The party seeking to present the audio/video/electronic material at a hearing must provide the appropriate equipment for hearing/viewing the material.
- If the party submitting the material for presentation at a hearing does not provide the equipment needed, the material will not be heard or viewed during the hearing, but the exhibit may be marked into evidence and ruling reserved.

(3) The board will not accept any hazardous exhibit. A hazardous exhibit is an exhibit that:

(a) Threatens the health and safety of persons handling the exhibit, including exhibits having potentially toxic, explosive, or disease-carrying characteristics.

(b) Threatens the security of the board's electronic equipment or network. Nonexclusive examples of hazardous exhibits include:

- Biohazards (bodily fluid samples, bloody clothing),
- Used medical implements or devices (surgical screws, cables, plates, pins, prosthetic devices),
- Corrosive or toxic substances,
- Controlled substances (prescription drugs),
- Potential airborne contaminants (asbestos, silica),
- Flammable, explosive, or reactive materials,
- Live ammunition, firearms, knives, and other weapons,

~~((3))~~ (4) Photographs, videotapes, or other facsimile representations may be used to demonstrate the existence, quantity, and physical characteristics of hazardous evidence consistent with this rule.

~~((4))~~ (5) If a party is uncertain whether a proposed exhibit conforms to this rule or is not able to bring the necessary equipment to the hearing, that party must request a conference ~~((for))~~ with the judge at least fourteen days before submitting the exhibit, asking the judge to make a determination of conformity (at least fourteen days before submitting the exhibit) or to provide assistance in making the exhibit accessible at the proceeding.

AMENDATORY SECTION (Amending WSR 10-14-061, filed 6/30/10, effective 7/31/10)

WAC 263-12-117 Perpetuation depositions. (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition, subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to:

- (a) The complexity of the issues raised by the appeal;
- (b) The desirability of having the witness's testimony presented at a hearing;
- (c) The costs incurred by the parties in complying with the ruling; and
- (d) The fairness to the parties in complying with the ruling.

(2) **Telephone depositions:** When testimony is taken by perpetuation deposition, it may be taken by telephone if all parties agree. For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:

- The need of a party to observe a witness's demeanor.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the deposition.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Availability of quality telecommunications equipment and service.

If a perpetuation deposition is taken by telephone, the court reporter transcribing the deposition is authorized to swear in the deponent, regardless of the deponent's location within or outside the state of Washington.

(3) The industrial appeals judge may require that depositions be taken and published within prescribed time limits. The time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when the industrial appeals judge allocates costs to parties or their representatives.

~~((3))~~ (4) The party filing a deposition must submit the deposition in a written format as well as an electronic format in accordance with procedures established by the board. Exhibits to the deposition do not have to be filed electronically but a legible hard copy must accompany the paper transcription of the deposition. If the deposition is not transcribed in a reproducible format it may be excluded from the record.

~~((4))~~ (5) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions:

(a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived~~((;))~~.

(b) That all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition~~((;))~~.

(c) That the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge~~((;))~~.

(d) That all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order~~((and))~~.

(e) That the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being retyped into the record.

AMENDATORY SECTION (Amending WSR 11-23-154, filed 11/22/11, effective 12/23/11)

WAC 263-12-052 Contents of claim resolution structured settlement agreement. A claim resolution structured settlement agreement shall be submitted electronically with a signed copy of the agreement. ~~((The agreement shall contain the following information:))~~ If the worker is not represented by an attorney, the agreement shall contain all of the following information. If the worker is represented by an attorney, the agreement does not need to include the information requested in subsections (6) through (9) of this section:

- (1) The names and mailing addresses of the parties to the agreement;
- (2) The date of birth of the worker;
- (3) The date the claim was received by the department or the self-insured employer, and the claim number;
- (4) The date of the order allowing the claim and the date the order became final;
- (5) The payment schedule and amounts to be paid through the claim resolution structured settlement agreement;
- (6) The nature and extent of the injuries and disabilities of the worker and the conditions accepted and segregated in the claim;
- (7) The life expectancy of the worker;
- (8) Other benefits the worker is receiving or is entitled to receive and the effect that a claim resolution structured settlement agreement may have on those benefits;
- (9) The marital or domestic partnership status of the worker;
- (10) The number of dependents, if any, the worker has;
- (11) A statement that:
 - (a) The worker knows that he/she has the right to:
 - (i) Continue to receive all the benefits for which they are eligible under this title~~((;))~~;
 - (ii) Participate in vocational training if eligible~~((;))~~; or
 - (iii) Resolve their claim with a structured settlement;
 - (b) All parties have signed the agreement. If a state fund employer has not signed the agreement, a statement that:

(i) The cost of the settlement will no longer be included in the calculation of the employer's experience factor used to determine premiums~~(-)~~; or

(ii) The employer cannot be located~~(-)~~; or

(iii) The employer is no longer in business~~(-)~~; or

(iv) The employer failed to respond or declined to participate after timely notice of the claim resolution settlement process provided by the department;

(c) The parties are seeking approval by the board of the agreement;

(d) The agreement binds parties with regard to all aspects of the claim except medical benefits;

(e) The periodic payment schedule is equal to at least twenty-five percent but not more than one hundred fifty percent of the average monthly wage in the state pursuant to RCW 51.08.018, except for the initial payment which may be up to six times the average monthly wage in the state pursuant to RCW 51.08.018;

(f) The agreement does not set aside or reverse an allowance order;

(g) The agreement does not subject any employer who is not a signatory to the agreement to any responsibility or burden under any claim;

(h) The agreement does not subject any department funds covered under the title to any responsibility or burden without prior approval from the director or his/her designee;

(i) The unrepresented worker or beneficiary of a self-insured employer was informed that he/she may request that the office of the ombudsman for self-insured injured workers provide assistance or be present during the negotiations;

(j) The claim will remain open for treatment or that the claim will be closed;

(k) The worker will either be required to or not be required to demonstrate aggravation of accepted conditions as contemplated by RCW 51.32.160 if the worker applies to reopen the claim;

(l) The parties understand and agree to the terms of the agreement;

(m) The parties have entered into the agreement knowingly and willingly, without harassment or coercion;

(n) The parties have represented the facts and the law to each other to the best of their knowledge;

(o) The parties believe that the agreement is reasonable under the circumstances;

(p) The parties know that they may revoke consent to the agreement by providing written notice to the other parties and the board within thirty days after the agreement is approved by the board~~(-)~~;

(q) The designation of the party that will apply for approval with the board;

(r) Restrictions on the assignment, if any, of rights and benefits under the claim resolution structured settlement agreement.

AMENDATORY SECTION (Amending WSR 08-01-081, filed 12/17/07, effective 1/17/08)

WAC 263-12-092 Mediation and claim resolution structured settlement agreement conferences. (1) A statement made by any party, representative or other participant in

the course of mediation conducted pursuant to RCW 51.52.095~~(-)~~ or a claim resolution structured settlement agreement conference conducted pursuant to RCW 51.04.063, whether verbal or written, is privileged as provided in subsection (2) of this section and is not subject to discovery or admissible in evidence in a proceeding unless waived or reduced to writing and made part of a settlement agreement.

(2) In a proceeding, the following privileges apply:

(a) A ~~((mediation))~~ party may refuse to disclose and may prevent any other person from disclosing a statement;

(b) A mediator or structured settlement conference judge may refuse to disclose and may prevent any other person from disclosing a statement ~~((of))~~ from the mediator or judge; and

(c) A nonparty participant may refuse to disclose and may prevent any other person from disclosing a statement of the nonparty participant.

(3) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation unless otherwise privileged by ~~((section 2 (a) (e) above))~~ subsection (2) of this section.

(4) Mediation and claim resolution structured settlement agreement conferences are confidential and nonparties may be excluded from the proceedings.

(5) Mediation and claim resolution structured settlement agreement conferences may not be recorded by any type of recording device.

NEW SECTION

WAC 263-12-118 Motions. (1) **Definition.** A party's written or oral request for the board to take action on a pending appeal is a "motion." Motions must be in writing unless made during a hearing before an industrial appeals judge. The board recognizes that there are two basic categories of motions:

(a) **Nondispositive motions.** Nondispositive motions include procedural motions, such as motions for a continuance, an extension of time, or to reopen the record; and discovery motions, such as motions *in limine* or motions to compel or request sanctions.

(b) **Dispositive motions.** Dispositive motions ask for a decision on one or more of the issues in an appeal or to dismiss the appeal. Examples of dispositive motions are motions to dismiss or motions for summary judgment. See WAC 263-12-11801.

(2) **Motions made to the executive secretary.** The procedural rules in subsections (3) through (6) of this section do not apply to motions made to the executive secretary for consideration by the three-member board:

(a) Motions for stay of the order on appeal under RCW 51.52.050 (2)(b). (See WAC 263-12-11802.)

(b) Motions to reconsider or vacate final board orders. (See WAC 263-12-156.)

(c) Motions to set reasonable attorneys' fees under RCW 51.52.120. (See WAC 263-12-165.)

(d) Requests for a stay of abatement pending appeal under RCW 49.17.140 (4)(a) in appeals filed under the

Washington Industrial Safety and Health Act. (See WAC 263-12-059.)

(3) **Written motions must be filed separately.** Parties must file motions separately from any pleading or other communication with the board. If a motion is contained in another pleading, the first page must clearly indicate in bold print that a motion is contained therein. See WAC 263-12-01501 (1)(a) for information about motions that must be filed with the board at its headquarters in Olympia.

(4) **Oral motions.** Any party may bring an oral motion during a hearing, unless prohibited from doing so at the industrial appeals judge's discretion. The industrial appeals judge may provide an opportunity for other parties to respond to any oral motion. The industrial appeals judge may require that an oral motion also be submitted in writing and may provide an opportunity for written response.

(5) **Responses to nondispositive motions.** Any party who opposes a written nondispositive motion may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the industrial appeals judge may set.

(6) **Argument.** All nondispositive motions will be ruled on without oral argument, unless oral argument is requested by the parties and approved by the industrial appeals judge, or at the discretion of the industrial appeals judge. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or responsive pleading. The time and date for hearing on the motion shall be scheduled in advance by contacting the judicial assistant for the assigned industrial appeals judge.

NEW SECTION

WAC 263-12-11801 Motions that are dispositive—Motion to dismiss; motion for summary judgment; voluntary dismissal. (1) Motion to dismiss.

(a) **General.** A party may move to dismiss another party's appeal on the asserted basis that the notice of appeal fails to state a claim on which the board may grant relief. The board will consider the standards applicable to a motion made under CR 12(b)(6) of the Washington superior court's civil rules. Examples of other grounds for a motion to dismiss include, but are not limited to, a lack of jurisdiction, failure to present evidence when due, and failure to present a prima facie case.

(b) **Time for filing motion to dismiss.** A motion to dismiss for lack of jurisdiction should be filed as early as possible to avoid unnecessary litigation. In all cases other than appeals under the Washington Industrial Safety and Health Act, a motion to dismiss for failure to present evidence when due may be made if the appealing party fails to appear at an evidentiary hearing held pursuant to due and proper notice. A motion to dismiss for failure to present a prima facie case may be made at any time prior to closure of the record.

(c) **Response.** A party who opposes a written motion to dismiss may file a response within ten days after service of the motion, or at such other time as may be set by the industrial appeals judge. The industrial appeals judge may allow oral argument.

(2) **Motion for summary judgment.**

(a) **General.** A party may move for summary judgment of one or more issues in the appeal if the pleadings filed in the proceeding, together with any properly admissible evidentiary support (e.g., affidavits or declarations conforming to the requirements of RCW 9A.72.085, fact stipulations, matters of which official notice may be taken), show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In considering a motion made under this subsection, the industrial appeals judge will consider the standards applicable to a motion made under CR 56 of the Washington superior court's civil rules.

(b) **Oral argument.** All summary judgment motions will be decided after oral argument, unless waived by the parties. The assigned industrial appeals judge will determine the length of oral argument allowed. Summary judgment motions must be heard more than fourteen calendar days before the hearing on the merits unless leave is granted by the industrial appeals judge. The time and date for hearing shall be scheduled in advance by contacting the judicial assistant for the assigned industrial appeals judge.

(c) **Dates for filing.** The deadlines to file and serve a motion for summary judgment and opposing and reply documents shall be as set forth in CR 56 unless the industrial appeals judge establishes different deadlines in the litigation order.

(3) **Motion for voluntary dismissal - General.** The party who filed the appeal may move to have the appeal voluntarily dismissed in accordance with CR 41(a) at any time.

NEW SECTION

WAC 263-12-11802 Employer's motion for a stay of the order on appeal. (1) General. Any employer may move for a stay of the department order on appeal, in whole or in part, as provided in RCW 51.52.050 (2)(b). The board will grant the motion to stay if the moving party demonstrates that it is more likely than not to prevail on the facts as they existed at the time of the order on appeal.

(2) **Time for filing.** As set forth in RCW 51.52.050 (2)(b), a motion filed by the employer for a stay of benefits pursuant to RCW 51.52.050 must be filed within fifteen days of the board order granting the appeal.

(3) **Motion must be filed separately.** An employer must file a motion for a stay of the order on appeal separately from any pleading or other communication with the board and must note "MOTION FOR STAY OF BENEFITS" prominently on the first page of the motion.

(4) **Expedited review.** The board will conduct an expedited review of the department claim file as it existed on the date of the department order on appeal. The board will issue a final decision on the motion for stay of benefits within twenty-five days of the filing of the motion for stay or the order granting appeal, whichever is later.

(5) **Appeal to superior court.** The board's final decision on the motion for stay of benefits may be appealed to superior court in accordance with RCW 51.52.110.

WSR 14-24-111
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 3, 2014, 7:39 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revises definition of assembled and homemade vehicles in accordance with suggestions from the Washington state patrol in order to more closely align with the best practices recommended by the American Association of Motor Vehicle Administrators.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-455.

Statutory Authority for Adoption: RCW 46.01.110 and 46.12.560.

Adopted under notice filed as WSR 14-21-126 on October 20, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 3, 2014.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-08-080, filed 4/6/04, effective 5/7/04)

WAC 308-56A-455 Assembled and homemade vehicles. (1) **What constitutes an assembled vehicle?** An assembled vehicle is a vehicle that(~~-~~

~~(a) Has had the complete body or frame replaced with the body or frame from another commercially manufactured vehicle; or~~

~~(b) Had the body or frame cut in two and replaced with a major portion of the body or frame from another vehicle; or~~

~~(c) Has had a major modification so that the VIN no longer properly describes the vehicle; or~~

~~(d) Is a motorcycle on which the frame and engine are of different make or model years. An assembled vehicle is made from parts produced by recognized manufacturers for commercially produced vehicles, and can be recognized as one produced by a particular manufacturer)) has been constructed using a cab, body, or frame from two or more vehicles and has the same appearance as a vehicle that was manufactured under a specific year, make, and model by a manufacturer but the original vehicle identification number (VIN) no longer accurately describes the vehicle. Assembled vehicles do not~~

include glider kits, custom (~~(built, replica,))~~ vehicles, street rods, salvage, or kit vehicles(~~(-or trucks installed with a different bed))~~).

(2) **How is the model year determined for an assembled vehicle?** The Washington state patrol will determine the model year of an assembled vehicle upon inspection of the vehicle.

(3) **What constitutes a homemade vehicle?** A homemade vehicle is one that (~~(cannot visually be identified as produced by a particular manufacturer and is made primarily from fabricated parts. The make will be identified as homemade))~~ has been constructed from any combination of new, used, or homemade parts that does not resemble a vehicle that was manufactured under a specific year, make, and model by a manufacturer. This includes:

(a) A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer;

(b) A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles; or

(c) A vehicle that has been constructed by using major component parts from one or more manufactured vehicles and cannot be identified as a specific make and model.

All homemade vehicles of a type requiring registration must be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed.

(4) **How is the model year determined for a homemade vehicle?** The Washington state patrol will determine the model year of a homemade vehicle upon inspection of the vehicle.

(5) **What documents must I submit with my application for a certificate of (~~(ownership))~~ title for an assembled or homemade vehicle?** You must submit the following documents with your application for certificate of (~~(ownership))~~ title:

(a) The certificate of (~~(ownership))~~ title or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle. The bills of sale must be notarized unless (~~(the seller is a licensed business))~~ purchased from an auto dealer or business licensed to sell auto parts. The bill(s) of sale must include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the part being sold, including the make, model and identification or serial number;

(iii) The date of sale;

(iv) The purchase price of the part; and

(v) The stock number if from a Washington licensed wrecker;

(b) A Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year; (~~(and)~~)

(c) A completed declaration of value form; and

(d) A completed homemade/assembled vehicle use declaration form.

You may be required to apply for ownership in doubt as described in WAC 308-56A-210 if you do not have all the required documentation.

(6) **What is required (~~if I must~~) to remove, destroy, or conceal a vehicle identification number plate on a vehicle or major component part to be used on my assembled or homemade vehicle?** The vehicle or major component part containing the VIN plate must be presented to the Washington state patrol with the VIN plate intact. The WSP will remove the VIN plate and mark the vehicle or major component part so it can be identified when the assembled or homemade vehicle is ready for inspection.

WSR 14-24-116

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed December 3, 2014, 9:41 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed changes will likely include but may not be limited to:

Updating current language for clarification to include the addition of definitions.

Clarification with regard to the overall process which may include additional documentation for permitting and clean-up to the existing language.

Ability for electronic processing of applications.

Adding requirements for conducting traffic control.

Citation of Existing Rules Affected by this Order: Amending WAC 204-36-010, 204-36-020, 204-36-030, 204-36-040, 204-36-050, 204-36-060, and 204-36-070.

Statutory Authority for Adoption: RCW 46.37.194.

Adopted under notice filed as WSR 14-21-082 on October 13, 2014.

A final cost-benefit analysis is available by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 3, 2014.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-010 Promulgation. The state patrol hereby adopts the following regulations relating to the issuance of an authorized emergency vehicle permit, for those vehicles not already authorized under state or federal statute.

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-020 Definitions. (1) Applicant means any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle pursuant to RCW 46.37.194.

(2) Authorized emergency vehicle has the same meaning as defined in RCW 46.04.040.

(3) Burial, removal, or transit permit means a form, approved and supplied by the state registrar of vital statistics as described in chapter 70.58 RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(4) Digital signature means a signature in electronic format that is either a digitized image of a wet signature or a graphical representation of a handwritten signature which is under the exclusive control of the person signing the document.

(5) Electronic record means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.

(6) Funeral escort means a funeral procession provided in accordance with WAC 308-330-466 for the purpose of transporting human remains under a burial, removal, or transit permit issued in accordance with chapter 70.58 RCW for disposition, except as otherwise provided by law, in a cemetery or building dedicated exclusively for religious purposes.

(7) Geographic area means the city, county, state routes or interstate roads on which the vehicle will be operated under the authorized emergency vehicle permit if approved.

~~((2))~~ (8) Operator or driver. The term operator and the term driver, as used herein, means every person who is in actual physical control of an authorized emergency vehicle.

~~((3))~~ (9) Operation. The term operation, as used herein, is the driving or moving by any operator or driver upon a public highway of any vehicle that is equipped or has attached thereon any emergency equipment, the installation of which requires an authorized emergency vehicle permit, whether or not the emergency equipment is activated.

~~((4))~~ (10) Patrol means the Washington state patrol.

~~((5))~~ (11) Primary jurisdiction means lead department who has jurisdiction on the roads that the applicant wishes to use the emergency lighting on.

~~((6))~~ (12) Political subdivision means the individual who has authority over the applicant if the applicant is the chief law enforcement officer or fire chief.

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-030 Permit requirements. (1) ~~((Any person, firm, corporation or municipal corporation))~~ An applicant desiring to have a vehicle registered as an authorized emergency vehicle pursuant to RCW 46.37.194 must apply for such classification to the ~~((state))~~ patrol on forms provided by the patrol.

(2) The initial applicant must furnish the following information to the patrol:

(a) A description of the specific geographic area in which the vehicle(s) will be used as an authorized emergency vehicle.

(b) A ~~((description of the vehicle, to include, year, make, model, VIN, license number, and registered owner))~~ copy of the registration of the vehicle(s) and proof of insurance.

(i) Each vehicle must be covered with the following minimum insurance coverage:

(A) One hundred thousand dollars of legal liability per occurrence to protect against vehicle damage.

(B) Two hundred fifty thousand dollars for liability, bodily injury or property damage per occurrence.

(ii) Proof of insurance may be provided in one of the following forms:

(A) Copy of the proof of insurance which shows the coverage and terms thereof.

(B) Letter from the underwriter of the insurance outlining the insurance coverage and vehicle(s) covered.

(c) A description of the specific purposes for which the vehicle will be used as an authorized emergency vehicle ~~((; funeral escorts, fire response, or other (describe in detail)))~~. This description must include each function for the vehicle, including, but not limited to, funeral escorts, fire response, traffic control, incident response, roadside safety and security patrols.

(d) ~~((An explanation of the nature and scope of the duties, responsibilities and authority of the vehicle operator which necessitate the need for vehicle to have an authorized emergency vehicle permit. This description must include the authority under statute))~~ Citation(s) to the statutory authority for the ~~((operator))~~ applicant to perform the functions listed under the purpose(s) for which the applicant is applying for the permit.

(e) A description of the emergency equipment to be used if the permit is granted.

(f) A listing of the names ~~((; addresses, birthdates))~~ birth dates, operator's license numbers and other identifying data as may be prescribed on the application form by the patrol, of all persons who will use the vehicle(s) as an authorized emergency vehicle, ~~((and))~~ a completed applicant fingerprint card, and associated fee to process the fingerprint cards for each person who operates the vehicle(s).

(g) Certification from each primary jurisdiction identified in (a) of this subsection that the vehicle is to be used as described. Such certification must ~~((be))~~:

(i) Be made by:

~~((ii))~~ (A) The chief law enforcement officer if the applicant is a law enforcement or security officer, or has funeral home, coroner, ambulance or other nonfire related duties. For the patrol, the chief law enforcement officer will be the dis-

trict commander that oversees the geographic area(s) under subsection (a) of this section.

~~((ii))~~ (B) The fire chief if the vehicle is to be used only for firefighting purposes.

~~((iii) If the person making the application is the chief law enforcement officer or the fire chief of the jurisdiction, certification must be made by))~~ (C) The chief executive officer of the political subdivision of the jurisdiction, if the applicant is the chief law enforcement officer or fire chief of the jurisdiction.

~~((The certification must))~~ (ii) State that a need exists in the jurisdiction for the vehicle to be used as described and that the certifier knows of no reason why the application should be denied.

(iii) Include the original or digital signature of all jurisdictions required under this chapter.

(h) The chief law enforcement officer or fire chief may outline restrictions for use within the jurisdiction as part of his or her approval.

(i) Upon satisfactory application the patrol may issue an emergency vehicle permit or permits which, when carried as required, are valid for one year or until ~~((expiration or cancellation))~~ revocation or suspension as prescribed in WAC 204-36-070.

(3) Renewal applications must:

(a) Be received by the patrol prior to the expiration date of the permit on forms provided by the patrol.

(b) Include all authorizations from the required jurisdictions for the geographic areas listed in the renewal application.

(c) Only list vehicle(s) and equipment for which inspection paperwork has been received by the patrol and a vehicle permit as outlined in WAC 204-36-060 has been issued by the patrol.

(d) Only list operators that have already undergone the background check required under this chapter and been approved by the patrol to operate the vehicle(s) listed.

(e) Include proof of insurance for the vehicle(s) listed under the renewal application.

(f) Include any other documentation required under this chapter.

(4) Upon satisfactory application for renewal the patrol may issue an emergency vehicle permit or permits which, when carried as required, are valid for one year or until revocation or suspension as prescribed in WAC 204-36-070.

(5) Original or renewal applications may be mailed to the patrol at Equipment and Standards Unit, General Administration Building, P.O. Box 42600, Olympia, WA 98504-2600 or the electronic record of the application may be e-mailed to equipment@wsp.wa.gov. Upon receipt, the patrol will review the documentation and may issue a permit if the applicant meets all the requirements outlined in this chapter. The authorized emergency vehicle permit must be carried in the vehicle at all times, and presented upon request to law enforcement.

AMENDATORY SECTION (Amending WSR 10-01-110, filed 12/17/09, effective 1/17/10)

WAC 204-36-040 Permit limitations. (1) A vehicle authorized by the patrol must not be used as an authorized emergency vehicle except as follows:

(a) Only by the operators named in the ~~((original or amended application))~~ permit approved by the patrol. ~~((If the applicant wishes to add or remove operator(s) from the permit, such request must be made to the patrol in writing.))~~

(b) Only with the equipment described in the ~~((original or amended application))~~ permit approved by the patrol.

(c) Only within the geographic area(s) ~~((described in the original or amended application))~~ approved by the ((patrol.)) chief law enforcement officer or fire chief outlined in WAC 204-36-030 and in accordance with any restrictions outlined in the permit approved by the patrol. Each authorized emergency vehicle permit holder must maintain a permanent daily log or record of all uses of emergency vehicles authorized under this chapter for at least two years. The records will be made available to any law enforcement officer or the equipment standards unit of the patrol upon request. The records must include the following items:

(i) Date and time of operation.

(ii) Operator(s) name(s).

(iii) Identification of the vehicle(s) operated by the VIN or license plate number. A vehicle number issued by the agency or company may be used provided that such number is provided to the patrol as part of the application and linked to the VIN or license plate number of the vehicle.

(iv) Location of operation which must include all geographic areas operated in with emergency equipment for that operation.

(v) Reason for operation.

(d) Only for the purposes set forth in the ~~((original or amended application))~~ permit approved by the patrol.

(e) If being used for escort services, may be used only for funeral escorts. Funeral escorts must:

(i) Provide notice of each escort to the primary jurisdictions, if required to do so by the jurisdiction under the permit.

(ii) Comply with WAC 308-330-466 regarding funeral processions. To conduct traffic control as provided under WAC 308-330-466 the procession must:

(A) Have all operators involved in traffic control certified as a Washington state certified flagger. A certified flagger card must be carried at all times during the escort and presented to law enforcement if requested. All operators involved in the funeral escort must undergo a training briefing for the event which must include:

(I) Certified flaggers role during the escort;

(II) Flagging safety and requirements for any traffic control conducted to include any sign or vehicle placement during the escort;

(III) Familiarization of the route used for the escort;

(IV) Communications and signals to be used between flaggers during the escort; and

(V) Other hazards specific to the route or escort.

(B) Only use certified flaggers who must:

(I) Be at least twenty-one years of age.

(II) Possess a valid driver's license with the proper endorsements for the vehicle which they intend to operate as an escort vehicle.

(III) Be able to speak and hear well enough to conduct verbal conversation in English with another person.

(IV) Have in his or her possession a flagger certification card and the flagger's picture or a statement that says "valid with photo ID."

(C) Use traffic controls according to the guidelines and recommendations of the *Manual on Uniform Traffic Control Devices* (MUTCD) as currently modified and adopted by the Washington state department of transportation. To view or print a copy of the MUTCD go to <http://wsdot.wa.gov/> and type MUTCD into the search box. If flagger signaling is required it must be conducted according to the currently adopted MUTCD and this chapter.

(D) Wear the following high-visibility safety apparel when performing traffic control:

(I) A safety vest, shirt or jacket labeled as meeting the ANSI/ISEA 107-2004 or 107-2010 standard performance for class 2 or 3 risk exposure. A copy of this standard is available at <https://www.safetyequipment.org>.

(II) The apparel must be orange-red, florescent yellow-green, or a combination of the two as defined in the ANSI standard.

(E) Have the following permit(s):

(I) A letter of acknowledgment or letter of agreement through the Washington state department of transportation (WSDOT) if the route includes state routes or interstates. Applications for conducting escorts using state highways or interstates must be submitted at least three business days in advance using the application for special events on state highways application available on the WSDOT web site www.wsdot.wa.gov.

(II) A permit, letter of acknowledgment or agreement from the necessary local jurisdiction(s), if required, to perform traffic control functions for routes that include city streets or county roads. Funeral escort companies are responsible for checking with the necessary jurisdictions to ensure necessary documentation is acquired prior to operation under the authorized emergency vehicle permit.

(F) Only hold an intersection if the lead vehicle in the escort lawfully entered the intersection and only for a period of time necessary to allow the remaining vehicles to proceed through the intersection. If a procession lasts longer than three minutes at an intersection, the flagger(s) will hold the procession to allow other road users to cross.

(G) A certified flagger will be held liable if an accident occurs due to his or her instructions.

(iii) Employers and/or responsible contractors must make sure that flaggers:

(A) Stand either on the shoulder adjacent to the road user being controlled or in the closed lane prior to stopping road users. A flagger must only stand in the lane being used by moving road users after the road users have been stopped. For the purpose of this section road user means a vehicle operator, bicyclist, or pedestrian within a public roadway, including workers in temporary traffic control zones.

(B) Are positioned so that they are not exposed to traffic approaching them from behind. If this is not possible, then

the employer and/or responsible contractor must develop and use a method to ensure that the flagger has adequate visual warning of traffic and equipment approaching from behind.

(C) Do not use devices that may distract the flagger vision, hearing or attention.

(D) Do not work more than three hours without a rest period of at least ten minutes.

(E) Are not assigned other duties while engaged in traffic control activities.

(iv) Have commercial insurance in Washington state or business use exemption from the insuring company to provide escort services with a motor vehicle. Proof of such insurance must be provided to the patrol annually as part of the application as outlined in WAC 204-36-030.

(v) Not park or stand, irrespective of the provisions of chapter 46.61 RCW or violate any traffic laws unless lawfully conducting traffic control as outlined in this chapter.

(2) If an authorized emergency vehicle is used for private purposes, or for purposes in an area or by an operator other than as set forth in the application, all emergency equipment which is exposed to public view must be removed or covered with an opaque hood, and must not be operated during such period of time.

(3) The issuance of an emergency vehicle permit does not relieve the driver from the duty to drive with regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his or her disregard for the safety of others and does not grant police authority to the operators of said vehicle. Any inappropriate or misuse of authorized emergency vehicles may result in criminal or civil liability as well as ~~(cancellation)~~ suspension or revocation of the emergency vehicle permit.

(4) A siren may only be used when responding to an emergency call or when reasonably necessary to warn pedestrians and other drivers of the approach of the authorized emergency vehicle in accordance with RCW 46.37.380.

(5) No permit will be issued to an applicant if the name of the applicant portrays the applicant as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word "police" or "patrol."

~~((5))~~ (6) An operator under an approved emergency vehicle permit will not be allowed to display or use any of the following:

(a) A name that includes the word "police," "patrol," or "law enforcement," or other word which portrays the individual or business as a public law enforcement agency.

(b) A sign, shield, marking, accessory or insignia on their uniform, clothing or equipment to imply that he or she is a law enforcement officer.

~~((6))~~ (7) Subsections ~~((4))~~ (5) and ~~((5))~~ (6) of this section do not apply:

(a) If the applicant is recognized under Washington state or federal law as a municipal corporation and certifies to the patrol that the applicant is a municipal corporation; or

(b) If the sign, shield, marking, accessory or insignia on the operator's uniform or equipment is issued by a public law enforcement agency; the operator is employed by the public law enforcement agency that the operator is representing with the sign, shield, marking, accessory or insignia on the opera-

tor's uniform or equipment; and the operator is approved to operate the vehicle by that public law enforcement agency for the purposes outlined under the authorized emergency vehicle permit.

~~((7) All current permit holders as of December 31, 2010, will have until January 1, 2012, to make changes necessary to comply with the requirements outlined in subsections (4) and (5) of this section.)~~

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-050 Equipment requirements. (1) Authorized emergency vehicles must be:

(a) Conventional passenger cars, vans, pickups, or similar vehicles;

(b) Conventionally painted; and

(c) Legally equipped in conformance with RCW 46.37.190(1) with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal. Such equipment must not be installed prior to obtaining approval of the application and issuance of a temporary certificate of approval for the vehicle(s) by the patrol. To be considered approved equipment for use under the provisions of this section, all devices must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(i) Conformance to current standards and specifications of the Society of Automotive Engineers, or; if none

(ii) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Authorized emergency vehicles must not:

(a) Be equipped with blue lamps.

(b) Display commercial signs, posters, or pictures.

(c) Carry or attach to the outside of the vehicle equipment, not related to the emergency nature of the vehicle.

(d) Display or use any name that includes the word "police" or "law enforcement" or other word which portrays the individual or business as a public law enforcement agency.

(3) Authorized emergency vehicles may, in addition to the required equipment, have:

(a) An amber or white lamp on their vehicle as outlined under WAC 204-21-130;

(b) Signal preemptive device as outlined in RCW 46.37.670;

(c) Flashing or strobing headlamps; provided that such equipment is listed on the application and approved by each primary jurisdiction and the patrol.

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-060 ((Procedure)) Vehicles. (1) If the patrol approves the initial application, the applicant will be issued a ~~((certificate of approval))~~ temporary permit for the vehicle(s) which will be valid for thirty days, during which time the emergency equipment may be installed for the pur-

pose of inspection. After installation of the emergency equipment, the applicant must bring the vehicle to a district or detachment office of the ((Washington state)) patrol to be examined ((to determine if it is of an approved type)) by any patrol officer to verify the location, make, model, and color (if applicable) of the emergency equipment. A ((Washington state)) patrol officer will certify the results of this examination on a form prescribed and provided by the patrol and the applicant must file the form with the ((State)) patrol((; E.S.R.)). Original forms may be mailed to the patrol at the Equipment and Standards Unit, General Administration Building, P.O. Box 42600, Olympia, WA 98504-2600 or the electronic record of the form may be e-mailed to equipment@wsp.wa.gov. Upon the patrol's receipt of such certification, the patrol will review the documentation and may issue a vehicle permit, which must be carried in the vehicle at all times, and expires when ((the vehicle is)):

(a) The vehicle is removed from the permit; or

(b) The authorized emergency vehicle permit is terminated by the applicant or by the patrol; or

(c) ~~((A))~~ The authorized emergency vehicle permit ((which will)) expires, which will be one year from the date of issuance thereof.

~~((The patrol may refuse to approve the application, certificate or permit or in the case of an application which lists multiple operators may refuse to approve any single operator if the applicant/operator:~~

(a) ~~Has been convicted of a felony during the ten years preceding the date of the application provided the felony for which the applicant was convicted directly relates to the specific occupation, trade, vocation, or business for which the certificate or permit is sought;~~

(b) ~~Has ever been convicted of any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the state of conviction;~~

(c) ~~Has been convicted of DUI as defined in chapter 46.61 RCW, or convicted of a similar offense regardless of the state of conviction, within the last seven years;~~

(d) ~~Has been convicted of reckless driving, or a hit and run, within the last seven years;~~

(e) ~~Has been convicted of a gross misdemeanor within the last five years;~~

(f) ~~Has been convicted of any misdemeanor within the last year; or~~

(g) ~~Must register as a sex offender.~~

~~Crimes referenced in this section are as defined in the criminal code as they exist at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.~~

~~((3) Each approved authorized emergency vehicle permit will be good for a period of one year. A renewal application must be filed with the patrol on forms prescribed by the patrol as outlined in WAC 204-36-030.~~

~~((a) A request to add drivers to a permit may be made, in writing to the patrol, at any time. If there is a request for new drivers to be added to the permit, the drivers will not be allowed to operate the vehicles as outlined in the permit until they have been approved to do so by the patrol. Any request~~

~~to add or remove drivers from a permit must be made to the patrol in writing.~~

~~((b) A request to add vehicles to a permit may be made, in writing to the patrol, at any time. If there is a request for new vehicles to be added to the permit, a certificate of approval for the vehicles will be issued granting a thirty-day period within which the equipment must be installed and inspected by the patrol. Once the inspection paperwork is received by the patrol it will be reviewed, and if approved, the patrol will issue a vehicle permit which must be carried in the vehicle at all times.~~

~~((i) No additional equipment other than the equipment outlined on the permit is authorized for use under the permit.~~

~~((ii) If additional equipment other than that approved under the vehicle permit must be installed, a new certificate of equipment must be filled out for the vehicle and the patrol must inspect and approve such equipment issuing a new vehicle permit prior to its use under the authorized emergency vehicle permit.~~

~~((4) The certificate of approval and when issued, the permit, including all endorsements for change of conditions as provided in WAC 204-36-030, must be carried in the authorized emergency vehicle at all times, and must be displayed on request to any law enforcement officer.)) A request to add a new vehicle may be made at any time in writing to the patrol and must include the vehicle year, make, model, VIN, license number, and registered owner. The requests will be processed as outlined in subsection (1) of this section. A vehicle will not be allowed to operate under a permit until the vehicle has been authorized by the patrol and issued a vehicle permit under the applicant's authorized emergency vehicle permit.~~

~~((3) A request to add new equipment to a vehicle with a current permit may be made at any time in writing to the patrol. If additional equipment other than that approved under the vehicle permit must be installed:~~

~~((a) A new certificate of equipment must be filled out for the vehicle and the patrol must inspect and approve such equipment issuing a new vehicle permit prior to use of the vehicle under the authorized emergency vehicle permit.~~

~~((b) The applicant may be required to obtain authorization from each primary jurisdiction of the geographic areas listed in the authorized emergency vehicle permit if the additional equipment was not previously authorized under the current permit.~~

~~((4) A copy of the vehicle permit and current authorized emergency vehicle permit(s) the vehicle is authorized under must be carried in the vehicle at all times and presented to law enforcement upon request.~~

NEW SECTION

WAC 204-36-065 Operators. (1) Operators must have a valid driver's license properly endorsed to operate the vehicle(s) listed under the permit.

(2) The patrol may refuse to approve the application, certificate or permit, or in the case of an application which lists multiple operators may refuse to approve any single operator if the applicant/operator:

(a) Has been convicted of a felony during the ten years preceding the date of the application provided that the felony for which the applicant was convicted directly relates to the specific occupation, trade, vocation, or business for which the certificate or permit is sought;

(b) Has ever been convicted of the following:

(i) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date or state of conviction; or

(ii) Any class B felony within the last seven years; or

(iii) Any class C felony within the last five years; or

(iv) A DUI as defined in chapter 46.61 RCW, or convicted of a similar offense regardless of the state of conviction, within the last seven years; or

(v) Reckless driving, or a hit and run, within the last seven years; or

(vi) A gross misdemeanor within the last five years; or

(vii) Any misdemeanor within the last year; or

(c) Must register as a sex or kidnapping offender.

Crimes referenced in this section are as defined in the criminal code as they exist at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) A request to add an operator to a permit may be made in writing to the patrol at any time. If there is a request for a new operator to be added to the permit, the operator will not be allowed to drive the vehicles as outlined in the permit until they have been approved to do so by the patrol.

AMENDATORY SECTION (Amending WSR 09-09-091, filed 4/16/09, effective 5/17/09)

WAC 204-36-070 Revocation or suspension. (1) Violation of any of these regulations will be grounds for suspension or revocation of the authorized emergency vehicle permit. Notice will be furnished to the applicant at least twenty days prior to the effective date of such suspension or revocation. The notice will describe the grounds for the order and will furnish the applicant an opportunity to be heard within the twenty-day period. The notice may provide for immediate suspension of the permit prior to any hearing, or the patrol may suspend the permit following the hearing but prior to final determination, if it is necessary to do so in the interests of the public health, safety or welfare.

(2) The chief law enforcement officer, or fire chief if the vehicle is to be used for firefighting purposes, of each primary jurisdiction in which the vehicle is operated as an authorized emergency vehicle may revoke his or her certification of the vehicle by notifying the patrol in writing or by electronic notice of such revocation and his or her reasons therefore. Following notice to the applicant and an opportunity to be heard, the permit may be invalidated by the patrol.

(3) Failure to maintain the required insurance coverage will result in suspension or revocation of the vehicle permit by the patrol and may result in action taken on the authorized emergency vehicle permit.

(4) An operator, the company or organization holding the authorized emergency vehicle permit must notify the

patrol of any motor vehicle collision or violation that occurred involving a vehicle listed under the authorized emergency vehicle permit if such collision or violation occurred while being used under the scope of the permit.

(a) Such notification must be received by the patrol within thirty days of the collision or violation. Failure to provide notification within the specified time frame may result in suspension or revocation of the permit, an individual operator or vehicle permit.

(b) Collisions or citations may be cause for the patrol to suspend or revoke an authorized emergency vehicle permit, an individual operator or vehicle permit.

(5) Falsification of any information in the permit will result in suspension or revocation of the permit, an individual operator or vehicle permit.

(6) Mailing by certified mail or sending by electronic record of any notice or correspondence by the patrol to the last physical or e-mail address of the applicant shown on ((his application)) the permit will be sufficient service of notice as required by this chapter.

(7) The patrol may refuse an application from any company whose permit has been revoked until such time that the company can show that corrective action has been taken to remedy the circumstances for which the authorized emergency vehicle permit was revoked under this chapter.

NEW SECTION

WAC 204-36-080 Exception for federal law enforcement agency vehicles. A vehicle of a federal law enforcement entity is recognized as an authorized emergency vehicle which need not be classified, registered, or authorized by the patrol.

WSR 14-24-117

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed December 3, 2014, 9:41 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed changes would increase the accident threshold to \$1000 based on the United States City Average Consumer Price Index for all Urban Consumers for Motor Vehicle Body Work from the Bureau of Labor Statistics as provided by the office of financial management.

Citation of Existing Rules Affected by this Order: Amending WAC 446-85-010.

Statutory Authority for Adoption: RCW 46.52.030.

Adopted under notice filed as WSR 14-21-078 on October 13, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 3, 2014.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 00-10-092, filed 5/2/00, effective 5/3/00)

WAC 446-85-010 Accident-reporting threshold. Beginning January 1, (~~2000~~) 2015, the accident-reporting threshold for property damage accidents (~~(shall)~~) will be (~~(seven hundred)~~) one thousand dollars.

WSR 14-24-122
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed December 3, 2014, 10:24 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Make editorial changes to chapter 51-11C WAC to clarify and correct requirements in the Washington State Energy Code, Commercial provisions.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-10140, 51-11C-10400, 51-11C-40213, 51-11C-402131, 51-11C-40326, 51-11C-40331, 51-11C-40341, 51-11C-40409, 51-11C-40705, 51-11C-407052, 51-11C-610711, and 51-11C-610714.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.020, 19.27.074.

Adopted under notice filed as WSR 14-12-026 on May 27, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 12, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-20-120, filed 10/1/13, effective 11/1/13)

WAC 51-11C-10140 Section C101.4—Applicability.

C101.4 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

C101.4.1 Existing buildings. Except as specified in this chapter, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

C101.4.2 Historic buildings. The building official may modify the specific requirements of this code for historic buildings and require (~~(in lieu of)~~) alternate (~~(requirements)~~) provisions which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings or structures that are listed in the state or national register of historic places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a national register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the national or state registers of historic places either individually or as a contributing building to a historic district by the state historic preservation officer or the keeper of the national register of historic places.

C101.4.3 Additions, alterations, renovations or repairs. Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

EXCEPTION: The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Section C402.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

6. Replacement of existing doors that separate *conditioned space* from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a *conditioned space* from the exterior shall not be removed.
7. Alterations to lighting systems only that replace less than 60 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the *alteration* does not increase the installed interior lighting power.

C101.4.3.1 Lighting and motors. Alterations that replace 60 percent or more of the luminaires in a space enclosed by walls or ceiling-height partitions shall comply with Section C405.5. Where less than 60 percent of the luminaires in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced.

Alterations that replace 60 percent or more of the exterior luminaires shall comply with Section C405.6. Where less than 60 percent of the exterior luminaires are new, the installed lighting wattage shall be maintained or reduced.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections C405.2.1, C405.2.2.3, C405.2.3, C405.2.4, and as applicable C408.3. In addition, office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section C405.2.2 and C408.3. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with the other requirements in Sections C405.2.2 and C408.3.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections C405.2.1, C405.2.2, C405.2.3 and C408.3.

Those motors which are altered or replaced shall comply with Section C403.2.13.

C101.4.3.2 Mechanical systems. Those parts of systems which are altered or replaced shall comply with Section C403. Additions or alterations shall not be made to an existing mechanical system that will cause the existing mechanical system to become out of compliance.

All new systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Section C403.

Where mechanical cooling is added to a space that was not previously cooled, the mechanical cooling system shall comply with the economizer requirements in Section C403.3.1 or C403.4.1.

EXCEPTION: Alternate designs that are not in full compliance with this code may be approved when the building official determines that existing building or occupancy constraints make full compliance impractical or where full compliance would be economically impractical.

Alterations to existing mechanical cooling systems shall not decrease economizer capacity unless the system complies with Section C403.3.1 or C403.4.1. In addition, for existing mechanical cooling systems that do not comply with Sections C403.3.1 or Section 403.4.1, including both the individual unit size limits and the total building capacity limits on units without economizer, other alterations shall comply with Table C101.4.3.2.

When space cooling equipment is replaced, controls shall be installed to provide for integrated operation with economizer in accordance with Section C403.3.

Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

C101.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy from an F, S or U occupancy to an occupancy other than F, S or U shall comply with this code. Any space that is converted to a (~~residential~~) Group R dwelling unit or portion thereof, from another use or occupancy shall comply with this code. Where the use in a space changes from one use in Table C405.5.2 (1) or (2) to another use in Table C405.5.2 (1) or (2), the installed lighting wattage shall comply with Section C405.5.

EXCEPTION: Where the component performance building envelope option in Section C402.1.3 is used to comply with this section, the Proposed UA is allowed to be up to 110 percent of the Target UA. Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3 and Section C401.2 (3).

C101.4.5 Change in space conditioning. Any nonconditioned space that is altered to become *conditioned space* or *semi-heated space* shall be required to be brought into full compliance with this code. Any semi-heated space that is altered to become conditioned space shall be required to be brought into full compliance with this code.

EXCEPTION: Where the component performance building envelope option in Section C402.1.3 is used to comply with this section, the Proposed UA is allowed to be up to 110 percent of the Target UA. Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3 and Section C401.2 (3).

C101.4.6 Mixed occupancy. Where a building includes both *residential* and *commercial* occupancies, each occupancy shall be separately considered and meet the applicable provisions of IECC—Commercial Provisions or IECC—Residential Provisions.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-10400 Section C104—Inspections.

C104.1 General. Construction or work for which a permit is required shall be subject to inspection by the *code official*.

C104.2 Required approvals. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*. Where applicable, inspections shall include at least(=) the requirements in Sections C104.2.1 through C104.2.3.2.

C104.2.1 Envelope

C104.2.1.1 Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

C104.2.1.2 Glazing Inspection: To be made after glazing materials are installed in the building.

C104.2.1.3 Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

C104.2.1.4 Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

C104.2.2 Mechanical

C104.2.2.1 Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this code are installed and prior to the concealment of such equipment or controls.

C104.2.2.2 Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

C104.2.3 Lighting and motors

C104.2.3.1 Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this code, but before concealment of the lighting equipment.

C104.2.3.2 Motor Inspections: To be made after installation of all equipment covered by this code, but before concealment.

C104.3 Final inspection. The building shall have a final inspection and not be occupied until *approved*.

C104.4 Reinspection. A building shall be reinspected when determined necessary by the *code official*.

C104.5 Approved inspection agencies. The *code official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

C104.6 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

C104.7 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

C104.8 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the *code official*.

C104.8.1 Revocation. The *code official* is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40213 Section C402.1.3—Component performance option.

C402.1.3 Component performance building envelope option.

C402.1.3.1 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient rate ($SHGC * A_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient rate ($SHGC * A_t$) shall be considered in compliance with this section. The stated *U*-factor, *F*-factor or allowable area of any component assembly, listed in Table C402.1.2 and Table C402.3, such as roof/ceiling, opaque wall, opaque door, fenestration, floor over conditioned space, slab-on-grade floor, radiant floor or opaque floor may be increased and the *U*-factor or *F*-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the *U*-factors, *F*-factors or allowable areas specified in this section. Compliance shall be calculated in total for the building envelope for (~~nonresidential~~) other than Group R spaces and for (~~residential~~) Group R spaces.

C402.1.3.2 Component *U*-factors. The *U*-factors for typical construction assemblies are included in Chapter 3 and Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 3 or Appendix A, values shall be calculated in accordance with the ASHRAE Handbook—Fundamentals, using the framing factors listed in Appendix A.

For envelope assemblies containing metal framing, the *U*-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. ASHRAE Handbook—Fundamentals where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in ASHRAE Handbook—Fundamentals.

4. Effective framing/cavity *R*-values as provided in Appendix A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

5. Tables in ASHRAE 90.1-2010 Normative Appendix A.

C402.1.3.3 UA calculations. The target UA_t and the proposed UA_p shall be calculated using Equations C402-1 and C402-2 and the corresponding areas and *U*-factors from Table C402.1.2 and Table C402.3. For the target UA_t calculation, the skylights shall be located in roof/ceiling area up to the maximum skylight area per Section C402.3.1 and the remainder of the fenestration allowed per Section C402.3.1 shall be located in the wall area.

C402.1.3.4 SHGC rate calculations. Solar heat gain coefficient shall comply with Table C402.3. The target $SHGCA_t$ and the proposed $SHGCA_p$ shall be calculated using Equations C402-3 and C402-4 and the corresponding areas and SHGCs from Table C402.3.

AMENDATORY SECTION (Amending WSR 13-23-096, filed 11/20/13, effective 4/1/14)

WAC 51-11C-402131 Equation C402-1—Target UA_t .

**Equation C402-1
Target UA_t**

$$UA_t = U_{radt}A_{radt} + U_{mrt}A_{mrt} + U_{rat}A_{rat} + U_{mwt}(A_{mwt} + A_{mwbgt}) + U_{mbwt}(A_{mbwt} + A_{mbwbgt}) + U_{sfwt}(A_{sfwt} + A_{sfwbgt}) + U_{wfw}(A_{wfw} + A_{wfwbg}) + U_{fimt}A_{fimt} + U_{fjt}A_{fjt} + F_{st}P_{st} + F_{srt}P_{srt} + U_{dst}A_{dst} + U_{drt}A_{drt} + U_{vgt}A_{vgt} + U_{vgmt}A_{vgmt} + U_{vgmot}A_{vgmot} + U_{vgdt}A_{vgdt} + U_{ogt}A_{ogt}$$

UA_t = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

U_{radt} = The thermal transmittance value for roofs with the insulation entirely above deck found in Table C402.1.2.

U_{mrt} = The thermal transmittance value for metal building roofs found in Table C402.1.2.

U_{rat} = The thermal transmittance value for attic and other roofs found in Table C402.1.2.

U_{mwt} = The thermal transmittance value for opaque mass walls found in Table C402.1.2.

U_{mbwt} = The thermal transmittance value for opaque metal building walls found in Table C402.1.2.

U_{sfwt} = The thermal transmittance value for opaque steel-framed walls found in Table C402.1.2.

U_{wfw} = The thermal transmittance value for opaque wood framed and other walls found in Table C402.1.2.

U_{fimt} = The thermal transmittance value for mass floors over unconditioned space found in Table C402.1.2.

U_{fjt} = The thermal transmittance value for joist floors over unconditioned space found in Table C402.1.2.

F_{st} = The F-factor for slab-on-grade floors found in Table C402.1.2.

F_{srt} = The F-factor for radiant slab floors found in Table C402.1.2.

U_{dst} = The thermal transmittance value for opaque swinging doors found in Table C402.2.

U_{drt} = The thermal transmittance value for opaque roll-up or sliding doors found in Table C402.2.

U_{vgt} = The thermal transmittance value for vertical fenestration with nonmetal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. *Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

U_{vgmt} = The thermal transmittance value for vertical fenestration with fixed metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. *Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

U_{vgmot} = The thermal transmittance value for vertical fenestration with operable metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. *Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

U_{vgdt} = The thermal transmittance value for entrance doors found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

U_{ogt} = The thermal transmittance for skylights found in Table C402.3 which corresponds to the proposed skylight area as a percent of gross exterior roof area.

A_{fimt} = The proposed mass floor over unconditioned space area, A_{fm} .

A_{fjt} = The proposed joist floor over unconditioned space area, A_{fj} .

P_{st} = The proposed linear feet of slab-on-grade floor perimeter, P_s .

P_{srt} = The proposed linear feet of radiant slab floor perimeter, P_{rs} .

A_{dst} = The proposed opaque swinging door area, A_{ds} .

A_{drt} = The proposed opaque roll-up or sliding door area, A_{dr} .

and

If the vertical fenestration area as a percent of gross above-grade exterior wall area does not exceed the maximum allowed in Section C402.3.1.3:

A_{mwt} = The proposed opaque above grade mass wall area, A_{mw} .

A_{mwbgt} = The proposed opaque below grade mass wall area, A_{mw} .

A_{mbwt} = The proposed opaque above grade metal building wall area, A_{mbw} .

A_{mbwbgt} = The proposed opaque below grade metal building wall area, A_{mbwbg} .

A_{sfwt} = The proposed opaque above grade steel framed wall area, A_{mfw} .

A_{sfwbgt} = The proposed opaque below grade steel framed wall area, A_{mfwbg} .

A_{wfw} = The proposed opaque above grade wall wood framed and other area, A_{wfwbg} .

A_{wfwbgt} = The proposed opaque below grade wall wood framed and other area, A_{wfwbg} .

A_{vgt} = The proposed vertical fenestration area with nonmetal framing, A_{vg} .

A_{vgmt} = The proposed vertical fenestration area with fixed metal framing, A_{vgm} .

A_{vgmot} = The proposed vertical fenestration area with operable metal framing, A_{vgmo} .

A_{vgdt} = The proposed entrance door area, A_{vgd} .

or

((For buildings utilizing Section C402.3.1.3, vertical fenestration area as a percent of gross exterior above-grade wall may not exceed the amount allowed by that section. For all other buildings,)) If the vertical fenestration area as a percent of gross above-grade exterior wall area exceeds the maximum allowed in Section C402.3.1, the area of each vertical fenestration element shall be reduced in the base envelope design by the same percentage and the net area of each above-grade wall type increased proportionately by

the same percentage so that the total vertical fenestration area is exactly equal to the allowed percentage per Section C402.3.1 of the gross above-grade wall area. The target wall area of a given wall type shall be the sum of the proposed below grade area and the increased above-grade area.

and

If the skylight area as a percent of gross exterior roof area does not exceed the maximum allowed in Section C402.3.1:

A_{radt}	=	The proposed roof area with insulation entirely above the deck, A_{rad} .
A_{mrt}	=	The proposed roof area for metal buildings, A_{mr} .
A_{rat}	=	The proposed attic and other roof area, A_{or} .
A_{ogat}	=	The proposed skylight area, A_{ogor} .

or

If the skylight area as a percent of gross exterior roof area exceeds the maximum allowed in Section C402.3.1, the area of each skylight element shall be reduced in the base envelope design by the same percentage and the net area of each roof type increased proportionately by the same percentage so that the total skylight area is exactly equal to the allowed percentage per Section C402.3.1 of the gross roof area.

*Note: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40326 Section C403.2.6—Energy recovery.

C403.2.6 Energy recovery.

C403.2.6.1 Energy recovery ventilation systems. Any system with minimum outside air requirements at design conditions greater than 5,000 CFM or any system required by Table C403.2.6 shall include an energy recovery system. The energy recovery system shall have the capability to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery system shall include a bypass or controls which permit operation of the economizer as required by Section C403.4. Where a single room or space is supplied by multiple units, the aggregate ventilation (cfm) of those units shall be used in applying this requirement.

EXCEPTION: An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are prohibited by the *International Mechanical Code*.
2. Laboratory fume hood systems that include at least one of the following features:
 - 2.1. Variable-air-volume hood exhaust and room supply systems capable of reducing exhaust and makeup air volume to 50 percent or less of design values.
 - 2.2. Direct makeup (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) above room setpoint, cooled to no cooler than 3°F (1.7°C) below room setpoint, no humidification added, and no simultaneous heating and cooling used for dehumidification control.
3. Systems serving spaces that are heated to less than 60°F (15.5°C) and are not cooled.
4. Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site solar energy.
5. Heating energy recovery in Climate Zones 1 and 2.
6. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7 and 8.
7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
8. Multi-zone systems with cold deck supply air and zone reheat where the minimum outdoor air is less than 70 percent of total supply air.
9. Systems serving (~~residential multifamily spaces~~) Group R dwelling or sleeping units where the largest source of air exhausted at a single location at the building exterior is less than 25 percent of the design outdoor air flow rate.

C403.2.6.2 Condensate systems. On-site steam heating systems shall have condensate water heat recovery. On-site includes a system that is located within or adjacent to one or more buildings within the boundary of a contiguous area or campus under one ownership and which serves one or more of those buildings.

Buildings using steam generated off-site with steam heating systems which do not have condensate water recovery shall have condensate water heat recovery.

C403.2.6.3 Condenser heat recovery. Facilities having food service, meat or deli departments and having 500,000 Btu/h or greater of remote refrigeration condensers shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, space heating or for dehumidification reheat. Facilities having a gross conditioned floor area of 40,000 ft² or greater and 1,000,000 Btu/h or greater of remote refrigeration shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, and either for space heating or for dehumidification reheat for maintaining low space humidity.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40331 Section C403.3.1—Economizers.

C403.3.1 Economizers. Each cooling system that has a fan shall include an air economizer meeting the requirements of Sections C403.3.1.1 through C403.3.1.1.4.

- EXCEPTION: Economizers are not required for the systems listed below:
1. Qualifying small equipment: This exception shall not be used for unitary cooling equipment installed outdoors or in a mechanical room adjacent to the outdoors. This exception is allowed to be used for other cooling units and split systems with a total cooling capacity rated in accordance with Section C403.2.3 of less than 33,000 Btu/h (hereafter referred to as qualifying small systems) provided that these are high-efficiency cooling equipment with SEER and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all qualifying small equipment without economizers shall not exceed 72,000 Btu/h per building, or 5 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving ((residential)) Group R occupancies is not included in determining the total capacity of all units without economizers in a building. Redundant units are not counted in the capacity limitations. This exception shall not be used for the shell-and-core permit or for the initial tenant improvement or for Total Building Performance.
 2. Systems with dehumidification that affect other systems so as to increase the overall building energy consumption. New humidification equipment shall comply with Section C403.2.3.4.
 3. For ((residential)) Group R occupancies, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h provided that these are high-efficiency cooling equipment with IEER, SEER, and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (10), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. For split systems ((and VRF systems)), compliance is based on the cooling capacity of individual fan coil units.
 4. Where the cooling *efficiency* meets or exceeds the *efficiency* requirements in Table C403.3.1(2).
 5. Equipment used to cool any dedicated server room, electronic equipment room or telecom switch room provided the system complies with Exception 5 of Section C403.4.1. The total allowance for equipment utilizing Exception 5 of Section C403.4.1 includes the sum of both simple and complex systems.

**Table C403.3.1(2)
Equipment Efficiency Performance
Exception for Economizers**

Climate Zones	Cooling Equipment Performance Improvement (EER OR IPLV)
2B	10% Efficiency Improvement
3B	15% Efficiency Improvement
4B	20% Efficiency Improvement

C403.3.1.1 Air economizers. Air economizers shall comply with Sections C403.3.1.1.1 through C403.3.1.1.4.

C403.3.1.1.1 Design capacity. Air economizer systems shall be capable of modulating *outdoor air* and return air dampers to provide up to 100 percent of the design supply air quantity as *outdoor air* for cooling.

C403.3.1.1.2 Control signal. Economizer dampers shall be capable of being sequenced with the mechanical cooling equipment and shall not be controlled by only mixed air temperature. Air economizers on systems with cooling capacity greater than 65,000 Btu/h shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load.

EXCEPTION: The use of mixed air temperature limit control shall be permitted for systems that are both controlled from space temperature (such as single *zone* systems) and having cooling capacity less than 65,000 Btu/h.

C403.3.1.1.3 High-limit shutoff. Air economizers shall be capable of automatically reducing *outdoor air* intake to the design minimum *outdoor air* quantity when *outdoor air* intake will no longer reduce cooling energy usage. High-limit shutoff control types for specific climates shall be chosen from Table C403.3.1.1.3(1). High-limit shutoff control settings for these control types shall be those specified in Table C403.3.1.1.3(2).

C403.3.1.1.4 Relief of excess outdoor air. Systems shall be capable of relieving excess *outdoor air* during air economizer operation to prevent over-pressurizing the building. The relief air outlet shall be located to avoid recirculation into the building.

AMENDATORY SECTION (Amending WSR 13-20-120, filed 10/1/13, effective 11/1/13)

WAC 51-11C-40341 Section C403.4.1—Economizers.

C403.4.1 Economizers. Air economizers shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear. Economizers shall comply with Sections C403.4.1.1 through C403.4.1.4.

- EXCEPTIONS:
1. Water-cooled refrigeration equipment serving chilled beams and chilled ceiling space cooling systems only which are provided with a water economizer meeting the requirements of Section C403.4.1.1 through C403.4.1.4. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for Total Building Performance.
 2. Systems complying with all of the following criteria:
 - 2.1. Consist of multiple water source heat pumps connected to a common water loop;
 - 2.2. Have a minimum of 60 percent air economizer;
 - 2.3. Have water source heat pumps with an EER at least 15 percent higher for cooling and a COP at least 15 percent higher for heating than that specified in Section C403.2.3;
 - 2.4. Where provided, have a central boiler or furnace efficiency of 90 percent minimum for units up to 199,000 Btu/h; and

- 2.5. Provide heat recovery with a minimum 50 percent heat recovery effectiveness as defined in Section C403.2.6 to preheat the outside air supply.
3. Chilled water terminal units connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than minimum part load efficiencies listed in Table C403.2.3(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for the initial permit (this includes any initial permit for the space including, but not limited to, the shell-and-core permit, built-to-suit permit, and tenant improvement permit) or for Total Building Performance Method.
4. For Group R occupancies, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h provided that these are high-efficiency cooling equipment with SEER and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. For split systems and VRF systems, compliance is based on the cooling capacity of individual fan coil units.
5. Equipment used to cool any dedicated server room, electronic equipment room or telecom switch room provided that they completely comply with Option a, b, or c in the table below. The total capacity of all systems without economizers shall not exceed 240,000 Btu/h per building or 10 percent of its air economizer capacity, whichever is greater. This exception shall not be used for Total Building Performance.

	Equipment Type	Higher Equipment Efficiency	Part-Load Control	Economizer
Option a	Tables C403.2.3(1) and C403.2.3(2) ^a	+15% ^b	Required over 85,000 Btu/h ^c	None Required
Option b	Tables C403.2.3(1) and C403.2.3(2) ^a	+5% ^d	Required over 85,000 Btu/h ^c	Waterside Economizer ^e
Option c	ASHRAE Standard 127 ^f	+0% ^g	Required over 85,000 Btu/h ^c	Waterside Economizer ^e

Notes for Exception 5:

- a For a system where all of the cooling equipment is subject to the AHRI standards listed in Tables C403.2.3(1) and C403.2.3(2), the system shall comply with all of the following (note that if the system contains any cooling equipment that exceeds the capacity limits in Table C403.2.3(1) or C403.2.3(2), or if the system contains any cooling equipment that is not included in Table C403.2.3(1) or C403.2.3(2), then the system is not allowed to use this option).
- b The cooling equipment shall have an EER value and an IPLV value that is a minimum of 15 percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2) (1.15 x values in Tables C403.2.3(1) and C403.2.3(2)).
- c For units with a total cooling capacity over 85,000 Btu/h, the system shall utilize part-load capacity control schemes that are able to modulate to a part-load capacity of 50 percent of the load or less that results in the compressor operating at the same or higher EER at part loads than at full load (e.g., minimum of two-stages of compressor unloading such as cylinder unloading, two-stage scrolls, dual tandem scrolls, but hot gas bypass is not credited as a compressor unloading system).
- d The cooling equipment shall have an EER value and an IPLV value that is a minimum of 5 percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2) (1.05 x values in Tables C403.2.3(1) and C403.2.3(2)).

- e The system shall include a water economizer in lieu of air economizer. Water economizers shall meet the requirements of C403.4.1.2 through C403.4.1.4 and be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 50°F dry-bulb/45°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures. The equipment shall be served by a dedicated condenser water system unless a nondedicated condenser water system exists that can provide appropriate water temperatures during hours when waterside economizer cooling is available.
- f For a system where all cooling equipment is subject to ASHRAE Standard 127.
- g The cooling equipment subject to the ASHRAE Standard 127 shall have an EER value and an IPLV value that is equal or greater than the value listed in Tables C403.2.3(1) and C403.2.3(2) when determined in accordance with the rating conditions ASHRAE Standard 127 (i.e., not the rating conditions in AHRI Standard 210/240 or 340/360). This information shall be provided by an independent third party.

6. Variable refrigerant flow (VRF) systems, multiple-zone split-system heat pumps, consisting of multiple, individually metered indoor units with multi-speed fan motors, served on a single common refrigeration circuit with an exterior reverse-cycle heat pump with variable speed compressor(s) and variable speed condenser fan(s). These systems shall also be capable of providing simultaneous heating and cooling operation, where recovered energy from the indoor units operating in one mode can be transferred to one or more indoor units operating in the other mode, and shall serve at least 20 percent internal (no perimeter wall within 12') and 20 percent perimeter zones (as determined by conditioned floor area) and the outdoor unit shall be at least 65,000 Btu/h in total capacity. Systems utilizing this exception shall have 50 percent heat recovery effectiveness as defined by Section C403.2.6 on the outside air. For the purposes of this exception, dedicated server rooms, electronic equipment rooms or telecom switch rooms are not considered perimeter zones. This exception shall be limited to buildings of 60,000 square feet and less.

C403.4.1.1 Design capacity. Water economizer systems shall be capable of cooling supply air by indirect evaporation and providing up to 100 percent of the expected system cooling load at *outdoor air* temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) and below.

EXCEPTION: Systems in which a water economizer is used and where dehumidification requirements cannot be met using outdoor air temperatures of 50°F dry-bulb (10°C dry-bulb)/45°F wet-bulb (7.2°C wet-bulb) shall satisfy 100 percent of the expected system cooling load at 45°F dry-bulb (7.2°C dry-bulb)/40°F wet-bulb (4.5°C wet-bulb).

C403.4.1.2 Maximum pressure drop. Precooling coils and water-to-water heat exchangers used as part of a water economizer system shall either have a waterside pressure drop of less than 15 feet (4572 mm) of water or a secondary loop shall be created so that the coil or heat exchanger pressure drop is not seen by the circulating pumps when the system is in the normal cooling (noneconomizer) mode.

C403.4.1.3 Integrated economizer control. Economizer systems shall be integrated with the mechanical cooling system and be capable of providing partial cooling even where

additional mechanical cooling is required to meet the remainder of the cooling load.

EXCEPTIONS:

1. Direct expansion systems that include controls that reduce the quantity of *outdoor air* required to prevent coil frosting at the lowest step of compressor unloading, provided this lowest step is no greater than 25 percent of the total system capacity.
2. Individual direct expansion units that have a rated cooling capacity less than 54,000 Btu/h (15,827 W) and use nonintegrated economizer controls that preclude simultaneous operation of the economizer and mechanical cooling.

C403.4.1.4 Economizer heating system impact. HVAC system design and economizer controls shall be such that economizer operation does not increase the building heating energy use during normal operation.

EXCEPTION: Economizers on VAV systems that cause *zone* level heating to increase due to a reduction in supply air temperature.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40409 Section C404.9—Domestic hot water meters.

C404.9 Domestic hot water meters. Each individual dwelling unit in a Group R-2 (~~multi-family residential~~) occupancy with central service shall be provided with a domestic hot water meter to allow for domestic hot water billing based on actual domestic hot water usage.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40705 Section C407.5—Calculation procedure.

C407.5 Calculation procedure. Except as specified by this section, the *standard reference design* and *proposed design* shall be configured and analyzed using identical methods and techniques.

C407.5.1 Building specifications. The *standard reference design* and *proposed design* shall be configured and analyzed as specified by Table C407.5.1(1). Table C407.5.1(1) shall include by reference all notes contained in Table C402.2.

C407.5.2 Thermal blocks. The *standard reference design* and *proposed design* shall be analyzed using identical thermal blocks as specified in Section C407.5.2.1, C407.5.2.2 or C407.5.2.3.

C407.5.2.1 HVAC zones designed. Where HVAC *zones* are defined on HVAC design drawings, each HVAC *zone* shall be modeled as a separate thermal block.

EXCEPTION: Different HVAC *zones* shall be allowed to be combined to create a single thermal block or identical thermal blocks to which multipliers are applied provided:

1. The space use classification is the same throughout the thermal block.

2. All HVAC zones in the thermal block that are adjacent to glazed exterior walls face the same orientation or their orientations are within 45 degrees (0.79 rad) of each other.
3. All of the zones are served by the same HVAC system or by the same kind of HVAC system.

C407.5.2.2 HVAC zones not designed. Where HVAC zones have not yet been designed, thermal blocks shall be defined based on similar internal load densities, occupancy, lighting, thermal and temperature schedules, and in combination with the following guidelines:

1. Separate thermal blocks shall be assumed for interior and perimeter spaces. Interior spaces shall be those located more than 15 feet (4572 mm) from an exterior wall. Perimeter spaces shall be those located closer than 15 feet (4572 mm) from an exterior wall.
2. Separate thermal blocks shall be assumed for spaces adjacent to glazed exterior walls: A separate zone shall be provided for each orientation, except orientations that differ by no more than 45 degrees (0.79 rad) shall be permitted to be

considered to be the same orientation. Each zone shall include floor area that is 15 feet (4572 mm) or less from a glazed perimeter wall, except that floor area within 15 feet (4572 mm) of glazed perimeter walls having more than one orientation shall be divided proportionately between zones.

3. Separate thermal blocks shall be assumed for spaces having floors that are in contact with the ground or exposed to ambient conditions from zones that do not share these features.

4. Separate thermal blocks shall be assumed for spaces having exterior ceiling or roof assemblies from zones that do not share these features.

C407.5.2.3 Multifamily ((residential)) Group R buildings. ((Residential)) Group R spaces shall be modeled using one thermal block per space except that those facing the same orientations are permitted to be combined into one thermal block. Corner units and units with roof or floor loads shall only be combined with units sharing these features.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-407052 Table C407.5.1(2)—HVAC systems map.

**Table C407.5.1(2)
HVAC Systems Map**

Condenser Cooling Source ^a	Heating System Classification ^b	Standard Reference Design HVAC System Type ^c		
		Single-Zone ((Residential)) Group R System	Single-Zone ((Nonresidential)) Other than Group R System	All Other
Water/ground	Electric resistance	System 5	System 5	System 1
	Heat pump	System 6	System 6	System 6
	Fossil fuel	System 7	System 7	System 2
	Electric resistance	System 8	System 9	System 3
Air/none	Heat pump	System 8	System 9	System 3
	Fossil fuel	System 10	System 11	System 4

^a Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).

^b ~~((Select the path that corresponds to the proposed design heat source: Electric resistance, heat pump (including air source and water source), or fuel fired. Systems utilizing district heating (steam or hot water) and systems with no heating capability shall be treated as if the heating system type were "fossil fuel."))~~ Systems utilizing district heating (steam or hot water) or district cooling and systems with no heating capability shall be treated as if the heating system type were "fossil fuel" for the purpose of Standard Reference Design HVAC system selection. Otherwise, select the path that corresponds to the proposed design heat

source: Electric resistance, heat pump (including air source and water source), or fuel fired. For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard reference design* HVAC system type.

^c Select the *standard reference design* HVAC system category: The system under "single-zone ((residential)) Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves a residential space. The system under "single-zone ((nonresidential)) other than Group R system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves other than ((residential)) Group R spaces. The system under "all other" shall be selected for all other cases.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-610711 Table A107.1(1)—Default U-factors for doors.

Table A107.1(1)
Default U-factors for Doors

Door Type	No Glazed Fenestration	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
Swinging Doors (Rough opening - 38 in. x 82 in.)					
Slab Doors					
Wood slab in wood frame ^a	0.46				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazed fenestration (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazed fenestration (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazed fenestration	Use Table C303.1.3(1)/R303.1.3(1) as appropriate				
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazed fenestration (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazed fenestration (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazed fenestration	Use Table C303.1.3(1)/R303.1.3(1) as appropriate				
Foam insulated steel slab with metal edge in steel frame ^b	0.37				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazed fenestration (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazed fenestration (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazed fenestration	Use Table C303.1.3(1)/R303.1.3(1) as appropriate				
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				
Style and Rail Doors					
Sliding glass doors/French doors	Use Table C303.1.3(1)/R303.1.3(1) as appropriate				
Site-Assembled Style and Rail Doors					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63

Note: Appendix A Tables A107.1(2) through A107.1(4) may also be used if applicable.

^a Thermally broken sill (add 0.03 for nonthermally broken sill)

^b Nonthermally broken sill

^(e) Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.)

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-610714 Table A107.1(4)—Default U-factors for steel garage and hangar doors.

**Table A107.1(4)
Default U-factors for Steel Garage and Hangar Doors**

Double-skin Steel Garage and Aircraft Hangar Doors					
Insulation ^e	One-piece tilt-up ^a		Sectional tilt-up ^b	Aircraft hangar	
	8 ft. x 7 ft.	16 ft. x 7 ft.	9 ft. x 7 ft.	72 ft. x 12 ft. ^c	240 ft. x 50 ft. ^d
1-3/8 in. thickness ((EPS)) XPS, steel ribs ((XPS)) EPS, steel ribs	0.36 0.33	0.33 0.31	0.34 - 0.39 0.31 - 0.36		
2 in. thickness ((EPS)) XPS, steel ribs ((XPS)) EPS, steel ribs	0.31 0.29	0.28 0.26	0.29 - 0.33 0.27 - 0.31		
3 in. thickness ((EPS)) XPS, steel ribs ((XPS)) EPS, steel ribs	0.26 0.24	0.23 0.21	0.25 - 0.28 0.24 - 0.27		
4 in. thickness ((EPS)) XPS, steel ribs ((XPS)) EPS, steel ribs	0.23 0.21	0.20 0.19	0.23 - 0.25 0.21 - 0.24		
6 in. thickness ((EPS)) XPS, steel ribs ((XPS)) EPS, steel ribs	0.20 0.19	0.16 0.15	0.20 - 0.21 0.19 - 0.21		
4 in. thickness Noninsulated Expanded polystyrene Mineral wool, steel ribs Extruded polystyrene				1.10 0.25 0.25 0.23	1.23 0.16 0.16 0.15
6 in. thickness Noninsulated Expanded polystyrene Mineral wool, steel ribs Extruded polystyrene				1.10 0.21 0.23 0.20	1.23 0.13 0.13 0.12
Uninsulated All products	1.15				

- ^a Values are for thermally broken or thermally unbroken doors.
- ^b Lower values are for thermally broken doors; upper values are for doors with no thermal break.
- ^c Typical size for a small private airplane (single-engine or twin).
- ^d Typical hangar door for a midsize commercial jet airliner.
- ^e ((EPS)) XPS is extruded polystyrene, ((XPS)) EPS is expanded polystyrene.

**WSR 14-24-123
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed December 3, 2014, 10:25 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Make editorial changes to chapter 51-11R WAC to clarify and correct requirements in the Washington State Energy Code, Residential provisions.

Citation of Existing Rules Affected by this Order:
Amending WAC 51-11R-30312, 51-11R-40240, and 51-11R-40621.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.020, 19.27.074.

Adopted under notice filed as WSR 14-12-027 on May 27, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 14, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

WAC 51-11R-30312 Table R303.1.3(2)—Default door U-factors.

**TABLE R303.1.3(2)
DEFAULT DOOR U-FACTORS**

Door Type	No Glazed Fenestration	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
SWINGING DOORS (Rough opening - 38 in. x 82 in.)					
Slab Doors					
Wood slab in wood frame ^a	0.46				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazed fenestration (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazed fenestration (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazed fenestration (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazed fenestration (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Foam insulated steel slab with metal edge in steel frame ^b	0.37				
6% glazed fenestration (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazed fenestration (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazed fenestration (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazed fenestration	Use Table R303.1.3(1)				
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				

Door Type	No Glazed Fenestration	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
Style and Rail Doors					
Sliding glass doors/French doors	Use Table R303.1.3(1)				
Site-Assembled Style and Rail Doors					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63

Note: Appendix A Tables A107.1(2) through A107.1(4) may also be used if applicable.
 a Thermally broken sill (add 0.03 for nonthermally broken sill).
 b Nonthermally broken sill.
 (^eNominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door section and due to the frame.)

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

WAC 51-11R-40240 Section R402.4—Air leakage.

R402.4 Air leakage (Mandatory). The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.4.

R402.4.1 Building thermal envelope. The *building thermal envelope* shall comply with Sections R402.4.1.1 and R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

R402.4.1.1 Installation. The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the *code official*, an *approved* third party shall inspect all components and verify compliance.

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. Once visual inspection has confirmed sealing (see Table R402.4.1.1), operable windows and doors manufactured by *small business* shall be permitted to be sealed off at the frame prior to the test.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open, access hatches to conditioned crawl spaces and conditioned attics shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

R402.4.2 Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

R402.4.3 Air leakage of fenestration. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot (1.5 L/s/m²), and swinging doors no more than 0.5 cfm per square foot (2.6 L/s/m²), when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and *listed* and *labeled* by the manufacturer.

- EXCEPTIONS:
1. Field-fabricated fenestration products (windows, skylights and doors).
 2. Custom exterior fenestration products manufactured by a small business provided they meet the applicable provisions of Chapter 24 of the *International Building Code*. Once visual inspection has confirmed the presence of a gasket, operable windows and doors manufactured by *small business* shall be permitted to be sealed off at the frame prior to the test.
~~((3. Custom exterior windows and doors manufactured by a small business provided they meet the applicable provisions of chapter 24 of the *International Building Code*. Once visual inspection has confirmed the presence of a gasket, operable windows and doors manufactured by *small business* shall be permitted to be sealed off at the frame prior to the test.))~~

R402.4.4 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be Type IC-rated and certified under ASTM E283 as having an air leakage rate not more than 2.0 cfm (0.944 L/s) when tested at a 1.57 psf (75 Pa) pressure differential and shall have a label attached showing compliance with this test method. All recessed luminaires

shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

AMENDATORY SECTION (Amending WSR 13-20-121, filed 10/1/13, effective 11/1/13)

WAC 51-11R-40621 Table R406.2—Energy credits.

**TABLE 406.2
ENERGY CREDITS (DEBITS)**

OPTION	DESCRIPTION	CREDIT(S)
1a	EFFICIENT BUILDING ENVELOPE 1a: Prescriptive compliance is based on Table R402.1.1 with the following modifications: Fenestration U = 0.28 Floor R-38 Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab or Compliance based on Section R402.1.4: Reduce the Total UA by 5%.	0.5
1b	EFFICIENT BUILDING ENVELOPE 1b: Prescriptive compliance is based on Table R402.1.1 with the following modifications: Fenestration U = 0.25 Wall R-21 plus R-4 Floor R-38 Basement wall R-21 int plus R-5 ci Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab or Compliance based on Section R402.1.4: Reduce the Total UA by 15%.	1.0
1c	EFFICIENT BUILDING ENVELOPE 1c: Prescriptive compliance is based on Table R402.1.1 with the following modifications: Fenestration U = 0.22 Ceiling and single-rafter or joist-vaulted R-49 advanced Wood frame wall R-21 int plus R-12 ci Floor R-38 Basement wall R-21 int plus R-12 ci Slab on grade R-10 perimeter and under entire slab Below grade slab R-10 perimeter and under entire slab or Compliance based on Section R402.1.4: Reduce the Total UA by 30%.	2.0
2a	AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2a: and	0.5

OPTION	DESCRIPTION	CREDIT(S)
	Compliance based on R402.4.1.2: Reduce the tested air leakage to 4.0 air changes per hour maximum All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a high efficiency fan (maximum 0.35 watts/cfm), not interlocked with the furnace fan. Ventilation systems using a furnace including an ECM motor are allowed, provided that they are controlled to operate at low speed in ventilation only mode. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the qualified ventilation system.	
2b	AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2b: Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 2.0 air changes per hour maximum and All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.70. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.	1.0
2c	AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION 2c: and Compliance based on Section R402.4.1.2: Reduce the tested air leakage to 1.5 air changes per hour maximum All whole house ventilation requirements as determined by Section M1507.3 of the <i>International Residential Code</i> shall be met with a heat recovery ventilation system with minimum sensible heat recovery efficiency of 0.85. To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.	1.5
3a	HIGH EFFICIENCY HVAC EQUIPMENT 3a: Gas, propane or oil-fired furnace with minimum AFUE of 95% <u>or gas, propane or oil-fired boiler with minimum AFUE of 92%.</u>	0.5

OPTION	DESCRIPTION	CREDIT(S)
	To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.	
3b	<p>HIGH EFFICIENCY HVAC EQUIPMENT 3b: Air-source heat pump with minimum HSPF of 8.5</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0
3c	<p>HIGH EFFICIENCY HVAC EQUIPMENT 3c: Closed-loop ground source heat pump; with a minimum COP of 3.3</p> <p>or</p> <p>Open loop water source heat pump with a maximum pumping hydraulic head of 150 feet and minimum COP of 3.6</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	2.0
3d	<p>HIGH EFFICIENCY HVAC EQUIPMENT 3d: DUCTLESS SPLIT SYSTEM HEAT PUMPS, ZONAL CONTROL:</p> <p>In homes where the primary space heating system is zonal electric heating, a ductless heat pump system shall be installed and provide heating to at least one zone of the housing unit.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.0
4	<p>HIGH EFFICIENCY HVAC DISTRIBUTION SYSTEM:^a</p> <p>All heating and cooling system components installed inside the conditioned space. All combustion equipment shall be direct vent or sealed combustion.</p> <p>Locating system components in conditioned crawl spaces is not permitted under this option.</p> <p>Electric resistance heat is not permitted under this option.</p> <p>Direct combustion heating equipment with AFUE less than 80% is not permitted under this option.</p>	1.0

OPTION	DESCRIPTION	CREDIT(S)
	To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the heating equipment type and shall show the location of the heating and cooling equipment and all the ductwork.	
5a	<p>EFFICIENT WATER HEATING 5a: Water heating system shall include one of the following:</p> <p>Gas, propane or oil water heater with a minimum EF of 0.62</p> <p>or</p> <p>Electric water heater with a minimum EF of 0.93.</p> <p>and for both cases</p> <p>All showerhead and kitchen sink faucets installed in the house shall be rated at 1.75 GPM or less. All other lavatory faucets shall be rated at 1.0 GPM or less.^b</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and shall specify the maximum flow rates for all showerheads, kitchen sink faucets, and other lavatory faucets.</p>	0.5
5b	<p>EFFICIENT WATER HEATING 5b: Water heating system shall include one of the following:</p> <p>Gas, propane or oil water heater with a minimum EF of 0.82</p> <p>or</p> <p>Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating Systems</p> <p>or</p> <p>Electric heat pump water heater with a minimum EF of 2.0 and meeting the standards of NEEA's Northern Climate Specifications for Heat Pump Water Heaters</p> <p>or</p> <p>Water heater heated by ground source heat pump meeting the requirements of Option 3c.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency and, for solar water heating systems, the calculation of the minimum energy savings.</p>	1.5

OPTION	DESCRIPTION	CREDIT(S)
6	<p>RENEWABLE ELECTRIC ENERGY:</p> <p>For each 1200 kWh of electrical generation provided annually by on-site wind or solar equipment a 0.5 credit shall be allowed, up to 3 credits. Generation shall be calculated as follows:</p> <p>For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATTS. Documentation noting solar access shall be included on the plans.</p> <p>For wind generation projects designs shall document annual power generation based on the following factors:</p> <p>The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.</p> <p>To qualify to claim this credit, the building permit drawings shall specify the option being selected and shall show the photovoltaic or wind turbine equipment type, provide documentation of solar and wind access, and include a calculation of the minimum annual energy power production.</p>	0.5

Footnotes: ^a **Interior Duct Placement.** Ducts included as Option 4 of Table R406.2 shall be placed wholly within the heated envelope of the housing unit. The placement shall be inspected and certified to receive the credits associated with this option.

EXCEPTION: Ducts complying with this section may have up to 5% of the total linear feet of ducts located in the exterior cavities or buffer spaces of the dwelling. If this exception is used the ducts will be tested to the following standards:

Post-construction test: Leakage to outdoors shall be less than or equal to 1 CFM per 100 ft² of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

^b **Plumbing Fixtures Flow Ratings.** Low flow plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following requirements:

1 Residential bathroom lavatory sink faucets: Maximum flow rate - 3.8 L/min (1.0 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.

2 Residential kitchen faucets: Maximum flow rate - 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.

3 Residential showerheads: Maximum flow rate - 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.

**WSR 14-24-128
PERMANENT RULES
LIQUOR CONTROL BOARD**

[Filed December 3, 2014, 11:43 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.
 Purpose: New rules are needed to clarify new legislation that passed in the 2014 legislative session, ESHB 2680.
 Statutory Authority for Adoption: RCW 66.24.690.
 Adopted under notice filed as WSR 14-20-121 on October 1, 2014.
 Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
 Date Adopted: December 3, 2014.

Sharon Foster
Chairman

NEW SECTION

WAC 314-02-112 What is a caterer's license? (1) A caterer's license allows the licensee to sell spirits, beer, and wine by the individual serving for consumption on the premises at a catered event location.

(2) The catered event location must be owned, leased, or operated by:

(a) The holder of the caterer's license; or
 (b) The sponsor of the event for which the catering services are being provided.

(3) The caterer licensee is responsible for all areas of a location where alcohol is sold, served, consumed, or stored.

(4) If the catered event is open and advertised to the public, the event must be sponsored by a nonprofit society or organization as defined in RCW 66.24.375.

(a) A registered nonprofit holding a public or civic event may invite a caterer to provide alcohol service at a location within the parameters of the event.

(b) If attendance at the catered event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement in subsection (2) of this section does not apply.

(5) A spirits, beer, and wine caterer licensee must have the ability to serve at least eight complete meals. A commissary kitchen, licensed by the city and/or county health department, shall be maintained in a substantial manner as a place for preparing and cooking complete meals. The caterer licensee must maintain the kitchen equipment necessary to prepare the complete meals required under this section. The

complete meals must be prepared at the licensed commissary kitchen premises. For the purposes of this title:

(a) "Complete meal" means an entrée and at least one side dish.

(b) "Entrée" means the main course of a meal. Some examples of entrées are fish, steak, chicken, pork, pasta, pizza, hamburgers, seafood salad, Cobb salad, chef's salad, sandwiches, and breakfast items (as long as they include a side dish). Entrées do not include snack items, or menu items which consist solely of precooked frozen food that is reheated, or consist solely of carry-out items obtained from another business.

(c) Examples of side dishes are soups, vegetables, salads, potatoes, french fries, rice, fruit, and bread.

(6) A beer and wine caterer licensee must have the ability to provide minimum food service. A commissary kitchen shall be maintained in a substantial manner as a place for preparing and cooking minimum food service. The caterer licensee must maintain the kitchen equipment necessary to prepare minimum food service required under this section. The minimum food service must be prepared at the licensed commissary kitchen premises. For purposes of this title:

"Minimum food service" means items such as sandwiches, salad, soup, hamburgers, pizza, and fry orders.

(7) The applicant must provide the liquor control board with a copy of their commissary kitchen license issued by the city or county health department.

(8) The licensee is required to send a list of scheduled catered events to their regional enforcement office on the first of each month. The licensee must provide the following information:

- (a) Date of the catered events;
- (b) Time of the catered events; and
- (c) Place and location of catered events.

Any changes to the information provided to the board must be reported to the regional enforcement office seventy-two hours prior to the catered event.

(9) A caterer's license holder is not allowed to cater events at a liquor licensed premises.

(10) The holder of the caterer's license may store liquor on other premises operated by the licensee if the licensee owns or has a leasehold interest at the other premises. Documentation must be provided to the board showing the licensee owns or has a leasehold interest in the property.

(11) All employees that sell or serve alcohol must hold MAST permits.

(12) The annual fee for the caterer's license is as follows:

- (a) The annual fee for beer is two hundred dollars;
- (b) The annual fee for wine is two hundred dollars; and
- (c) The annual fee for a combined spirits, beer, and wine is one thousand dollars.

WSR 14-24-129
PERMANENT RULES
GREEN RIVER
COMMUNITY COLLEGE

[Filed December 3, 2014, 11:54 a.m., effective January 3, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revision of the rules of student conduct, chapter 132J-125 WAC at Green River Community College in order to come into compliance with Violence Against Women Reauthorization Act of 2013.

Citation of Existing Rules Affected by this Order: Repealing chapter 132J-125 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Other Authority: Public Law 113-4 (Violence Against Women Reauthorization Act of 2013).

Adopted under notice filed as WSR 14-20-113 on September 30, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 10, Amended 0, Repealed 7; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 40, Amended 0, Repealed 41.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 40, Amended 0, Repealed 41.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 40, Amended 0, Repealed 41.

Date Adopted: December 1, 2014.

Timothy J. Malroy
Conduct Officer

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132J-125-010 Purpose.

WAC 132J-125-020 Definitions.

WAC 132J-125-030 Jurisdiction.

WAC 132J-125-055 Right to demand identification.

WAC 132J-125-060 Freedom of expression.

WAC 132J-125-065 Right to assembly.

WAC 132J-125-070 Right to outside speakers.

WAC 132J-125-075 Right to sale of personal property.

WAC 132J-125-080 Distribution of materials.

WAC 132J-125-085 Denial of access to Green River Community College.

WAC 132J-125-090 Trespass.

WAC 132J-125-095 Smoking.

- WAC 132J-125-100 Liquor.
- WAC 132J-125-105 Drugs/substance abuse.
- WAC 132J-125-110 Conduct at college functions.
- WAC 132J-125-115 Theft—Stolen property—Robbery.
- WAC 132J-125-120 Damaging property.
- WAC 132J-125-125 Interference—Intimidation.
- WAC 132J-125-130 Offensive language.
- WAC 132J-125-135 Sexual harassment.
- WAC 132J-125-140 Forgery or alteration of records.
- WAC 132J-125-145 Computer trespass.
- WAC 132J-125-150 Firearms/explosives.
- WAC 132J-125-155 Other punishable acts.
- WAC 132J-125-160 Initiation and types of nonacademic discipline.
- WAC 132J-125-165 Appeal of nonacademic discipline.
- WAC 132J-125-170 College disciplinary board.
- WAC 132J-125-180 Academic responsibilities.
- WAC 132J-125-190 Student academic rights.
- WAC 132J-125-200 Plagiarism/cheating.
- WAC 132J-125-210 Classroom conduct.
- WAC 132J-125-220 Initiation of academic discipline.
- WAC 132J-125-230 Student academic grievance.
- WAC 132J-125-240 Appeal of academic discipline—Filing of academic grievance.
- WAC 132J-125-250 College academic board.
- WAC 132J-125-260 Discipline and grievance—Type of adjudicative proceeding.
- WAC 132J-125-270 Discipline and grievance—Proceedings generally.
- WAC 132J-125-280 Discipline and grievance—Regular adjudicative proceedings.
- WAC 132J-125-290 Discipline and grievance—Brief adjudicative proceedings.
- WAC 132J-125-300 Summary suspension or removal.
- WAC 132J-125-310 Recordkeeping.

Chapter 132J-126 WAC

RULES OF STUDENT CONDUCT

NEW SECTION

WAC 132J-126-010 Purpose. (1) Green River Community College, an agency of the state of Washington, provides a variety of educational opportunities for students; namely the opportunities to examine the academic, vocational, technical, cultural, social, and recreational aspects of society. Green River Community College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River

Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

(2) The student is a member of the community at large, and as such has the rights and responsibilities of any citizen. In addition, admission to Green River Community College carries with it the presumption that students will conduct themselves as responsible members of the college community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college, will maintain a high standard of integrity and honesty, and will respect the rights, privileges, and property of other members of the college community.

(3) The following rules regarding the conduct of students are adopted in order to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions. Sanctions for violations of the rules of student conduct will be administered by the college in the manner provided by said rules. When violation(s) of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to the appropriate authorities. In cases of minors, this conduct may also be referred to parents or legal guardians.

(4) The office of judicial programs, under the leadership of the vice-president of student affairs, maintains and administers the student code of conduct for Green River Community College. The office of judicial programs and Green River Community College strive to engage our students to become civic minded citizens who positively contribute to society and achieve their educational goals. The office of judicial programs seeks to educate students as to their rights, responsibilities, and expectations as members of Green River Community College while providing a fair and educational process through which alleged violations of the code of conduct are adjudicated.

NEW SECTION

WAC 132J-126-020 Statement of jurisdiction. The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

Inappropriate conduct by students who have completed classes and are awaiting graduation ceremony are covered by this student conduct code.

NEW SECTION

WAC 132J-126-030 Definitions. The following definitions shall apply for the purpose of this student conduct code:

"Assembly" is any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or groups of persons.

"Business day" means a weekday, excluding weekends and college holidays.

"Cheating" is defined as intentional deception in producing or creating academic work. Cheating includes, but is not limited to:

- (a) Intentional plagiarism;
- (b) Selling or giving your own completed work to others who intend to turn it in as their own;
- (c) Purchasing or accepting the work of others with the intent of turning it in as your own;
- (d) Acquiring and/or using teachers' editions of textbooks, without the permission of the specific instructor, in order to complete your course assignments;
- (e) Obtaining or attempting to obtain an examination prior to its administration;
- (f) Referring to devices, materials or sources not authorized by the instructor;
- (g) Receiving assistance from another person when not authorized by the instructor;
- (h) Providing assistance to another person when not authorized by the instructor;
- (i) Taking an examination for another person;
- (j) Obtaining or attempting to obtain another person to take one's own examination;
- (k) Falsifying laboratory results or copying another person's laboratory results; and
- (l) Falsifying or attempting to falsify the record of one's grades or evaluation.

"College" means Green River Community College.

"College facilities" includes all buildings, structures, grounds, office space, and parking lots.

"College groups" shall mean individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

"College official" includes any person employed by the college, performing assigned administrative or professional responsibilities.

"College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

"Complainant" means any person who submits a charge alleging that a student violated the student code. When a student believes that she/he has been a victim of another student's misconduct, the student who believes she/he has been a victim will have the same rights under this student code as

are provided to the complainant, even if another member of the college community submitted the charge himself or herself.

"Conduct review officer" is the vice-president of student affairs or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

"Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

"Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or a dismissal are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

"Expressive activity" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of assemblies to share information, perspectives or viewpoints.

"Fabrication" is defined as intentional misrepresentation of an activity done by a student for an academic project or practicum. Fabrication includes, but is not limited to:

- (a) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;
- (b) Counterfeiting a record of internship or practicum experiences;
- (c) Submitting a false excuse for absence or tardiness; and
- (d) Unauthorized multiple submission of the same work; sabotage of others' work.

"Faculty member" means any person hired by the college to conduct classroom, counseling, or teaching activities or who is otherwise considered by the college to be a member of its faculty.

"Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

- (a) Hand delivery of the document to the specified college official or college official's assistant; or
- (b) By sending the document by e-mail and first class mail to the specified college official's office and college e-mail address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

"May" is used in the permissive sense.

"Member of the college community" includes any person who is a student, faculty member, college official or any other person employed by the college. A person's status in a

particular situation shall be determined by the vice-president of student affairs or designee.

"Noncollege groups" shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

"Organization" means number of persons who have complied with the formal requirements for college recognition/registration.

"Plagiarism" is defined as using others' original ideas in your written or spoken work without giving proper credit.

(a) Ideas include, but are not limited to:

- (i) Facts;
- (ii) Opinions;
- (iii) Images;
- (iv) Statistics;
- (v) Equations;
- (vi) Hypotheses;
- (vii) Theories.

(b) Plagiarism can occur in two ways: Intentional and unintentional.

(c) Ways that intentional plagiarism occur include, but are not limited to:

- (i) Turning in someone else's work as your own;
- (ii) Copying words or ideas from someone else without giving credit;
- (iii) Failing to put a quotation in quotation marks;
- (iv) Giving incorrect information about the source of a quotation;
- (v) Changing words but copying the sentence structure of a source without giving credit;
- (vi) Copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not.

(d) Unintentional plagiarism may occur when a student has tried in good faith to document their academic work but fails to do so accurately and/or thoroughly. Unintentional plagiarism may also occur when a student has not had course work covering plagiarism and documentation and is therefore unprepared for college academic writing or speaking.

"Policy" means the written regulations of the college as found in, but not limited to, the student code, the college web page and computer use policy, and catalogs.

"Respondent" is the student against whom disciplinary action is initiated.

"Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

- (a) Hand delivery of the document to the party; or
- (b) By sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

"Shall" is used in the imperative sense.

"Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit

courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered students.

"Student conduct officer" is a college administrator designated by the president or vice-president of student affairs to be responsible for implementing and enforcing the student conduct code. The president or vice-president of student affairs is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

"The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

"Vice-president of student affairs" means the college administrator who reports to the college president, who serves as the college's student judicial affairs administrator, and who is responsible for administering the student rights and responsibilities code. The vice-president of student affairs may designate a student conduct officer to fulfill this responsibility.

NEW SECTION

WAC 132J-126-040 Student code authority. (1) The vice-president of student affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of student conduct hearings that are not inconsistent with provisions of the student code.

(2) The vice-president of student affairs or designee shall determine the composition of the student conduct committee in accordance with WAC 132J-126-180.

(3) Decisions made by a student conduct officer shall be final, pending the normal appeal process.

NEW SECTION

WAC 132J-126-050 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and

services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

NEW SECTION

WAC 132J-126-060 Right to sale of personal property. (1) Students have the right to engage in legal, incidental sales of personal property in private transactions.

(2) All other sales shall take place in Lindbloom Student Center subject to the approval and requirements of the vice-president of student affairs or designee.

NEW SECTION

WAC 132J-126-070 Denial of access to Green River Community College. (1) The vice-president of student affairs may deny admission to a prospective student, or continued attendance to an enrolled student, if it reasonably appears that the student would not be competent to profit from the curriculum offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college or a substantial risk of actual harm to self or other members of the campus community.

(2) Denial of access decisions may be appealed, as or like disciplinary actions, to the student conduct committee.

NEW SECTION

WAC 132J-126-080 Rights of ownership of works. It shall be the policy of Green River Community College that employees of the college shall not use students' published or unpublished works for personal gain without written consent of the student.

NEW SECTION

WAC 132J-126-090 Conduct—Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a principal actor, aide, abettor, or accomplice as defined in RCW 9A.08.020:

Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

Violates any provision of this chapter; or

Commits any prohibited act including, but not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication. In academically honest writing or speaking, the student documents his/her source of information whenever:

Another person's exact words are quoted;

Another person's idea, opinion or theory is used through paraphrase; and

Facts, statistics, or other illustrative materials are borrowed.

In order to complete academically honest work, students should:

Acknowledge all sources according to the method of citation preferred by the instructor;

Write as much as possible from one's own understanding of the materials and in one's own voice;

Ask an authority on the subject, such as the instructor who assigned the work; and

Seek help from academic student services such as the library and/or writing center.

(2) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products are not allowed on college campus. In addition to the main campus, this also includes any building and premises owned, leased or operated by the college outside of the main campus. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(3) **Alcohol.** The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(4) **Drugs/substance abuse.**

(a) Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any narcotic drug or controlled substance as defined in RCW 69.50.101, in violation of law or in a manner which significantly disrupts a college activity. For purposes of this section, "sell" includes the statutory meaning in RCW 69.50.410.

(b) **Marijuana.** The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, is prohibited. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(5) **Conduct at college functions.** Any student who significantly disrupts or obstructs any teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or of other authorized noncollege activities when the conduct occurs on college premises.

(6) **Theft; stolen property; robbery.** Any student who, while in any college facility or participating in a college-related program, commits or attempts to commit theft as defined in RCW 9A.56.020, or possesses stolen property as defined in RCW 9A.56.140, or commits or attempts to commit robbery as defined in RCW 9A.56.190.

(7) Damaging property.

(a) Any student who causes or attempts to cause physical damage to property owned, controlled or operated by the college, or to property owned, controlled or operated by another person while said property is located on college facilities.

(b) Any student who in this or any other manner is guilty of malicious mischief in violation of RCW 9A.48.070 through 9A.48.100.

(8) Abuse; intimidation. Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

(9) Hazing. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

(10) Failure to comply. Failure to comply with directions of college officials, campus safety officers, or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

(11) Possession of keys. Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises.

(12) Policy violation. Violation of any college policy, rule, or regulation published in hard copy or available electronically on the college web site.

(13) Violation of laws. Violation of any federal, state, or local law.

(14) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(15) Harassment. Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic.

(16) Sexual misconduct.

(a) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism.

(b) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity, silence or passivity

is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(i) Force or blackmail is threatened or used to procure compliance with the sexual activity; or

(ii) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or

(iii) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause.

(c) A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy.

(d) The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.

(e) The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(17) Sexual violence. The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender- or sex-based stalking. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.

(18) Weapons and fireworks. Possession or use of fireworks anywhere on campus; possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife, or any other cutting or stabbing instrument, or club, or incendiary device, or explosive, or any facsimile weapons, or any other weapon apparently capable of producing bodily harm and/or property damage is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel, legally authorized military personnel, or bank-related security personnel required by their office to carry such weapons or devices.

(b) Possession or use of disabling chemical sprays when used for self-defense.

(c) The president may authorize possession of a weapon on campus upon a showing that the weapon is reasonably

related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(19) **Demonstrations.** Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

(20) **Disorderly conduct.** Conduct that is disorderly, lewd, indecent, or obscene; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the college community. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is in a place or situation where he or she has a reasonable expectation of privacy. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(21) **Discriminatory conduct.** Discriminatory conduct which harms or adversely affects any member of the college community because of his/her race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(22) **Stalking.** Stalking, defined as intentionally and repeatedly harassing or following a person and intentionally or unintentionally placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property.

(23) **Improper use of technology.** Theft or other abuse of computer facilities and resources including, but not limited to:

(a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

(b) Unauthorized transfer of a file.

(c) Use of another individual's identification and/or password.

(d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or college official.

(e) Use of computing facilities and resources to view or send obscene or abusive messages.

(f) Use of computing facilities and resources to interfere with normal operation of the college computing system.

(g) Use of computing facilities and resources in violation of copyright laws.

(h) Any violation of the Student Affairs Policy SA-24 - Student Acceptable Computer Use.

(24) **Forgery or alteration of records.** Any student who, while in any college facility or participating in a college-related program, engages in forgery, as defined in RCW 9A.60.020.

(25) **Disruption of conduct process.** Abuse of the student conduct system including, but not limited to:

(a) Falsification, distortion, or misrepresentation of information before a student conduct officer.

(b) Disruption or interference with the orderly conduct of a student conduct hearing proceeding.

(c) Institution of a student conduct code proceeding in bad faith.

(d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(e) Attempting to influence the impartiality of a member of a student conduct officer prior to, and/or during the course of, the student conduct hearing proceeding.

(f) Harassment (verbal or physical) and/or intimidation of a member of a student conduct officer prior to, during, and/or after a student conduct hearing proceeding.

(g) Failure to comply with the sanction(s) imposed under the student code.

(h) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

(26) **False complaint.** Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(27) **Classroom conduct.** Any student who significantly disrupts any college class and makes it unreasonably difficult to conduct the class in an orderly manner shall be subject to disciplinary action. An instructor/faculty member may impose any of the following actions for classroom conduct:

(a) Warning: An oral or written notice to a student that college and/or classroom expectations about conduct have not been met.

(b) Reprimand: A written notice which censures a student for improper conduct and includes a warning that continuation or repetition of improper conduct shall result in further disciplinary action.

(c) Summary suspension for a maximum of two days: As defined in WAC 132J-126-230.

At any time, severe misconduct or continued misconduct shall be just cause for the matter to be forwarded immediately to the vice-president of student affairs or designee for further action.

NEW SECTION

WAC 132J-126-100 Violation of law and college discipline. (1) College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this student code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice-president of student affairs or designee. Determinations made or sanctions imposed under this student code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of, or against the criminal law defendant.

(2) When a student is charged by federal, state, or local authorities with a violation of law, the college will not

request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the student code, the college may advise off-campus authorities of the existence of the student code and of how such matters are typically handled within the college community. The college will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the college community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

NEW SECTION

WAC 132J-126-120 Purpose of disciplinary action.

The college may apply sanctions or take other appropriate action for violations of the student code of conduct. Disciplinary proceedings shall determine whether and under what conditions the violator may continue as a student of the college.

NEW SECTION

WAC 132J-126-130 Disciplinary terms. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties:

(1) **Warning** - A notice in writing to the student that the student is violating or has violated institutional regulations.

(2) **Probation** - A written reprimand for violation of specified regulations. Probation is indefinite or for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

(3) **Loss of privileges** - Denial of specified college privileges for a designated period of time.

(4) **Fines** - Previously established and published monetary charges.

(5) **Restitution** - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(6) **Discretionary sanctions** - These may include, but are not limited to, work assignments, essays, service to the college, or other related discretionary assignments.

(7) **College suspension** - Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(8) **College dismissal** - Permanent separation of the student from the college.

(9) **Revocation of admission and/or degree** - Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(10) **Registration hold** - Students may have their registration privileges blocked pending the completion of specified sanctions/conditions. Holds may be placed and removed only by the vice-president of student affairs or designee.

(11) **Revocation of club status and loss of college recognition** - Applies to clubs and organizations.

NEW SECTION

WAC 132J-126-140 Initiation of disciplinary action.

(1) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings;

(b) Impose a disciplinary sanction(s), as described in WAC 132J-126-130;

(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

NEW SECTION

WAC 132J-126-150 Appeal from disciplinary action.

The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one calendar days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(1) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(2) The parties to an appeal shall be the respondent and the conduct review officer.

(3) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(4) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(5) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(6) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(7) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(8) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

NEW SECTION

WAC 132J-126-160 Brief adjudicative proceedings—Initial hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the agency's view of the matter; and (b) an opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 132J-126-170 Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the conduct review

officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 132J-126-180 Student conduct committee. (1) The student conduct committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the president;

(c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 132J-126-190 Appeal—Student conduct committee. (1) Proceedings of the student conduct committee

shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model Rules of Procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of the conduct officer's notification of imposition of discipline (or referral to the committee) and the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

NEW SECTION

WAC 132J-126-200 Student conduct appeals committee hearings—Presentations of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either (a) proceed with the hearing and issuance of its decision; or (b) serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recordings shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

NEW SECTION

WAC 132J-126-210 Student conduct committee—Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

NEW SECTION

WAC 132J-126-220 Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

NEW SECTION

WAC 132J-126-230 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or

(c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the sum-

mary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) An officer designated by the president, who shall be someone other than the conduct review officer, shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

(a) During the summary suspension hearing, the issue before the reviewing officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

NEW SECTION

WAC 132J-126-240 Supplemental procedures for sexual misconduct cases. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132J-126-140 through 132J-126-230. In the event of conflict between the sexual misconduct procedures and the student

disciplinary procedures, the sexual misconduct procedures shall prevail.

NEW SECTION

WAC 132J-126-250 Supplemental definitions. The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.

(2) "Sexual misconduct" is prohibited sexual- or gender-based conduct by a student including, but not limited to:

(a) Sexual activity for which clear and voluntary consent has not been given in advance;

(b) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping or otherwise incapacitated due to alcohol or drugs;

(c) Sexual harassment;

(d) Sexual violence, which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking;

(e) Nonphysical conduct such as sexual- or gender-based digital media stalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

NEW SECTION

WAC 132J-126-260 Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student:

(1) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions.

NEW SECTION

WAC 132J-126-270 Supplemental appeal rights. (1) The following actions by the student conduct officer may be appealed by the complainant:

(a) The dismissal of a sexual misconduct complaint; or

(b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 132J-126-260. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to a respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

(a) Exoneration and dismissal of the proceedings;

(b) A disciplinary warning;

(c) A written reprimand;

(d) Disciplinary probation;

(e) Suspensions of ten instructional days or less; and/or

(f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or a dismissal shall be reviewed by the student conduct board.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. The complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least

four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent, and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

NEW SECTION

WAC 132J-126-280 Brief adjudicative proceedings authorized. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

(1) Student conduct appeals involving the following disciplinary actions:

- (a) Suspensions of ten instructional days or less;
- (b) Disciplinary probation;
- (c) Written reprimands;
- (d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and
- (e) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:

(i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or

(ii) Issues a verbal warning to respondent.

(2) Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

NEW SECTION

WAC 132J-126-290 Brief adjudicative proceedings—Agency record. The agency record for brief adjudicative proceedings shall consist of any documents regarding the matters that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

NEW SECTION

WAC 132J-126-300 Recordkeeping. (1) The vice-president of student affairs shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records in all cases where adjudication has been requested; and

(c) A list or other summary of all disciplinary actions reported or known to the vice-president and not appealed.

(2) Final disciplinary actions shall be entered on student judicial records, provided that the vice-president of student affairs shall have discretion to remove some or all of that information from a student's judicial record upon the student's request and showing of good cause.

Chapter 132J-150 WAC

POLICY ON THE USE OF THE COLLEGE FACILITIES

NEW SECTION

WAC 132J-150-010 Use of college facilities. Because Green River Community College is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the state.

NEW SECTION

WAC 132J-150-020 Limitation of use to school activities. The college buildings, properties, and facilities, including those assigned to student programs, may be used only for:

(1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(2) Cultural, educational, or recreational activities of the students or of the faculty or staff.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the

advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to ensure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with published college regulations and on the basis of time, space availability, priority of request and the demonstrated needs of the individual, group or organization.

(8) Use of space shall not interfere with regularly scheduled classes or activities. Physical abuse of assigned facilities may result in limitation of future allocation of space to the offending parties. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

NEW SECTION

WAC 132J-150-030 Limitation of use. (1) Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research, or public service programs.

(2) College facilities may be rented to private or commercial organizations or associations, but college facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club.

(3) College facilities are available to recognized student groups, subject to these general policies and to the rules and regulations of the college governing student affairs.

(4) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned law enforcement officers or individuals who receive written prior approval from the president of the college or designee.

NEW SECTION

WAC 132J-150-040 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

NEW SECTION

WAC 132J-150-050 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate the district's rules, or whose conduct threatens the safety or security of its students, staff, or faculty will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the campus president, or his or her designee, to leave the college property. Such a request will be deemed to prohibit the entry of, withdraw the license or privilege to enter onto or remain upon any portion of the college property by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with established college policies.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice-president of administration or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice-president of business administration or designee will be the final decision of the college and should be issued within five work days.

NEW SECTION

WAC 132J-150-060 Prohibited conduct at college facilities. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful narcotics or drugs, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action.

(2) A lottery or any other form of gambling is prohibited at Green River Community College.

(3) The use of tobacco, electronic cigarettes, and related products is not allowed on college premises.

(4) Destruction of property is also prohibited by state law in reference to public institutions.

Chapter 132J-155 WAC

USE OF FACILITIES FOR FIRST AMENDMENT ACTIVITIES

NEW SECTION

WAC 132J-155-010 Statement of purpose. Green River Community College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals the right to substantially interfere with, or otherwise disrupt the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is designated a public forum opened for the purposes recited herein and further subject to the time, place, and manner provisions set forth in these rules.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill their mission as state educational institutions of Washington with the interests of college groups and noncollege groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its campus to noncollege groups to the extent that the usage does not conflict with the rights of college groups or substantially disrupt the educational process.

NEW SECTION

WAC 132J-155-020 Definitions. "College facilities" or "campus" includes all buildings, structures, grounds, office space, and parking lots.

"College group" means individuals who are currently enrolled students or current employees of Green River Community College or individuals who are sponsored by faculty, a recognized student organization or a recognized employee group of the college.

"Noncollege group" means individuals or groups who are not currently enrolled students or current employees of Green River Community College.

"Public forum areas" means those areas of campus that the college has chosen to be open as places for expressive activities protected by the first amendment, subject to reasonable time, place or manner provisions.

"Sponsor" means that when a college group invites a noncollege group onto campus, the college group will be

responsible for the activity and will designate an individual to be present at all times during the activity. The sponsor will ensure that those participating in the sponsored activity are aware of the college's rules and policies governing the activity. This definition does not apply to noncollege groups that rent college facilities.

NEW SECTION

WAC 132J-155-030 Use of facilities. (1) There shall be no camping on college facilities or grounds between the hours of 10:00 p.m. and 6:00 a.m. Camping is defined to include sleeping, cooking activities, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(2) Any sound amplification device may only be used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories, or any previously scheduled college activity.

(3) College groups are encouraged to notify the campus public safety department no later than twenty-four hours in advance of an activity. However, unscheduled activities are permitted so long as the activity does not displace any other activities occurring at the college.

(4) All sites used for first amendment activities should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the activity. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(5) All college and noncollege groups must comply with fire, safety, sanitation or special regulations specified for the activity.

(6) The activity must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, or other traffic or otherwise interfere with ingress or egress to the college, college buildings or facilities, or college activities. The activity must not create safety hazards or pose safety risks to others.

(7) The activity must not substantially interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The activity must not substantially infringe on the rights and privileges of college students, employees, or invitees to the college.

(8) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department, office, or officially chartered student club.

(9) The activity must also be conducted in accordance with any other applicable college policies and rules, local ordinances, state, and federal laws.

NEW SECTION

WAC 132J-155-040 Additional requirements for noncollege groups. (1) College facilities may be rented by

noncollege groups in accordance with the college's facilities use policy. Noncollege groups may otherwise use college facilities in accordance with Green River Community College's rules.

(2) The college designates its grounds and outdoor spaces as the public forum area(s) for use by noncollege groups for first amendment activities on campus. Nothing in these rules prohibits noncollege groups from engaging in first amendment activities at open public meetings, subject to the requirements of RCW 42.30.050.

(3) Noncollege groups may use the public forum areas for first amendment activities between the hours of 6:00 a.m. and 10:00 p.m. on days that the college is open to the general public.

(4) Before engaging in first amendment activities, all noncollege groups are encouraged to sign in and notify the college of the noncollege group's presence on campus and to acknowledge receipt of these rules and to ensure that there are no scheduling conflicts. This notice does not involve any application or approval process, and therefore, the ability to use designated areas will not be denied unless they are already reserved for use by another group. This notice is intended to provide the college with knowledge of the noncollege group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated area. When signing in, the individual or group are encouraged to provide the following information:

(a) The name, address, and telephone number of the individual, group, entity, or organization sponsoring the activity (hereinafter "the sponsoring organization");

(b) The name, address, and telephone number of a contact person for the sponsoring organization;

(c) The date, time, and requested location of the activity;

(d) The type of sound amplification devices to be used in connection with the activity, if any; and

(e) The estimated number of people expected to participate in the activity.

NEW SECTION

WAC 132J-155-050 Distribution of materials. Information may be distributed as long as it is not obscene or does not promote the imminent prospect of actual violence or harm. The distributor is encouraged, but not required, to include its name and address on the distributed information. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus. Noncollege groups may distribute materials only on the grounds and outside spaces of the campus.