

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6950**

60th Legislature  
2008 Regular Session

Passed by the Senate March 11, 2008  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House March 5, 2008  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6950** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6950

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By Senators Brown, Hewitt, Fraser, Brandland, Swecker, Hatfield, Rasmussen, Rockefeller, Stevens, Haugen, Zarelli, Pridemore, Parlette, Sheldon, Hobbs, Hargrove, Holmquist, Fairley, Prentice, Kauffman, Berkey, Kilmer, Kohl-Welles, Shin, Carrell, King, Schoesler, Morton, Delvin, Pflug, Honeyford, and Eide

Read first time 02/16/08. Referred to Committee on State Government & Tribal Affairs.

1            AN ACT Relating to limited waiver or suspension of statutory  
2 obligations during officially declared emergencies; amending RCW  
3 43.06.220, 19.28.101, 43.22.350, 43.22.434, 43.22.480, 70.79.330,  
4 70.87.030, 70.87.120, 74.04.660, 80.04.130, 80.28.060, 80.36.110,  
5 81.04.130, 81.04.150, 81.28.050, 80.36.145, 80.36.320, 80.36.330,  
6 80.36.350, 81.108.050, 81.108.060, 81.108.110, 80.36.135, 81.68.046,  
7 81.84.070, 82.32.050, 82.32.080, 82.32.140, 83.100.050, 82.36.031,  
8 82.38.150, 82.42.040, 84.56.020, 84.56.440, 66.20.010, and 66.20.010;  
9 adding a new section to chapter 39.34 RCW; adding a new section to  
10 chapter 82.50 RCW; adding a new section to chapter 84.33 RCW; creating  
11 a new section; providing an effective date; and providing expiration  
12 dates.

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

14            **Sec. 1.** RCW 43.06.220 and 2003 c 53 s 222 are each amended to read  
15 as follows:

16            (1) The governor after proclaiming a state of emergency and prior  
17 to terminating such, may, in the area described by the proclamation  
18 issue an order prohibiting:

1 (a) Any person being on the public streets, or in the public parks,  
2 or at any other public place during the hours declared by the governor  
3 to be a period of curfew;

4 (b) Any number of persons, as designated by the governor, from  
5 assembling or gathering on the public streets, parks, or other open  
6 areas of this state, either public or private;

7 (c) The manufacture, transfer, use, possession or transportation of  
8 a molotov cocktail or any other device, instrument or object designed  
9 to explode or produce uncontained combustion;

10 (d) The transporting, possessing or using of gasoline, kerosene, or  
11 combustible, flammable, or explosive liquids or materials in a glass or  
12 uncapped container of any kind except in connection with the normal  
13 operation of motor vehicles, normal home use or legitimate commercial  
14 use;

15 (e) The possession of firearms or any other deadly weapon by a  
16 person (other than a law enforcement officer) in a place other than  
17 that person's place of residence or business;

18 (f) The sale, purchase or dispensing of alcoholic beverages;

19 (g) The sale, purchase or dispensing of other commodities or goods,  
20 as he or she reasonably believes should be prohibited to help preserve  
21 and maintain life, health, property or the public peace;

22 (h) The use of certain streets, highways or public ways by the  
23 public; and

24 (i) Such other activities as he or she reasonably believes should  
25 be prohibited to help preserve and maintain life, health, property or  
26 the public peace.

27 (2) The governor after proclaiming a state of emergency and prior  
28 to terminating such may, in the area described by the proclamation,  
29 issue an order or orders concerning waiver or suspension of statutory  
30 obligations or limitations in any or all of the following areas as  
31 further specified and limited by this act:

32 (a) Liability for participation in interlocal agreements;

33 (b) Inspection fees owed to the department of labor and industries;

34 (c) Application of the family emergency assistance program;

35 (d) Regulations, tariffs, and notice requirements under the  
36 jurisdiction of the utilities and transportation commission;

37 (e) Application of tax due dates and penalties relating to  
38 collection of taxes; and

1 (f) Permits for industrial, business, or medical uses of alcohol.

2 (3) In imposing the restrictions provided for by RCW 43.06.010, and  
3 43.06.200 through 43.06.270, the governor may impose them for such  
4 times, upon such conditions, with such exceptions and in such areas of  
5 this state he or she from time to time deems necessary.

6 ~~((3))~~ (4) Any person willfully violating any provision of an  
7 order issued by the governor under this section is guilty of a gross  
8 misdemeanor.

9 **PART I**

10 **INTERLOCAL AGREEMENTS**

11 NEW SECTION. **Sec. 101.** A new section is added to chapter 39.34  
12 RCW to read as follows:

13 (1) During a covered emergency, the department of community, trade,  
14 and economic development may enter into interlocal agreements under  
15 this chapter with one or more public agencies for the purposes of  
16 providing mutual aid and cooperation to any public agency affected by  
17 the cause of the emergency.

18 (2) All legal liability by a public agency and its employees for  
19 damage to property or injury or death to persons caused by acts done or  
20 attempted during, or while traveling to or from, a covered emergency,  
21 or in preparation for a covered emergency, pursuant to an interlocal  
22 agreement entered into under this section, or under the color of this  
23 section in a bona fide attempt to comply therewith, shall be the  
24 obligation of the state of Washington. Suits may be instituted and  
25 maintained against the state for the enforcement of such liability, or  
26 for the indemnification of any public agency or its employees for  
27 damage done to their private property, or for any judgment against them  
28 for acts done in good faith in compliance with this chapter: PROVIDED,  
29 That the foregoing shall not be construed to result in indemnification  
30 in any case of willful misconduct, gross negligence, or bad faith on  
31 the part of any public agency or any of a public agency's employees:  
32 PROVIDED, That should the United States or any agency thereof, in  
33 accordance with any federal statute, rule, or regulation, provide for  
34 the payment of damages to property and/or for death or injury as  
35 provided for in this section, then and in that event there shall be no

1 liability or obligation whatsoever upon the part of the state of  
2 Washington for any such damage, death, or injury for which the United  
3 States government assumes liability.

4 (3) For purposes of this section, "covered emergency" means an  
5 emergency for which the governor has proclaimed a state of emergency  
6 under RCW 43.06.010, and for which the governor has authorized the  
7 department of community, trade, and economic development to enter into  
8 interlocal agreements under this section.

9 (4) This section shall not affect the right of any person to  
10 receive benefits to which he or she would otherwise be entitled under  
11 the workers' compensation law, or under any pension or retirement law,  
12 nor the right of any such person to receive any benefits or  
13 compensation under any act of congress.

14 **PART II**  
15 **INSPECTIONS**

16 **Sec. 201.** RCW 19.28.101 and 2003 c 399 s 201 are each amended to  
17 read as follows:

18 (1) The director shall cause an inspector to inspect all wiring,  
19 appliances, devices, and equipment to which this chapter applies except  
20 for basic electrical work as defined in this chapter. The department  
21 may not require an electrical work permit for class A basic electrical  
22 work unless deficiencies in the installation or repair require  
23 inspection. The department may inspect class B basic electrical work  
24 on a random basis as specified by the department in rule. Nothing  
25 contained in this chapter may be construed as providing any authority  
26 for any subdivision of government to adopt by ordinance any provisions  
27 contained or provided for in this chapter except those pertaining to  
28 cities and towns pursuant to RCW 19.28.010(3).

29 (2) Upon request, electrical inspections will be made by the  
30 department within forty-eight hours, excluding holidays, Saturdays, and  
31 Sundays. If, upon written request, the electrical inspector fails to  
32 make an electrical inspection within twenty-four hours, the serving  
33 utility may immediately connect electrical power to the installation if  
34 the necessary electrical work permit is displayed: PROVIDED, That if  
35 the request is for an electrical inspection that relates to a mobile  
36 home installation, the applicant shall provide proof of a current

1 building permit issued by the local government agency authorized to  
2 issue such permits as a prerequisite for inspection approval or  
3 connection of electrical power to the mobile home.

4 (3) Whenever the installation of any wiring, device, appliance, or  
5 equipment is not in accordance with this chapter, or is in such a  
6 condition as to be dangerous to life or property, the person, firm,  
7 partnership, corporation, or other entity owning, using, or operating  
8 it shall be notified by the department and shall within fifteen days,  
9 or such further reasonable time as may upon request be granted, make  
10 such repairs and changes as are required to remove the danger to life  
11 or property and to make it conform to this chapter. The director,  
12 through the inspector, is hereby empowered to disconnect or order the  
13 discontinuance of electrical service to conductors or equipment that  
14 are found to be in a dangerous or unsafe condition and not in  
15 accordance with this chapter. Upon making a disconnection the  
16 inspector shall attach a notice stating that the conductors have been  
17 found dangerous to life or property and are not in accordance with this  
18 chapter. It is unlawful for any person to reconnect such defective  
19 conductors or equipment without the approval of the department, and  
20 until the conductors and equipment have been placed in a safe and  
21 secure condition, and in a condition that complies with this chapter.

22 (4) The director, through the electrical inspector, has the right  
23 during reasonable hours to enter into and upon any building or premises  
24 in the discharge of his or her official duties for the purpose of  
25 making any inspection or test of the installation of new construction  
26 or altered electrical wiring, electrical devices, equipment, or  
27 material contained in or on the buildings or premises. No electrical  
28 wiring or equipment subject to this chapter may be concealed until it  
29 has been approved by the inspector making the inspection. At the time  
30 of the inspection, electrical wiring or equipment subject to this  
31 chapter must be sufficiently accessible to permit the inspector to  
32 employ any testing methods that will verify conformance with the  
33 national electrical code and any other requirements of this chapter.

34 (5) Persons, firms, partnerships, corporations, or other entities  
35 making electrical installations shall obtain inspection and approval  
36 from an authorized representative of the department as required by this  
37 chapter before requesting the electric utility to connect to the  
38 installations. Electric utilities may connect to the installations if

1 approval is clearly indicated by certification of the electrical work  
2 permit required to be affixed to each installation or by equivalent  
3 means, except that increased or relocated services may be reconnected  
4 immediately at the discretion of the utility before approval if an  
5 electrical work permit is displayed. The permits shall be furnished  
6 upon payment of the fee to the department.

7 (6) The director, subject to the recommendations and approval of  
8 the board, shall set by rule a schedule of license and electrical work  
9 permit fees that will cover the costs of administration and enforcement  
10 of this chapter. The rules shall be adopted in accordance with the  
11 administrative procedure act, chapter 34.05 RCW. No fee may be charged  
12 for plug-in mobile homes, recreational vehicles, or portable  
13 appliances.

14 (7) Nothing in this chapter shall authorize the inspection of any  
15 wiring, appliance, device, or equipment, or installations thereof, by  
16 any utility or by any person, firm, partnership, corporation, or other  
17 entity employed by a utility in connection with the installation,  
18 repair, or maintenance of lines, wires, apparatus, or equipment owned  
19 by or under the control of the utility. All work covered by the  
20 national electric code not exempted by the 1981 edition of the national  
21 electric code 90-2(B)(5) shall be inspected by the department.

22 (8) During a state of emergency declared under RCW 43.06.010(12),  
23 the governor may waive or suspend the collection of fees under this  
24 section or any portion of this section or under any administrative  
25 rule, and issue any orders to facilitate the operation of state or  
26 local government or to promote and secure the safety and protection of  
27 the civilian population.

28 **Sec. 202.** RCW 43.22.350 and 1999 c 22 s 3 are each amended to read  
29 as follows:

30 (1) In compliance with any applicable provisions of this chapter,  
31 the director of the department of labor and industries shall establish  
32 a schedule of fees, whether on the basis of plan approval or  
33 inspection, for the issuance of an insigne which indicates that the  
34 mobile home, commercial coach, conversion vending units, medical units,  
35 recreational vehicle, and/or park trailer complies with the provisions  
36 of RCW 43.22.340 through 43.22.410 or for any other purpose  
37 specifically authorized by any applicable provision of this chapter.

1 (2) Insignia are not required on mobile homes, commercial coaches,  
2 conversion vending units, medical units, recreational vehicles, and/or  
3 park trailers manufactured within this state for sale outside this  
4 state which are sold to persons outside this state.

5 (3) During a state of emergency declared under RCW 43.06.010(12),  
6 the governor may waive or suspend the collection of fees under this  
7 section or any portion of this section or under any administrative  
8 rule, and issue any orders to facilitate the operation of state or  
9 local government or to promote and secure the safety and protection of  
10 the civilian population.

11 **Sec. 203.** RCW 43.22.434 and 2005 c 274 s 296 are each amended to  
12 read as follows:

13 (1) The director or the director's authorized representative may  
14 conduct such inspections, investigations, and audits as may be  
15 necessary to adopt or enforce manufactured and mobile home, commercial  
16 coach, conversion vending units, medical units, recreational vehicle,  
17 park trailer, factory built housing, and factory built commercial  
18 structure rules adopted under the authority of this chapter or to carry  
19 out the director's duties under this chapter.

20 (2) For purposes of enforcement of this chapter, persons duly  
21 designated by the director upon presenting appropriate credentials to  
22 the owner, operator, or agent in charge may:

23 (a) At reasonable times and without advance notice enter any  
24 factory, warehouse, or establishment in which manufactured and mobile  
25 homes, commercial coaches, conversion vending units, medical units,  
26 recreational vehicles, park trailers, factory built housing, and  
27 factory built commercial structures are manufactured, stored, or held  
28 for sale;

29 (b) At reasonable times, within reasonable limits, and in a  
30 reasonable manner inspect any factory, warehouse, or establishment as  
31 required to comply with the standards adopted by the secretary of  
32 housing and urban development under the national manufactured home  
33 construction and safety standards act of 1974. Each inspection shall  
34 be commenced and completed with reasonable promptness; and

35 (c) As requested by an owner of a conversion vending unit or  
36 medical unit, inspect an alteration.



1 (3) For purposes of determining compliance with this chapter's  
2 permitting requirements for alterations of mobile and manufactured  
3 homes, the department may audit the records of a contractor as defined  
4 in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor  
5 as defined in RCW 19.28.006 when the department has reason to believe  
6 that a violation of the permitting requirements has occurred. The  
7 department shall adopt rules implementing the auditing procedures.  
8 Information obtained from a contractor through an audit authorized by  
9 this subsection is confidential and not open to public inspection under  
10 chapter 42.56 RCW.

11 (4)(a) The department shall set a schedule of fees by rule which  
12 will cover the costs incurred by the department in the administration  
13 of RCW 43.22.335 through 43.22.490. The department may waive  
14 mobile/manufactured home alteration permit fees for indigent permit  
15 applicants.

16 (b)(i) Until April 1, 2009, subject to (a) of this subsection, the  
17 department may adopt by rule a temporary statewide fee schedule that  
18 decreases fees for mobile/manufactured home alteration permits and  
19 increases fees for factory-built housing and commercial structures plan  
20 review and inspection services.

21 (ii) Effective April 1, 2009, the department must adopt a new fee  
22 schedule that is the same as the fee schedule that was in effect  
23 immediately prior to the temporary fee schedule authorized in (b)(i) of  
24 this subsection. However, the new fee schedule must be adjusted by the  
25 fiscal growth factors not applied during the period that the temporary  
26 fee schedule was in effect.

27 (5) During a state of emergency declared under RCW 43.06.010(12),  
28 the governor may waive or suspend the collection of fees under this  
29 section or any portion of this section or under any administrative  
30 rule, and issue any orders to facilitate the operation of state or  
31 local government or to promote and secure the safety and protection of  
32 the civilian population.

33 **Sec. 204.** RCW 43.22.480 and 1998 c 37 s 4 are each amended to read  
34 as follows:

35 (1) The department shall adopt and enforce rules that protect the  
36 health, safety, and property of the people of this state by assuring  
37 that all factory built housing or factory built commercial structures

1 are structurally sound and that the plumbing, heating, electrical, and  
2 other components thereof are reasonably safe. The rules shall be  
3 reasonably consistent with recognized and accepted principles of safety  
4 and structural soundness, and in adopting the rules the department  
5 shall consider, so far as practicable, the standards and specifications  
6 contained in the uniform building, plumbing, and mechanical codes,  
7 including the barrier free code and the Washington energy code as  
8 adopted by the state building code council pursuant to chapter 19.27A  
9 RCW, and the national electrical code, including the state rules as  
10 adopted pursuant to chapter 19.28 RCW and published by the national  
11 fire protection association or, when applicable, the temporary worker  
12 building code adopted under RCW 70.114A.081.

13 (2) The department shall set a schedule of fees which will cover  
14 the costs incurred by the department in the administration and  
15 enforcement of RCW 43.22.450 through 43.22.490.

16 (3) The director may adopt rules that provide for approval of a  
17 plan that is certified as meeting state requirements or the equivalent  
18 by a professional who is licensed or certified in a state whose  
19 licensure or certification requirements meet or exceed Washington  
20 requirements.

21 (4) During a state of emergency declared under RCW 43.06.010(12),  
22 the governor may waive or suspend the collection of fees under this  
23 section or any portion of this section or under any administrative  
24 rule, and issue any orders to facilitate the operation of state or  
25 local government or to promote and secure the safety and protection of  
26 the civilian population.

27 **Sec. 205.** RCW 70.79.330 and 1977 ex.s. c 175 s 2 are each amended  
28 to read as follows:

29 The owner or user of a boiler or pressure vessel required by this  
30 chapter to be inspected by the chief inspector, or his deputy  
31 inspector, shall pay directly to the chief inspector, upon completion  
32 of inspection, fees and expenses in accordance with a schedule adopted  
33 by the board and approved by the director of the department of labor  
34 and industries in accordance with the requirements of the  
35 Administrative Procedure Act, chapter 34.05 RCW.

36 During a state of emergency declared under RCW 43.06.010(12), the  
37 governor may waive or suspend the collection of fees under this section

1 or any portion of this section or under any administrative rule, and  
2 issue any orders to facilitate the operation of state or local  
3 government or to promote and secure the safety and protection of the  
4 civilian population.

5 **Sec. 206.** RCW 70.87.030 and 2003 c 143 s 11 are each amended to  
6 read as follows:

7 The department shall adopt rules governing the mechanical and  
8 electrical operation, acceptance tests, conveyance work, operation, and  
9 inspection that are necessary and appropriate and shall also adopt  
10 minimum standards governing existing installations. In the execution  
11 of this rule-making power and before the adoption of rules, the  
12 department shall consider the rules for safe conveyance work,  
13 operation, and inspection, including the American National Standards  
14 Institute Safety Code for Personnel and Material Hoists, the American  
15 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters,  
16 and Escalators, and any amendatory or supplemental provisions thereto.  
17 The department by rule shall establish a schedule of fees to pay the  
18 costs incurred by the department for the work related to administration  
19 and enforcement of this chapter. Nothing in this chapter limits the  
20 authority of the department to prescribe or enforce general or special  
21 safety orders as provided by law.

22 The department may consult with: Engineering authorities and  
23 organizations concerned with standard safety codes; rules and  
24 regulations governing conveyance work, operation, and inspection; and  
25 the qualifications that are adequate, reasonable, and necessary for the  
26 elevator mechanic, contractor, and inspector.

27 During a state of emergency declared under RCW 43.06.010(12), the  
28 governor may waive or suspend the collection of fees under this section  
29 or any portion of this section or under any administrative rule, and  
30 issue any orders to facilitate the operation of state or local  
31 government or to promote and secure the safety and protection of the  
32 civilian population.

33 **Sec. 207.** RCW 70.87.120 and 1998 c 137 s 4 are each amended to  
34 read as follows:

35 (1) The department shall appoint and employ inspectors, as may be

1 necessary to carry out the provisions of this chapter, under the  
2 provisions of the rules adopted by the Washington personnel resources  
3 board in accordance with chapter 41.06 RCW.

4 (2)(a) Except as provided in (b) of this subsection, the department  
5 shall cause all conveyances to be inspected and tested at least once  
6 each year. Inspectors have the right during reasonable hours to enter  
7 into and upon any building or premises in the discharge of their  
8 official duties, for the purpose of making any inspection or testing  
9 any conveyance contained thereon or therein. Inspections and tests  
10 shall conform with the rules adopted by the department. The department  
11 shall inspect all installations before it issues any initial permit for  
12 operation. Permits shall not be issued until the fees required by this  
13 chapter have been paid.

14 (b)(i) Private residence conveyances operated exclusively for  
15 single-family use shall be inspected and tested only when required  
16 under RCW 70.87.100 or as necessary for the purposes of subsection (4)  
17 of this section and shall be exempt from RCW 70.87.090 unless an annual  
18 inspection and operating permit are requested by the owner.

19 (ii) The department may perform additional inspections of a private  
20 residence conveyance at the request of the owner of the conveyance.  
21 Fees for these inspections shall be in accordance with the schedule of  
22 fees adopted for operating permits pursuant to RCW 70.87.030. An  
23 inspection requested under this subsection (2)(b)(ii) shall not be  
24 performed until the required fees have been paid.

25 (3) If inspection shows a conveyance to be in an unsafe condition,  
26 the department shall issue an inspection report in writing requiring  
27 the repairs or alterations to be made to the conveyance that are  
28 necessary to render it safe and may also suspend or revoke a permit  
29 pursuant to RCW 70.87.125 or order the operation of a conveyance  
30 discontinued pursuant to RCW 70.87.145.

31 (a) A penalty may be assessed under RCW 70.87.185 for failure to  
32 correct a violation within ninety days after the owner is notified in  
33 writing of inspection results.

34 (b) The owner may be assessed a penalty under RCW 70.87.185 for  
35 failure to submit official notification in writing to the department  
36 that all corrections have been completed.

37 (4) The department may investigate accidents and alleged or  
38 apparent violations of this chapter.

1       (5) During a state of emergency declared under RCW 43.06.010(12),  
2 the governor may waive or suspend the collection of fees under this  
3 section or any portion of this section or under any administrative  
4 rule, and issue any orders to facilitate the operation of state or  
5 local government or to promote and secure the safety and protection of  
6 the civilian population.

7                                 **PART III**  
8                                 **FAMILY EMERGENCY ASSISTANCE PROGRAM**

9       **Sec. 301.** RCW 74.04.660 and 1994 c 296 s 1 are each amended to  
10 read as follows:

11       The department shall establish a consolidated emergency assistance  
12 program for families with children. Assistance may be provided in  
13 accordance with this section.

14       (1) Benefits provided under this program shall be limited to one  
15 period of time, as determined by the department, within any consecutive  
16 twelve-month period.

17       (2) Benefits under this program shall be provided to alleviate  
18 emergent conditions resulting from insufficient income and resources to  
19 provide for: Food, shelter, clothing, medical care, or other necessary  
20 items, as defined by the department. Benefits may also be provided for  
21 family reconciliation services, family preservation services, home-  
22 based services, short-term substitute care in a licensed agency as  
23 defined in RCW 74.15.020, crisis nurseries, therapeutic child care, or  
24 other necessary services as defined by the department. Benefits shall  
25 be provided only in an amount sufficient to cover the cost of the  
26 specific need, subject to the limitations established in this section.

27       (3)(a) The department shall, by rule, establish assistance  
28 standards and eligibility criteria for this program in accordance with  
29 this section.

30       (b) Eligibility for benefits or services under this section does  
31 not automatically entitle a recipient to medical assistance.

32       (4) The department shall seek federal emergency assistance funds to  
33 supplement the state funds appropriated for the operation of this  
34 program as long as other departmental programs are not adversely  
35 affected by the receipt of federal funds.

1 (5) If state funds appropriated for the consolidated emergency  
2 assistance program are exhausted, the department may discontinue the  
3 program.

4 (6) During a state of emergency and pursuant to an order from the  
5 governor, benefits under this program may be extended to individuals  
6 and families without children.

7 **PART IV**  
8 **UTILITIES AND TRANSPORTATION REGULATION**

9 **Sec. 401.** RCW 80.04.130 and 2003 c 189 s 1 are each amended to  
10 read as follows:

11 (1) Except as provided in subsection (2) of this section, whenever  
12 any public service company shall file with the commission any schedule,  
13 classification, rule, or regulation, the effect of which is to change  
14 any rate, charge, rental, or toll theretofore charged, the commission  
15 shall have power, either upon its own motion or upon complaint, upon  
16 notice, to enter upon a hearing concerning such proposed change and the  
17 reasonableness and justness thereof. Pending such hearing and the  
18 decision thereon, the commission may suspend the operation of such  
19 rate, charge, rental, or toll for a period not exceeding ten months  
20 from the time the same would otherwise go into effect. After a full  
21 hearing, the commission may make such order in reference thereto as  
22 would be provided in a hearing initiated after the same had become  
23 effective.

24 (2)(a) The commission shall not suspend a tariff that makes a  
25 decrease in a rate, charge, rental, or toll filed by a  
26 telecommunications company pending investigation of the fairness,  
27 justness, and reasonableness of the decrease when the filing does not  
28 contain any offsetting increase to another rate, charge, rental, or  
29 toll and the filing company agrees to not file for an increase to any  
30 rate, charge, rental, or toll to recover the revenue deficit that  
31 results from the decrease for a period of one year.

32 (i) The filing company shall file with any decrease sufficient  
33 information as the commission by rule may require to demonstrate the  
34 decreased rate, charge, rental, or toll is above the long run  
35 incremental cost of the service. A tariff decrease that results in a

1 rate that is below long run incremental cost, or is contrary to  
2 commission rule or order, or the requirements of this chapter, shall be  
3 rejected for filing and returned to the company.

4 (ii) The commission may prescribe a different rate to be effective  
5 on the prospective date stated in its final order after its  
6 investigation, if it concludes based on the record that the originally  
7 filed and effective rate is unjust, unfair, or unreasonable.

8 (b) The commission shall not suspend a promotional tariff. For the  
9 purposes of this section, "promotional tariff" means a tariff that, for  
10 a period of up to ninety days, waives or reduces charges or conditions  
11 of service for existing or new subscribers for the purpose of retaining  
12 or increasing the number of customers who subscribe to or use a  
13 service.

14 (3) The commission may suspend the initial tariff filing of any  
15 water company removed from and later subject to commission jurisdiction  
16 because of the number of customers or the average annual gross revenue  
17 per customer provisions of RCW 80.04.010. The commission may allow  
18 temporary rates during the suspension period. These rates shall not  
19 exceed the rates charged when the company was last regulated. Upon a  
20 showing of good cause by the company, the commission may establish a  
21 different level of temporary rates.

22 (4) At any hearing involving any change in any schedule,  
23 classification, rule, or regulation the effect of which is to increase  
24 any rate, charge, rental, or toll theretofore charged, the burden of  
25 proof to show that such increase is just and reasonable shall be upon  
26 the public service company.

27 (5) The implementation of mandatory local measured  
28 telecommunications service is a major policy change in available  
29 telecommunications service. The commission shall not accept for filing  
30 a price list, nor shall it accept for filing or approve, prior to June  
31 1, 2004, a tariff filed by a telecommunications company which imposes  
32 mandatory local measured service on any customer or class of customers,  
33 except that, upon finding that it is in the public interest, the  
34 commission may accept for filing a price list or it may accept for  
35 filing and approve a tariff that imposes mandatory measured service for  
36 a telecommunications company's extended area service or foreign  
37 exchange service. This subsection does not apply to land, air, or

1 marine mobile service, or to pay telephone service, or to any service  
2 which has been traditionally offered on a measured service basis.

3 (6) The implementation of Washington telephone assistance program  
4 service is a major policy change in available telecommunications  
5 service. The implementation of Washington telephone assistance program  
6 service will aid in achieving the stated goal of universal telephone  
7 service.

8 (7) If a utility claims a sales or use tax exemption on the  
9 pollution control equipment for an electrical generation facility and  
10 abandons the generation facility before the pollution control equipment  
11 is fully depreciated, any tariff filing for a rate increase to recover  
12 abandonment costs for the pollution control equipment shall be  
13 considered unjust and unreasonable for the purposes of this section.

14 (8) During a state of emergency declared under RCW 43.06.010(12),  
15 the governor may waive or suspend the operation or enforcement of this  
16 section or any portion of this section or under any administrative  
17 rule, and issue any orders to facilitate the operation of state or  
18 local government or to promote and secure the safety and protection of  
19 the civilian population.

20 **Sec. 402.** RCW 80.28.060 and 1989 c 152 s 1 are each amended to  
21 read as follows:

22 Unless the commission otherwise orders, no change shall be made in  
23 any rate or charge or in any form of contract or agreement or in any  
24 rule or regulation relating to any rate, charge or service, or in any  
25 general privilege or facility which shall have been filed and published  
26 by a gas company, electrical company or water company in compliance  
27 with the requirements of RCW 80.28.050 except after thirty days' notice  
28 to the commission and publication for thirty days, which notice shall  
29 plainly state the changes proposed to be made in the schedule then in  
30 force and the time when the change will go into effect and all proposed  
31 changes shall be shown by printing, filing and publishing new  
32 schedules, or shall be plainly indicated upon the schedules in force at  
33 the time and kept open to public inspection. Proposed changes may be  
34 suspended by the commission within thirty days or before the stated  
35 effective date of the proposed change, whichever is later. The  
36 commission, for good cause shown, may allow changes without requiring  
37 the thirty days' notice by duly filing, in such manner as it may



1 direct, an order specifying the changes so to be made and the time when  
2 it shall take effect. All such changes shall be immediately indicated  
3 upon its schedules by the company affected. When any change is made in  
4 any rate or charge, form of contract or agreement, or any rule or  
5 regulation relating to any rate or charge or service, or in any general  
6 privilege or facility, the effect of which is to increase any rate or  
7 charge, then in existence, attention shall be directed on the copy  
8 filed with the commission to such increase by some character  
9 immediately preceding or following the item in such schedule, such  
10 character to be in form as designated by the commission.

11 During a state of emergency declared under RCW 43.06.010(12), the  
12 governor may waive or suspend the operation or enforcement of this  
13 section or any portion of this section or under any administrative  
14 rule, and issue any orders to facilitate the operation of state or  
15 local government or to promote and secure the safety and protection of  
16 the civilian population.

17 **Sec. 403.** RCW 80.36.110 and 2006 c 347 s 2 are each amended to  
18 read as follows:

19 (1) Except as provided in subsection (2) of this section, unless  
20 the commission otherwise orders, no change shall be made in any rate,  
21 toll, rental, or charge, that was filed and published by any  
22 telecommunications company in compliance with the requirements of RCW  
23 80.36.100, except after notice as required in this subsection.

24 (a) For changes to any rate, toll, rental, or charge filed and  
25 published in a tariff, the company shall provide thirty days' notice to  
26 the commission and publication for thirty days as required in the case  
27 of original schedules in RCW 80.36.100. The notice shall plainly state  
28 the changes proposed to be made in the schedule then in force, and the  
29 time when the changed rate, toll, or charge will go into effect, and  
30 all proposed changes shall be shown by printing, filing and publishing  
31 new schedules, or shall be plainly indicated upon the schedules in  
32 force at the time and kept open to public inspection. Proposed changes  
33 may be suspended by the commission within thirty days or before the  
34 stated effective date of the proposed change, whichever is later.

35 (b) The commission for good cause shown may allow changes in rates,  
36 charges, tolls, or rentals without requiring the notice and publication

1 provided for in (a) of this subsection, by an order or rule specifying  
2 the change to be made and the time when it takes effect, and the manner  
3 in which the change will be filed and published.

4 (c) When any change is made in any rate, toll, rental, or charge,  
5 the effect of which is to increase any rate, toll, rental, or charge  
6 then existing, attention shall be directed on the copy filed with the  
7 commission to the increase by some character immediately preceding or  
8 following the item in the schedule, which character shall be in such a  
9 form as the commission may designate.

10 (2)(a) A telecommunications company may file a tariff that  
11 decreases any rate, charge, rental, or toll with ten days' notice to  
12 the commission and publication without receiving a special order from  
13 the commission when the filing does not contain an offsetting increase  
14 to another rate, charge, rental, or toll, and the filing company agrees  
15 not to file for an increase to any rate, charge, rental, or toll to  
16 recover the revenue deficit that results from the decrease for a period  
17 of one year.

18 (b) A telecommunications company may file a promotional offering to  
19 be effective, without receiving a special order from the commission,  
20 upon filing with the commission and publication. For the purposes of  
21 this section, "promotional offering" means a tariff that, for a period  
22 of up to ninety days, waives or reduces charges or conditions of  
23 service for existing or new subscribers for the purpose of retaining or  
24 increasing the number of customers who subscribe to or use a service.

25 During a state of emergency declared under RCW 43.06.010(12), the  
26 governor may waive or suspend the operation or enforcement of this  
27 section or any portion of this section or under any administrative  
28 rule, and issue any orders to facilitate the operation of state or  
29 local government or to promote and secure the safety and protection of  
30 the civilian population.

31 **Sec. 404.** RCW 81.04.130 and 2007 c 234 s 6 are each amended to  
32 read as follows:

33 Whenever any public service company, subject to regulation by the  
34 commission as to rates and service, files with the commission any  
35 schedule, classification, rule, or regulation, the effect of which is  
36 to change any rate, fare, charge, rental, or toll previously charged,  
37 the commission may, either upon its own motion or upon complaint, upon

1 notice, hold a hearing concerning the proposed change and the  
2 reasonableness and justness of it. Pending the hearing and the  
3 decision, the commission may suspend the operation of the rate, fare,  
4 charge, rental, or toll, if the change is proposed by a common carrier  
5 other than a solid waste collection company, for a period not exceeding  
6 seven months, and, if proposed by a solid waste collection company, for  
7 a period not exceeding ten months from the time the change would  
8 otherwise go into effect. After a full hearing the commission may make  
9 the order in reference to the change as would be provided in a hearing  
10 initiated after the change had become effective.

11 At any hearing involving any change in any schedule,  
12 classification, rule, or regulation the effect of which is to increase  
13 any rate, fare, charge, rental, or toll theretofore charged, the burden  
14 of proof to show that the increase is just and reasonable is upon the  
15 public service company. When any common carrier files any tariff,  
16 classification, rule, or regulation the effect of which is to decrease  
17 any rate, fare, or charge, the burden of proof to show that such  
18 decrease is just and reasonable is upon the common carrier.

19 During a state of emergency declared under RCW 43.06.010(12), the  
20 governor may waive or suspend the operation or enforcement of this  
21 section or any portion of this section or under any administrative  
22 rule, and issue any orders to facilitate the operation of state or  
23 local government or to promote and secure the safety and protection of  
24 the civilian population.

25 **Sec. 405.** RCW 81.04.150 and 2007 c 234 s 7 are each amended to  
26 read as follows:

27 Whenever the commission finds, after a hearing upon its own motion  
28 or upon complaint as provided in this chapter, that any rate, toll,  
29 rental, or charge that has been the subject of complaint and inquiry is  
30 sufficiently remunerative to the public service company subject to  
31 regulation by the commission as to rates and service affected by it,  
32 the commission may order that the rate, toll, rental, or charge must  
33 not be changed, altered, abrogated, or discontinued, nor must there be  
34 any change in the classification that will change or alter the rate,  
35 toll, rental, or charge without first obtaining the consent of the  
36 commission authorizing the change to be made.

1 During a state of emergency declared under RCW 43.06.010(12), the  
2 governor may waive or suspend the operation or enforcement of this  
3 section or any portion of this section or under any administrative  
4 rule, and issue any orders to facilitate the operation of state or  
5 local government or to promote and secure the safety and protection of  
6 the civilian population.

7 **Sec. 406.** RCW 81.28.050 and 2007 c 234 s 26 are each amended to  
8 read as follows:

9 Unless the commission otherwise orders, a change may not be made to  
10 any classification, rate, fare, charge, rule, or regulation filed and  
11 published by a common carrier subject to regulation by the commission  
12 as to rates and service, except after thirty days' notice to the  
13 commission and to the public. In the case of a solid waste collection  
14 company, a change may not be made except after forty-five days' notice  
15 to the commission and to the public. The notice must be published as  
16 provided in RCW 81.28.040 and must plainly state the changes proposed  
17 to be made in the schedule then in force and the time when the changed  
18 rate, classification, fare, or charge will go into effect. All  
19 proposed changes must be shown by printing, filing, and publishing new  
20 schedules or must be plainly indicated upon the schedules in force at  
21 the time and kept open to public inspection. The commission, for good  
22 cause shown, may by order allow changes in rates without requiring the  
23 notice and the publication time periods specified in this section.  
24 When any change is made in any rate, fare, charge, classification,  
25 rule, or regulation, attention must be directed to the change by some  
26 character on the schedule. The character and its placement must be  
27 designated by the commission. The commission may, by order, for good  
28 cause shown, allow changes in any rate, fare, charge, classification,  
29 rule, or regulation without requiring any character to indicate each  
30 and every change to be made.

31 During a state of emergency declared under RCW 43.06.010(12), the  
32 governor may waive or suspend the operation or enforcement of this  
33 section or any portion of this section or under any administrative  
34 rule, and issue any orders to facilitate the operation of state or  
35 local government or to promote and secure the safety and protection of  
36 the civilian population.

1       **Sec. 407.** RCW 80.36.145 and 1989 c 101 s 3 are each amended to  
2 read as follows:

3       (1) The legislature declares that the availability of an  
4 alternative abbreviated formal procedure for use by the commission  
5 instead of a full adjudicative proceeding may in appropriate  
6 circumstances advance the public interest by reducing the time required  
7 by the commission for decision and the costs incurred by interested  
8 parties and ratepayers. Therefore, the commission is authorized to use  
9 formal investigation and fact-finding instead of an adjudicative  
10 proceeding under chapter 34.05 RCW when it determines that its use is  
11 in the public interest and that a full adjudicative hearing is not  
12 necessary to fully develop the facts relevant to the proceeding and the  
13 positions of the parties, including intervenors.

14       (2) The commission may use formal investigation and fact-finding  
15 instead of the hearing provided in the following circumstances:

16       (a) A complaint proceeding under RCW 80.04.110 with concurrence of  
17 the respondent when the commission is the complainant or with  
18 concurrence of the complainant and respondent when not the commission;

19       (b) A tariff suspension under RCW 80.04.130; or

20       (c) A competitive classification proceeding under RCW 80.36.320 and  
21 80.36.330.

22       (3) In formal investigation and fact-finding the commission may  
23 limit the record to written submissions by the parties, including  
24 intervenors. The commission shall review the written submissions and,  
25 based thereon, shall enter appropriate findings of fact and conclusions  
26 of law and its order. When there is a reasonable expression of public  
27 interest in the issues under consideration, the commission shall hold  
28 at least one public hearing for the receipt of information from members  
29 of the public that are not formal intervenors in the proceeding and may  
30 elect to convert the proceeding to an adjudicative proceeding at any  
31 stage. The assignment of an agency employee or administrative law  
32 judge to preside at such public hearing shall not require the entry of  
33 an initial order.

34       (4) The commission shall adopt rules of practice and procedure  
35 including rules for discovery of information necessary for the use of  
36 formal investigation and fact-finding and for the filing of written  
37 submissions. The commission may provide by rule for a number of rounds

1 of written comments: PROVIDED, That the party with the burden of proof  
2 shall always have the opportunity to file reply comments.

3 (5) During a state of emergency declared under RCW 43.06.010(12),  
4 the governor may waive or suspend the operation or enforcement of this  
5 section or any portion of this section or under any administrative  
6 rule, and issue any orders to facilitate the operation of state or  
7 local government or to promote and secure the safety and protection of  
8 the civilian population.

9 **Sec. 408.** RCW 80.36.320 and 2006 c 347 s 3 are each amended to  
10 read as follows:

11 (1) The commission shall classify a telecommunications company as  
12 a competitive telecommunications company if the services it offers are  
13 subject to effective competition. Effective competition means that the  
14 company's customers have reasonably available alternatives and that the  
15 company does not have a significant captive customer base. In  
16 determining whether a company is competitive, factors the commission  
17 shall consider include but are not limited to:

- 18 (a) The number and sizes of alternative providers of service;
- 19 (b) The extent to which services are available from alternative  
20 providers in the relevant market;
- 21 (c) The ability of alternative providers to make functionally  
22 equivalent or substitute services readily available at competitive  
23 rates, terms, and conditions; and
- 24 (d) Other indicators of market power which may include market  
25 share, growth in market share, ease of entry, and the affiliation of  
26 providers of services.

27 The commission shall conduct the initial classification and any  
28 subsequent review of the classification in accordance with such  
29 procedures as the commission may establish by rule.

30 (2) Competitive telecommunications companies shall be subject to  
31 minimal regulation. The commission may waive any regulatory  
32 requirement under this title for competitive telecommunications  
33 companies when it determines that competition will serve the same  
34 purposes as public interest regulation. The commission may waive  
35 different regulatory requirements for different companies if such  
36 different treatment is in the public interest. A competitive  
37 telecommunications company shall at a minimum:

1 (a) Keep its accounts according to regulations as determined by the  
2 commission;

3 (b) File financial reports with the commission as required by the  
4 commission and in a form and at times prescribed by the commission; and

5 (c) Cooperate with commission investigations of customer  
6 complaints.

7 (3) The commission may revoke any waivers it grants and may  
8 reclassify any competitive telecommunications company if the revocation  
9 or reclassification would protect the public interest.

10 (4) The commission may waive the requirements of RCW 80.36.170 and  
11 80.36.180 in whole or in part for a competitive telecommunications  
12 company if it finds that competition will serve the same purpose and  
13 protect the public interest.

14 (5) During a state of emergency declared under RCW 43.06.010(12),  
15 the governor may waive or suspend the operation or enforcement of this  
16 section or any portion of this section or under any administrative  
17 rule, and issue any orders to facilitate the operation of state or  
18 local government or to promote and secure the safety and protection of  
19 the civilian population.

20 **Sec. 409.** RCW 80.36.330 and 2007 c 26 s 1 are each amended to read  
21 as follows:

22 (1) The commission may classify a telecommunications service  
23 provided by a telecommunications company as a competitive  
24 telecommunications service if the service is subject to effective  
25 competition. Effective competition means that customers of the service  
26 have reasonably available alternatives and that the service is not  
27 provided to a significant captive customer base. In determining  
28 whether a service is competitive, factors the commission shall consider  
29 include but are not limited to:

30 (a) The number and size of alternative providers of services,  
31 including those not subject to commission jurisdiction;

32 (b) The extent to which services are available from alternative  
33 providers in the relevant market;

34 (c) The ability of alternative providers to make functionally  
35 equivalent or substitute services readily available at competitive  
36 rates, terms, and conditions; and

1 (d) Other indicators of market power, which may include market  
2 share, growth in market share, ease of entry, and the affiliation of  
3 providers of services.

4 (2) Competitive telecommunications services are subject to minimal  
5 regulation. The commission may waive any regulatory requirement under  
6 this title for companies offering a competitive telecommunications  
7 service when it determines that competition will serve the same  
8 purposes as public interest regulation. The commission may waive  
9 different regulatory requirements for different companies if such  
10 different treatment is in the public interest. A company offering a  
11 competitive telecommunications service shall at a minimum:

12 (a) Keep its accounts according to rules adopted by the commission;

13 (b) File financial reports for competitive telecommunications  
14 services with the commission as required by the commission and in a  
15 form and at times prescribed by the commission; and

16 (c) Cooperate with commission investigations of customer  
17 complaints.

18 (3) Prices or rates charged for competitive telecommunications  
19 services shall cover their cost. The commission shall determine proper  
20 cost standards to implement this section, provided that in making any  
21 assignment of costs or allocating any revenue requirement, the  
22 commission shall act to preserve affordable universal  
23 telecommunications service.

24 (4) The commission may investigate prices for competitive  
25 telecommunications services upon complaint. In any complaint  
26 proceeding initiated by the commission, the telecommunications company  
27 providing the service shall bear the burden of proving that the prices  
28 charged cover cost, and are fair, just, and reasonable.

29 (5) Telecommunications companies shall provide the commission with  
30 all data it deems necessary to implement this section.

31 (6) No losses incurred by a telecommunications company in the  
32 provision of competitive services may be recovered through rates for  
33 noncompetitive services. The commission may order refunds or credits  
34 to any class of subscribers to a noncompetitive telecommunications  
35 service which has paid excessive rates because of below cost pricing of  
36 competitive telecommunications services.

37 (7) The commission may reclassify any competitive



1 telecommunications service if reclassification would protect the public  
2 interest.

3 (8) The commission may waive the requirements of RCW 80.36.170 and  
4 80.36.180 in whole or in part for a service classified as competitive  
5 if it finds that competition will serve the same purpose and protect  
6 the public interest.

7 (9) During a state of emergency declared under RCW 43.06.010(12),  
8 the governor may waive or suspend the operation or enforcement of this  
9 section or any portion of this section or under any administrative  
10 rule, and issue any orders to facilitate the operation of state or  
11 local government or to promote and secure the safety and protection of  
12 the civilian population.

13 **Sec. 410.** RCW 80.36.350 and 1990 c 10 s 1 are each amended to read  
14 as follows:

15 Each telecommunications company not operating under tariff in  
16 Washington on January 1, 1985, shall register with the commission  
17 before beginning operations in this state. The registration shall be  
18 on a form prescribed by the commission and shall contain such  
19 information as the commission may by rule require, but shall include as  
20 a minimum the name and address of the company; the name and address of  
21 its registered agent, if any; the name, address, and title of each  
22 officer or director; its most current balance sheet; its latest annual  
23 report, if any; and a description of the telecommunications services it  
24 offers or intends to offer.

25 The commission may require as a precondition to registration the  
26 procurement of a performance bond sufficient to cover any advances or  
27 deposits the telecommunications company may collect from its customers,  
28 or order that such advances or deposits be held in escrow or trust.

29 The commission may deny registration to any telecommunications  
30 company which:

- 31 (1) Does not provide the information required by this section;
- 32 (2) Fails to provide a performance bond, if required;
- 33 (3) Does not possess adequate financial resources to provide the  
34 proposed service; or
- 35 (4) Does not possess adequate technical competency to provide the  
36 proposed service.

1 The commission shall take action to approve or issue a notice of  
2 hearing concerning any application for registration within thirty days  
3 after receiving the application. The commission may approve an  
4 application with or without a hearing. The commission may deny an  
5 application after a hearing.

6 A telecommunications company may also submit a petition for  
7 competitive classification under RCW 80.36.310 at the time it applies  
8 for registration. The commission may act on the registration  
9 application and the competitive classification petition at the same  
10 time.

11 During a state of emergency declared under RCW 43.06.010(12), the  
12 governor may waive or suspend the operation or enforcement of this  
13 section or any portion of this section or under any administrative  
14 rule, and issue any orders to facilitate the operation of state or  
15 local government or to promote and secure the safety and protection of  
16 the civilian population.

17 **Sec. 411.** RCW 81.108.050 and 1997 c 243 s 1 are each amended to  
18 read as follows:

19 (1) The maximum disposal rates that a site operator may charge  
20 generators shall be determined in accordance with this section. The  
21 rates shall include all charges for disposal services at the site.

22 (2) Initially, the maximum disposal rates shall be the initial  
23 rates established pursuant to RCW 81.108.040.

24 (3) Subsequently, the maximum disposal rates shall be adjusted in  
25 January of each year to incorporate inflation and volume adjustments.  
26 Such adjustments shall take effect thirty days after filing with the  
27 commission unless the commission authorizes that the adjustments take  
28 effect earlier, or the commission contests the calculation of the  
29 adjustments, in which case the commission may suspend the filing. A  
30 site operator shall provide notice to its customers concurrent with the  
31 filing.

32 (4)(a) Subsequently, a site operator may also file for revisions to  
33 the maximum disposal rates due to:

34 (i) Changes in any governmentally imposed fee, surcharge, or tax  
35 assessed on a volume or a gross revenue basis against or collected by  
36 the site operator, including site closure fees, perpetual care and  
37 maintenance fees, business and occupation taxes, site surveillance

1 fees, leasehold excise taxes, commission regulatory fees, municipal  
2 taxes, and a tax or payment in lieu of taxes authorized by the state to  
3 compensate the county in which a site is located for that county's  
4 legitimate costs arising out of the presence of that site within that  
5 county; or

6 (ii) Factors outside the control of the site operator such as a  
7 material change in regulatory requirements regarding the physical  
8 operation of the site.

9 (b) Revisions to the maximum disposal rate shall take effect thirty  
10 days after filing with the commission unless the commission suspends  
11 the filing or authorizes the proposed adjustments to take effect  
12 earlier.

13 (5) Upon establishment of a contract rate pursuant to RCW  
14 81.108.060 for a disposal fee, the site operator may not collect a  
15 disposal fee that is greater than the effective rate. The effective  
16 rate shall be in effect so long as such contract rate remains in  
17 effect. Adjustments to the maximum disposal rates may be made during  
18 the time an effective rate is in place. Contracts for disposal of  
19 extraordinary volumes pursuant to RCW 81.108.070 shall not be  
20 considered in determining the effective rate.

21 (6) The site operator may petition the commission for new maximum  
22 disposal rates at any time. Upon receipt of such a petition, the  
23 commission shall set the matter for hearing and shall issue an order  
24 within seven months of the filing of the petition. The petition shall  
25 be accompanied by the documents required to accompany the filing for  
26 initial rates. The hearing on the petition shall be conducted in  
27 accordance with the commission's rules of practice and procedure.

28 (7) This section shall only take effect following a finding that  
29 the site operator is a monopoly pursuant to RCW 81.108.100.

30 (8) During a state of emergency declared under RCW 43.06.010(12),  
31 the governor may waive or suspend the operation or enforcement of this  
32 section or any portion of this section or under any administrative  
33 rule, and issue any orders to facilitate the operation of state or  
34 local government or to promote and secure the safety and protection of  
35 the civilian population.

36 **Sec. 412.** RCW 81.108.060 and 1991 c 272 s 7 are each amended to  
37 read as follows:

1 (1) At any time, a site operator may contract with any person to  
2 provide a contract disposal rate lower than the maximum disposal rate.

3 (2) A contract or contract amendment shall be submitted to the  
4 commission for approval at least thirty days before its effective date.  
5 The commission may approve the contract or suspend the contract and set  
6 it for hearing. If the commission takes no action within thirty days  
7 of filing, the contract or amendment shall go into effect according to  
8 its terms. Each contract filing shall be accompanied with  
9 documentation to show that the contract does not result in  
10 discrimination between generators receiving like and contemporaneous  
11 service under substantially similar circumstances and provides for the  
12 recovery of all costs associated with the provision of the service.

13 (3) This section shall only take effect following a finding that  
14 the site operator is a monopoly pursuant to RCW 81.108.100.

15 (4) During a state of emergency declared under RCW 43.06.010(12),  
16 the governor may waive or suspend the operation or enforcement of this  
17 section or any portion of this section or under any administrative  
18 rule, and issue any orders to facilitate the operation of state or  
19 local government or to promote and secure the safety and protection of  
20 the civilian population.

21 **Sec. 413.** RCW 81.108.110 and 1991 c 272 s 12 are each amended to  
22 read as follows:

23 (1) At any time after this chapter has been implemented with  
24 respect to a site operator, such site operator may petition the  
25 commission to be classified as competitive. The commission may  
26 initiate classification proceedings on its own motion. The commission  
27 shall enter its final order with respect to classification within seven  
28 months from the date of filing of a company's petition or the  
29 commission's motion.

30 (2) The commission shall classify a site operator as a competitive  
31 company if the commission finds, after notice and hearing, that the  
32 disposal services offered are subject to competition because the  
33 company's customers have reasonably available alternatives. In  
34 determining whether a company is competitive, the commission's  
35 consideration shall include, but not be limited to:

36 (a) Whether the system of interstate compacts and regional disposal  
37 sites established by federal law has been implemented so that the

1 Northwest compact site located near Richland, Washington is the  
2 exclusive site option for disposal by customers within the Northwest  
3 compact states;

4 (b) Whether waste generated outside the Northwest compact states is  
5 excluded; and

6 (c) The ability of alternative disposal sites to make functionally  
7 equivalent services readily available at competitive rates, terms, and  
8 conditions.

9 (3) The commission may reclassify a competitive site operator if  
10 reclassification would protect the public interest as set forth in this  
11 section.

12 (4) Competitive low-level radioactive waste disposal companies  
13 shall be exempt from commission regulation and fees during the time  
14 they are so classified.

15 (5) During a state of emergency declared under RCW 43.06.010(12),  
16 the governor may waive or suspend the operation or enforcement of this  
17 section or any portion of this section or under any administrative  
18 rule, and issue any orders to facilitate the operation of state or  
19 local government or to promote and secure the safety and protection of  
20 the civilian population.

21 **Sec. 414.** RCW 80.36.135 and 2000 c 82 s 1 are each amended to read  
22 as follows:

23 (1) The legislature declares that:

24 (a) Changes in technology and the structure of the  
25 telecommunications industry may produce conditions under which  
26 traditional rate of return, rate base regulation of telecommunications  
27 companies may not in all cases provide the most efficient and effective  
28 means of achieving the public policy goals of this state as declared in  
29 RCW 80.36.300, this section, and RCW 80.36.145. The commission should  
30 be authorized to employ an alternative form of regulation if that  
31 alternative is better suited to achieving those policy goals.

32 (b) Because of the great diversity in the scope and type of  
33 services provided by telecommunications companies, alternative  
34 regulatory arrangements that meet the varying circumstances of  
35 different companies and their ratepayers may be desirable.

36 (2) Subject to the conditions set forth in this chapter and RCW  
37 80.04.130, the commission may regulate telecommunications companies

1 subject to traditional rate of return, rate base regulation by  
2 authorizing an alternative form of regulation. The commission may  
3 determine the manner and extent of any alternative forms of regulation  
4 as may in the public interest be appropriate. In addition to the  
5 public policy goals declared in RCW 80.36.300, the commission shall  
6 consider, in determining the appropriateness of any proposed  
7 alternative form of regulation, whether it will:

8 (a) Facilitate the broad deployment of technological improvements  
9 and advanced telecommunications services to underserved areas or  
10 underserved customer classes;

11 (b) Improve the efficiency of the regulatory process;

12 (c) Preserve or enhance the development of effective competition  
13 and protect against the exercise of market power during its  
14 development;

15 (d) Preserve or enhance service quality and protect against the  
16 degradation of the quality or availability of efficient  
17 telecommunications services;

18 (e) Provide for rates and charges that are fair, just, reasonable,  
19 sufficient, and not unduly discriminatory or preferential; and

20 (f) Not unduly or unreasonably prejudice or disadvantage any  
21 particular customer class.

22 (3) A telecommunications company or companies subject to  
23 traditional rate of return, rate base regulation may petition the  
24 commission to establish an alternative form of regulation. The company  
25 or companies shall submit with the petition a plan for an alternative  
26 form of regulation. The plan shall contain a proposal for transition  
27 to the alternative form of regulation and the proposed duration of the  
28 plan. The plan must also contain a proposal for ensuring adequate  
29 carrier-to-carrier service quality, including service quality standards  
30 or performance measures for interconnection, and appropriate  
31 enforcement or remedial provisions in the event the company fails to  
32 meet service quality standards or performance measures. The commission  
33 also may initiate consideration of alternative forms of regulation for  
34 a company or companies on its own motion. The commission, after notice  
35 and hearing, shall issue an order accepting, modifying, or rejecting  
36 the plan within nine months after the petition or motion is filed,  
37 unless extended by the commission for good cause. The commission shall  
38 order implementation of the alternative plan of regulation unless it

1 finds that, on balance, an alternative plan as proposed or modified  
2 fails to meet the considerations stated in subsection (2) of this  
3 section.

4 (4) Not later than sixty days from the entry of the commission's  
5 order, the company or companies affected by the order may file with the  
6 commission an election not to proceed with the alternative form of  
7 regulation as authorized by the commission.

8 (5) The commission may waive such regulatory requirements under  
9 Title 80 RCW for a telecommunications company subject to an alternative  
10 form of regulation as may be appropriate to facilitate the  
11 implementation of this section. However, the commission may not waive  
12 any grant of legal rights to any person contained in this chapter and  
13 chapter 80.04 RCW. The commission may waive different regulatory  
14 requirements for different companies or services if such different  
15 treatment is in the public interest.

16 (6) Upon petition by the company, and after notice and hearing, the  
17 commission may rescind or modify an alternative form of regulation in  
18 the manner requested by the company.

19 (7) The commission or any person may file a complaint under RCW  
20 80.04.110 alleging that a telecommunications company under an  
21 alternative form of regulation has not complied with the terms and  
22 conditions set forth in the alternative form of regulation. The  
23 complainant shall bear the burden of proving the allegations in the  
24 complaint.

25 (8) During a state of emergency declared under RCW 43.06.010(12),  
26 the governor may waive or suspend the operation or enforcement of this  
27 section or any portion of this section or under any administrative  
28 rule, and issue any orders to facilitate the operation of state or  
29 local government or to promote and secure the safety and protection of  
30 the civilian population.

31 **Sec. 415.** RCW 81.68.046 and 2005 c 121 s 8 are each amended to  
32 read as follows:

33 The commission may, with or without a hearing, issue temporary  
34 certificates to engage in the business of operating an auto  
35 transportation company, but only after it finds that the issuance of  
36 the temporary certificate is consistent with the public interest. The  
37 temporary certificate may be issued for a period up to one hundred

1 eighty days. The commission may prescribe rules and impose terms and  
2 conditions as in its judgment are reasonable and necessary in carrying  
3 out this chapter. The commission may by rule, prescribe a fee for an  
4 application for the temporary certificate. The commission shall not  
5 issue a temporary certificate to operate in a territory: (1) For which  
6 a certificate has been issued, unless the existing certificate holder,  
7 upon twenty days' notice, does not object to the issuance of the  
8 certificate or is not providing service; or (2) for which an  
9 application is pending unless the filing for a temporary certificate is  
10 made by the applicant or the applicant does not object to the issuance  
11 of the certificate.

12 During a state of emergency declared under RCW 43.06.010(12), the  
13 governor may waive or suspend the operation or enforcement of this  
14 section or any portion of this section or under any administrative  
15 rule, and issue any orders to facilitate the operation of state or  
16 local government or to promote and secure the safety and protection of  
17 the civilian population.

18 **Sec. 416.** RCW 81.84.070 and 1993 c 427 s 8 are each amended to  
19 read as follows:

20 The commission may, with or without a hearing, issue temporary  
21 certificates to operate under this chapter, but only after it finds  
22 that the issuance of the temporary certificate is necessary due to an  
23 immediate and urgent need and is otherwise consistent with the public  
24 interest. The certificate may be issued for a period of up to one  
25 hundred eighty days. The commission may prescribe such special rules  
26 and impose special terms and conditions on the granting of the  
27 certificate as in its judgment are reasonable and necessary in carrying  
28 out this chapter. The commission shall collect a filing fee, not to  
29 exceed two hundred dollars, for each application for a temporary  
30 certificate. The commission shall not issue a temporary certificate to  
31 operate on a route for which a certificate has been issued or for which  
32 an application by another commercial ferry operator is pending.

33 During a state of emergency declared under RCW 43.06.010(12), the  
34 governor may waive or suspend the operation or enforcement of this  
35 section or any portion of this section or under any administrative  
36 rule, and issue any orders to facilitate the operation of state or



1 local government or to promote and secure the safety and protection of  
2 the civilian population.

3 **PART V**  
4 **COLLECTION OF TAXES**

5 **Sec. 501.** RCW 82.32.050 and 2007 c 111 s 106 are each amended to  
6 read as follows:

7 (1) If upon examination of any returns or from other information  
8 obtained by the department it appears that a tax or penalty has been  
9 paid less than that properly due, the department shall assess against  
10 the taxpayer such additional amount found to be due and shall add  
11 thereto interest on the tax only. The department shall notify the  
12 taxpayer by mail, or electronically as provided in RCW 82.32.135, of  
13 the additional amount and the additional amount shall become due and  
14 shall be paid within thirty days from the date of the notice, or within  
15 such further time as the department may provide.

16 (a) For tax liabilities arising before January 1, 1992, interest  
17 shall be computed at the rate of nine percent per annum from the last  
18 day of the year in which the deficiency is incurred until the earlier  
19 of December 31, 1998, or the date of payment. After December 31, 1998,  
20 the rate of interest shall be variable and computed as provided in  
21 subsection (2) of this section. The rate so computed shall be adjusted  
22 on the first day of January of each year for use in computing interest  
23 for that calendar year.

24 (b) For tax liabilities arising after December 31, 1991, the rate  
25 of interest shall be variable and computed as provided in subsection  
26 (2) of this section from the last day of the year in which the  
27 deficiency is incurred until the date of payment. The rate so computed  
28 shall be adjusted on the first day of January of each year for use in  
29 computing interest for that calendar year.

30 (c) Interest imposed after December 31, 1998, shall be computed  
31 from the last day of the month following each calendar year included in  
32 a notice, and the last day of the month following the final month  
33 included in a notice if not the end of a calendar year, until the due  
34 date of the notice. If payment in full is not made by the due date of  
35 the notice, additional interest shall be computed until the date of  
36 payment. The rate of interest shall be variable and computed as

1 provided in subsection (2) of this section. The rate so computed shall  
2 be adjusted on the first day of January of each year for use in  
3 computing interest for that calendar year.

4 (2) For the purposes of this section, the rate of interest to be  
5 charged to the taxpayer shall be an average of the federal short-term  
6 rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points.  
7 The rate set for each new year shall be computed by taking an  
8 arithmetical average to the nearest percentage point of the federal  
9 short-term rate, compounded annually. That average shall be calculated  
10 using the rates from four months: January, April, and July of the  
11 calendar year immediately preceding the new year, and October of the  
12 previous preceding year.

13 (3) During a state of emergency declared under RCW 43.06.010(12),  
14 the department, on its own motion or at the request of any taxpayer  
15 affected by the emergency, may extend the due date of any assessment or  
16 correction of an assessment for additional taxes, penalties, or  
17 interest as the department deems proper.

18 (4) No assessment or correction of an assessment for additional  
19 taxes, penalties, or interest due may be made by the department more  
20 than four years after the close of the tax year, except (a) against a  
21 taxpayer who has not registered as required by this chapter, (b) upon  
22 a showing of fraud or of misrepresentation of a material fact by the  
23 taxpayer, or (c) where a taxpayer has executed a written waiver of such  
24 limitation. The execution of a written waiver shall also extend the  
25 period for making a refund or credit as provided in RCW 82.32.060(2).

26 ((+4)) (5) For the purposes of this section, "return" means any  
27 document a person is required by the state of Washington to file to  
28 satisfy or establish a tax or fee obligation that is administered or  
29 collected by the department of revenue and that has a statutorily  
30 defined due date.

31 **Sec. 502.** RCW 82.32.080 and 1999 c 357 s 3 are each amended to  
32 read as follows:

33 (1) Payment of the tax may be made by uncertified check under such  
34 regulations as the department shall prescribe, but, if a check so  
35 received is not paid by the bank on which it is drawn, the taxpayer, by  
36 whom such check is tendered, shall remain liable for payment of the tax

1 and for all legal penalties, the same as if such check had not been  
2 tendered.

3 (2) Payment of the tax shall be made by electronic funds transfer,  
4 as defined in RCW 82.32.085, if the amount of the tax due in a calendar  
5 year is one million eight hundred thousand dollars or more. The  
6 department may by rule provide for tax thresholds between two hundred  
7 forty thousand dollars and one million eight hundred thousand dollars  
8 for mandatory use of electronic funds transfer. All taxes administered  
9 by this chapter are subject to this requirement except the taxes  
10 authorized by chapters 82.14A, 82.14B, 82.24, 82.27, 82.29A, and 84.33  
11 RCW. It is the intent of this section to require electronic funds  
12 transfer for those taxes reported on the department's combined excise  
13 tax return or any successor return.

14 (3) A return or remittance which is transmitted to the department  
15 by United States mail shall be deemed filed or received on the date  
16 shown by the post office cancellation mark stamped upon the envelope  
17 containing it, except as otherwise provided in this chapter. The  
18 department is authorized to allow electronic filing of returns or  
19 remittances from any taxpayer. A return or remittance which is  
20 transmitted to the department electronically shall be deemed filed or  
21 received according to procedures set forth by the department.

22 (4)(a)(i) The department, for good cause shown, may extend the time  
23 for making and filing any return, and may grant such reasonable  
24 additional time within which to make and file returns as it may deem  
25 proper, but any permanent extension granting the taxpayer a reporting  
26 date without penalty more than ten days beyond the due date, and any  
27 extension in excess of thirty days shall be conditional on deposit with  
28 the department of an amount to be determined by the department which  
29 shall be approximately equal to the estimated tax liability for the  
30 reporting period or periods for which the extension is granted. In the  
31 case of a permanent extension or a temporary extension of more than  
32 thirty days the deposit shall be deposited within the state treasury  
33 with other tax funds and a credit recorded to the taxpayer's account  
34 which may be applied to taxpayer's liability upon cancellation of the  
35 permanent extension or upon reporting of the tax liability where an  
36 extension of more than thirty days has been granted.

37 (ii) The department shall review the requirement for deposit at  
38 least annually and may require a change in the amount of the deposit

1 required when it believes that such amount does not approximate the tax  
2 liability for the reporting period or periods for which the extension  
3 is granted.

4 (b) During a state of emergency declared under RCW 43.06.010(12),  
5 the department, on its own motion or at the request of any taxpayer  
6 affected by the emergency, may extend the time for making or filing any  
7 return as the department deems proper. The department may not require  
8 any deposit as a condition for granting an extension under this  
9 subsection (4)(b).

10 (5) The department shall keep full and accurate records of all  
11 funds received and disbursed by it. Subject to the provisions of RCW  
12 82.32.105 and 82.32.350, the department shall apply the payment of the  
13 taxpayer first against penalties and interest, and then upon the tax,  
14 without regard to any direction of the taxpayer.

15 (6) The department may refuse to accept any return which is not  
16 accompanied by a remittance of the tax shown to be due thereon. When  
17 such return is not accepted, the taxpayer shall be deemed to have  
18 failed or refused to file a return and shall be subject to the  
19 procedures provided in RCW 82.32.100 and to the penalties provided in  
20 RCW 82.32.090. The above authority to refuse to accept a return shall  
21 not apply when a return is timely filed and a timely payment has been  
22 made by electronic funds transfer.

23 **Sec. 503.** RCW 82.32.140 and 2007 c 111 s 109 are each amended to  
24 read as follows:

25 (1) Whenever any taxpayer quits business, or sells out, exchanges,  
26 or otherwise disposes of more than fifty percent of the fair market  
27 value of either its tangible or intangible assets, any tax payable  
28 hereunder shall become immediately due and payable, and such taxpayer  
29 shall, within ten days thereafter, make a return and pay the tax due,  
30 unless an extension is granted under RCW 82.32.080.

31 (2) Any person who becomes a successor shall withhold from the  
32 purchase price a sum sufficient to pay any tax due from the taxpayer  
33 until such time as the taxpayer shall produce a receipt from the  
34 department of revenue showing payment in full of any tax due or a  
35 certificate that no tax is due. If any tax is not paid by the taxpayer  
36 within ten days from the date of such sale, exchange, or disposal, the  
37 successor shall become liable for the payment of the full amount of

1 tax. If the fair market value of the assets acquired by a successor is  
2 less than fifty thousand dollars, the successor's liability for payment  
3 of the unpaid tax is limited to the fair market value of the assets  
4 acquired from the taxpayer. The burden of establishing the fair market  
5 value of the assets acquired is on the successor.

6 (3) The payment of any tax by a successor shall, to the extent  
7 thereof, be deemed a payment upon the purchase price; and if such  
8 payment is greater in amount than the purchase price the amount of the  
9 difference shall become a debt due the successor from the taxpayer.

10 (4) No successor shall be liable for any tax due from the person  
11 from whom the successor has acquired a business or stock of goods if  
12 the successor gives written notice to the department of revenue of such  
13 acquisition and no assessment is issued by the department of revenue  
14 within six months of receipt of such notice against the former operator  
15 of the business and a copy thereof mailed to the successor or provided  
16 electronically to the successor in accordance with RCW 82.32.135.

17 **Sec. 504.** RCW 83.100.050 and 2005 c 516 s 5 are each amended to  
18 read as follows:

19 (1) A Washington return must be filed if: (a) A federal return is  
20 required to be filed; or (b) for decedents dying prior to January 1,  
21 2006, the gross estate exceeds one million five hundred thousand  
22 dollars; or (c) for decedents dying on or after January 1, 2006, the  
23 gross estate exceeds two million dollars.

24 (2)(a) A person required to file a federal return shall file with  
25 the department on or before the date the federal return is required to  
26 be filed, including any extension of time for filing under subsection  
27 (4) or (6) of this section, a Washington return for the tax due under  
28 this chapter.

29 (b) If no federal return is required to be filed, a taxpayer shall  
30 file with the department on or before the date a federal return would  
31 have been required to be filed, including any extension of time for  
32 filing under subsection (5) or (6) of this section, a Washington return  
33 for the tax due under this chapter.

34 (3) A Washington return delivered to the department by United  
35 States mail shall be considered to have been received by the department  
36 on the date of the United States postmark stamped on the cover in which

1 the return is mailed, if the postmark date is within the time allowed  
2 for filing the Washington return, including extensions.

3 (4) In addition to the Washington return required to be filed in  
4 subsection (2) of this section, a person, if required to file a federal  
5 return, shall file with the department on or before the date the  
6 federal return((~~7~~)) is required to be filed a copy of the federal  
7 return along with all supporting documentation. If the person required  
8 to file the federal return has obtained an extension of time for filing  
9 the federal return, the person shall file the Washington return within  
10 the same time period and in the same manner as provided for the federal  
11 return. A copy of the federal extension shall be filed with the  
12 department on or before the date the Washington return is due, not  
13 including any extension of time for filing, or within thirty days of  
14 issuance, whichever is later.

15 (5) A person (~~(who is required to file a Washington return under~~  
16 ~~subsection (2) of this section, but is not required to file a federal~~  
17 ~~return,~~) may obtain an extension of time for filing the Washington  
18 return as provided by rule of the department, if the person is required  
19 to file a Washington return under subsection (2) of this section, but  
20 is not required to file a federal return.

21 (6) During a state of emergency declared under RCW 43.06.010(12),  
22 the department, on its own motion or at the request of any taxpayer  
23 affected by the emergency, may extend the time for filing a Washington  
24 return under this section as the department deems proper.

25 **Sec. 505.** RCW 82.36.031 and 2007 c 515 s 8 are each amended to  
26 read as follows:

27 (1) For the purpose of determining the amount of liability for the  
28 tax imposed under this chapter, and to periodically update license  
29 information, each licensee, other than a motor vehicle fuel distributor  
30 or an international fuel tax agreement licensee, shall file monthly tax  
31 reports with the department, on a form prescribed by the department.  
32 An international fuel tax licensee shall file quarterly tax reports  
33 with the department, on a form prescribed by the department.

34 (2) A report shall be filed with the department even though no  
35 motor vehicle fuel tax is due for the reporting period. Each tax  
36 report shall contain a declaration by the person making the same, to  
37 the effect that the statements contained therein are true and made

1 under penalties of perjury, which declaration has the same force and  
2 effect as a verification of the report and is in lieu of the  
3 verification. The report shall show information as the department may  
4 require for the proper administration and enforcement of this chapter.  
5 Tax reports shall be filed on or before the twenty-fifth day of the  
6 next succeeding calendar month following the period to which the  
7 reports relate. If the final filing date falls on a Saturday, Sunday,  
8 or legal holiday the next secular or business day shall be the final  
9 filing date.

10 (3) The department, if it deems it necessary in order to ensure  
11 payment of the tax imposed under this chapter, or to facilitate the  
12 administration of this chapter, may require the filing of reports and  
13 tax remittances at shorter intervals than one month.

14 (4) During a state of emergency declared under RCW 43.06.010(12),  
15 the department, on its own motion or at the request of any taxpayer  
16 affected by the emergency, may extend the time for filing any report or  
17 the due date for tax remittances as the department deems proper.

18 **Sec. 506.** RCW 82.38.150 and 2007 c 515 s 28 are each amended to  
19 read as follows:

20 (1) For the purpose of determining the amount of liability for the  
21 tax herein imposed, and to periodically update license information,  
22 each licensee, other than a special fuel distributor, an international  
23 fuel tax agreement licensee, or a dyed special fuel user, shall file  
24 monthly tax reports with the department, on forms prescribed by the  
25 department.

26 (2) Dyed special fuel users whose estimated yearly tax liability is  
27 two hundred fifty dollars or less, shall file a report yearly, and dyed  
28 special fuel users whose estimated yearly tax liability is more than  
29 two hundred fifty dollars, shall file reports quarterly. Special fuel  
30 users licensed under the international fuel tax agreement shall file  
31 reports quarterly. Heating oil dealers subject to the pollution  
32 liability insurance agency fee and reporting requirements shall remit  
33 pollution liability insurance agency returns and any associated payment  
34 due to the department annually.

35 (3) The department shall establish the reporting frequency for each  
36 applicant at the time the special fuel license is issued. If it  
37 becomes apparent that any licensee is not reporting in accordance with

1 the above schedule, the department shall change the licensee's  
2 reporting frequency by giving thirty days' notice to the licensee by  
3 mail to the licensee's address of record. A report shall be filed with  
4 the department even though no special fuel was used, or tax is due, for  
5 the reporting period. Each tax report shall contain a declaration by  
6 the person making the same, to the effect that the statements contained  
7 therein are true and are made under penalties of perjury, which  
8 declaration shall have the same force and effect as a verification of  
9 the report and is in lieu of such verification. The report shall show  
10 such information as the department may reasonably require for the  
11 proper administration and enforcement of this chapter. A licensee  
12 shall file a tax report on or before the twenty-fifth day of the next  
13 succeeding calendar month following the period to which it relates.

14 (4) Subject to the written approval of the department, tax reports  
15 may cover a period ending on a day other than the last day of the  
16 calendar month. Taxpayers granted approval to file reports in this  
17 manner will file such reports on or before the twenty-fifth day  
18 following the end of the reporting period. No change to this reporting  
19 period will be made without the written authorization of the  
20 department.

21 (5) If the final filing date falls on a Saturday, Sunday, or legal  
22 holiday the next secular or business day shall be the final filing  
23 date. Such reports shall be considered filed or received on the date  
24 shown by the post office cancellation mark stamped upon an envelope  
25 containing such report properly addressed to the department, or on the  
26 date it was mailed if proof satisfactory to the department is available  
27 to establish the date it was mailed.

28 (6) The department, if it deems it necessary in order to insure  
29 payment of the tax imposed by this chapter, or to facilitate the  
30 administration of this chapter, has the authority to require the filing  
31 of reports and tax remittances at shorter intervals than one month if,  
32 in its opinion, an existing bond has become insufficient.

33 (7) During a state of emergency declared under RCW 43.06.010(12),  
34 the department, on its own motion or at the request of any taxpayer  
35 affected by the emergency, may extend the time for filing any report or  
36 the due date for tax remittances as the department deems proper.



1       **Sec. 507.** RCW 82.42.040 and 1996 c 104 s 14 are each amended to  
2 read as follows:

3       The director shall by rule and regulation adopted as provided in  
4 chapter 34.05 RCW (Administrative Procedure Act) set up the necessary  
5 administrative procedure for collection by the department of the  
6 aircraft fuel excise tax as provided for in RCW 82.42.020, placing the  
7 responsibility of collection of said tax upon every distributor of  
8 aircraft fuel within the state; he may require the licensing of every  
9 distributor of aircraft fuel and shall require such a corporate surety  
10 bond or security of any distributor or person not otherwise bonded  
11 under provisions of chapter 82.36 RCW as is provided for distributors  
12 of motor vehicle fuel under RCW 82.36.060; he shall provide such forms  
13 and may require such reports or statements as in his determination  
14 shall be necessary for the proper administration of this chapter. The  
15 director may require such records to be kept, and for such periods of  
16 time, as deemed necessary for the administration of this chapter, which  
17 records shall be available at all times for the director or his  
18 representative who may require a statement under oath as to the  
19 contents thereof. During a state of emergency declared under RCW  
20 43.06.010(12), the director, on his or her own motion or at the request  
21 of any taxpayer affected by the emergency, may extend the time for  
22 filing any report or the due date for tax remittances as the director  
23 deems proper.

24       Every application for a distributor's license must contain the  
25 following information to the extent it applies to the applicant:

26       (1) Proof as the department may require concerning the applicant's  
27 identity, including but not limited to his or her fingerprints or those  
28 of the officers of a corporation making the application;

29       (2) The applicant's form and place of organization including proof  
30 that the individual, partnership, or corporation is licensed to do  
31 business in this state;

32       (3) The qualification and business history of the applicant and any  
33 partner, officer, or director;

34       (4) The applicant's financial condition or history including a bank  
35 reference and whether the applicant or any partner, officer, or  
36 director has ever been adjudged bankrupt or has an unsatisfied judgment  
37 in a federal or state court;

1 (5) Whether the applicant has been adjudged guilty of a crime that  
2 directly relates to the business for which the license is sought and  
3 the time elapsed since the conviction is less than ten years, or has  
4 suffered a judgment within the preceding five years in a civil action  
5 involving fraud, misrepresentation, or conversion and in the case of a  
6 corporation or partnership, all directors, officers, or partners.

7 After receipt of an application for a license, the director may  
8 conduct an investigation to determine whether the facts set forth are  
9 true. The director may require a fingerprint record check of the  
10 applicant through the Washington state patrol criminal identification  
11 system and the federal bureau of investigation before issuance of a  
12 license. The results of the background investigation including  
13 criminal history information may be released to authorized department  
14 personnel as the director deems necessary. The department shall charge  
15 a license holder or license applicant a fee of fifty dollars for each  
16 background investigation conducted.

17 An applicant who makes a false statement of a material fact on the  
18 application may be prosecuted for false swearing as defined by RCW  
19 9A.72.040.

20 NEW SECTION. **Sec. 508.** A new section is added to chapter 82.50  
21 RCW to read as follows:

22 During a state of emergency declared under RCW 43.06.010(12), the  
23 director, on his or her own motion or at the request of any taxpayer  
24 affected by the emergency, may grant extensions of the due date of any  
25 taxes payable under this chapter as the director deems proper.

26 NEW SECTION. **Sec. 509.** A new section is added to chapter 84.33  
27 RCW to read as follows:

28 (1) A harvester may elect to calculate the tax imposed by this  
29 chapter in the manner provided in RCW 84.33.074 for an amount of timber  
30 that does not exceed five million board feet, if all of the following  
31 conditions are met:

32 (a) The timber is harvested after December 31, 2007, and before  
33 January 1, 2010;

34 (b) The timber is harvested on property within a county designated  
35 by the president of the United States as a disaster area as a result of

1 severe storms and flooding that occurred in December 2007 and the  
2 county qualifies for individual assistance from the federal emergency  
3 management agency; and

4 (c) For any tax liability under this chapter incurred by the  
5 harvester in calendar years 2005, 2006, and 2007, the tax liability  
6 resulted from the felling, cutting, or taking of timber in an amount  
7 not exceeding two million board feet in each of those years.

8 (2) This section expires January 1, 2010.

9 **Sec. 510.** RCW 84.56.020 and 2007 c 105 s 2 are each amended to  
10 read as follows:

11 (1) The county treasurer shall be the receiver and collector of all  
12 taxes extended upon the tax rolls of the county, whether levied for  
13 state, county, school, bridge, road, municipal or other purposes, and  
14 also of all fines, forfeitures or penalties received by any person or  
15 officer for the use of his or her county. No treasurer shall accept  
16 tax payments or issue receipts for the same until the treasurer has  
17 completed the tax roll for the current year's collection and provided  
18 notification of the completion of the roll. Notification may be  
19 accomplished electronically, by posting a notice in the office, or  
20 through other written communication as determined by the treasurer.  
21 All taxes upon real and personal property made payable by the  
22 provisions of this title shall be due and payable to the treasurer on  
23 or before the thirtieth day of April and, except as provided in this  
24 section, shall be delinquent after that date.

25 (2) Each tax statement shall include a notice that checks for  
26 payment of taxes may be made payable to "Treasurer of . . . . .  
27 County" or other appropriate office, but tax statements shall not  
28 include any suggestion that checks may be made payable to the name of  
29 the individual holding the office of treasurer nor any other  
30 individual.

31 (3) When the total amount of tax or special assessments on personal  
32 property or on any lot, block or tract of real property payable by one  
33 person is fifty dollars or more, and if one-half of such tax be paid on  
34 or before the thirtieth day of April, the remainder of such tax shall  
35 be due and payable on or before the thirty-first day of October  
36 following and shall be delinquent after that date.

1 (4) When the total amount of tax or special assessments on any lot,  
2 block or tract of real property or on any mobile home payable by one  
3 person is fifty dollars or more, and if one-half of such tax be paid  
4 after the thirtieth day of April but before the thirty-first day of  
5 October, together with the applicable interest and penalty on the full  
6 amount of tax payable for that year, the remainder of such tax shall be  
7 due and payable on or before the thirty-first day of October following  
8 and shall be delinquent after that date.

9 (5) Delinquent taxes under this section are subject to interest at  
10 the rate of twelve percent per annum computed on a monthly basis on the  
11 full year amount of tax unpaid from the date of delinquency until paid.  
12 Interest shall be calculated at the rate in effect at the time of  
13 payment of the tax, regardless of when the taxes were first delinquent.  
14 In addition, delinquent taxes under this section are subject to  
15 penalties as follows:

16 (a) A penalty of three percent of the full year amount of tax  
17 unpaid shall be assessed on the tax delinquent on June 1st of the year  
18 in which the tax is due.

19 (b) An additional penalty of eight percent shall be assessed on the  
20 amount of tax delinquent on December 1st of the year in which the tax  
21 is due.

22 (6) Subsection (5) of this section notwithstanding, no interest or  
23 penalties may be assessed during any period of armed conflict on  
24 delinquent taxes imposed on the personal residences owned by active  
25 duty military personnel who are participating as part of one of the  
26 branches of the military involved in the conflict and assigned to a  
27 duty station outside the territorial boundaries of the United States.

28 (7) During a state of emergency declared under RCW 43.06.010(12),  
29 the county treasurer, on his or her own motion or at the request of any  
30 taxpayer affected by the emergency, may grant extensions of the due  
31 date of any taxes payable under this section as the treasurer deems  
32 proper.

33 (8) For purposes of this chapter, "interest" means both interest  
34 and penalties.

35 ~~((+8))~~ (9) All collections of interest on delinquent taxes shall  
36 be credited to the county current expense fund; but the cost of  
37 foreclosure and sale of real property, and the fees and costs of  
38 distraint and sale of personal property, for delinquent taxes, shall,

1 when collected, be credited to the operation and maintenance fund of  
2 the county treasurer prosecuting the foreclosure or distraint or sale;  
3 and shall be used by the county treasurer as a revolving fund to defray  
4 the cost of further foreclosure, distraint and sale for delinquent  
5 taxes without regard to budget limitations.

6 **Sec. 511.** RCW 84.56.440 and 1993 c 33 s 6 are each amended to read  
7 as follows:

8 (1) The department of revenue shall collect all ad valorem taxes  
9 upon ships and vessels listed with the department in accordance with  
10 RCW 84.40.065 and all applicable interest and penalties.

11 The taxes shall be due and payable to the department on or before  
12 the thirtieth day of April and shall be delinquent after that date.

13 (2) If payment of the tax is not received by the department by the  
14 due date, there shall be imposed a penalty of five percent of the  
15 amount of the tax; and if the tax is not received within thirty days  
16 after the due date, there shall be imposed a total penalty of ten  
17 percent of the amount of the tax; and if the tax is not received within  
18 sixty days after the due date, there shall be imposed a total penalty  
19 of twenty percent of the amount of the tax. No penalty so added shall  
20 be less than five dollars.

21 (3) Delinquent taxes under this section are subject to interest at  
22 the rate set forth in RCW 82.32.050 from the date of delinquency until  
23 paid. Interest or penalties collected on delinquent taxes under this  
24 section shall be paid by the department into the general fund of the  
25 state treasury.

26 (4) If upon information obtained by the department it appears that  
27 any ship or vessel required to be listed according to the provisions of  
28 RCW 84.40.065 is not so listed, the department shall value the ship or  
29 vessel and assess against the owner of the vessel the taxes found to be  
30 due and shall add thereto interest at the rate set forth in RCW  
31 82.32.050 from the original due date of the tax until the date of  
32 payment. The department shall notify the vessel owner by mail of the  
33 amount and the same shall become due and shall be paid by the vessel  
34 owner within thirty days of the date of the notice. If payment is not  
35 received by the department by the due date specified in the notice, the  
36 department shall add a penalty of ten percent of the tax found due. A  
37 person who willfully gives a false listing or willfully fails to list

1 a ship or vessel as required by RCW 84.40.065 shall be subject to the  
2 penalty imposed by RCW 84.40.130(2), which shall be assessed and  
3 collected by the department.

4 (5) Delinquent taxes under this section, along with all penalties  
5 and interest thereon, shall be collected by the department according to  
6 the procedures set forth in chapter 82.32 RCW for the filing and  
7 execution of tax warrants, including the imposition of warrant  
8 interest. In the event a warrant is issued by the department for the  
9 collection of taxes under this section, the department shall add a  
10 penalty of five percent of the amount of the delinquent tax, but not  
11 less than ten dollars.

12 (6) The department shall also collect all delinquent taxes  
13 pertaining to ships and vessels appearing on the records of the county  
14 treasurers for each of the counties of this state as of December 31,  
15 1993, including any applicable interest or penalties. The provisions  
16 of subsection (5) of this section shall apply to the collection of such  
17 delinquent taxes.

18 (7) During a state of emergency declared under RCW 43.06.010(12),  
19 the department, on its own motion or at the request of any taxpayer  
20 affected by the emergency, may grant extensions of the due date of any  
21 taxes payable under this section as the department deems proper.

22 **PART VI**  
23 **INDUSTRIAL ALCOHOL**

24 **Sec. 601.** RCW 66.20.010 and 1998 c 126 s 1 are each amended to  
25 read as follows:

26 Upon application in the prescribed form being made to any employee  
27 authorized by the board to issue permits, accompanied by payment of the  
28 prescribed fee, and upon the employee being satisfied that the  
29 applicant should be granted a permit under this title, the employee  
30 shall issue to the applicant under such regulations and at such fee as  
31 may be prescribed by the board a permit of the class applied for, as  
32 follows:

33 (1) Where the application is for a special permit by a physician or  
34 dentist, or by any person in charge of an institution regularly  
35 conducted as a hospital or sanatorium for the care of persons in ill  
36 health, or as a home devoted exclusively to the care of aged people, a

1 special liquor purchase permit, except that the governor may waive the  
2 requirement for a special liquor purchase permit under this subsection  
3 pursuant to an order issued under RCW 43.06.220(2);

4 (2) Where the application is for a special permit by a person  
5 engaged within the state in mechanical or manufacturing business or in  
6 scientific pursuits requiring alcohol for use therein, or by any  
7 private individual, a special permit to purchase alcohol for the  
8 purpose named in the permit, except that the governor may waive the  
9 requirement for a special liquor purchase permit under this subsection  
10 pursuant to an order issued under RCW 43.06.220(2);

11 (3) Where the application is for a special permit to consume liquor  
12 at a banquet, at a specified date and place, a special permit to  
13 purchase liquor for consumption at such banquet, to such applicants as  
14 may be fixed by the board;

15 (4) Where the application is for a special permit to consume liquor  
16 on the premises of a business not licensed under this title, a special  
17 permit to purchase liquor for consumption thereon for such periods of  
18 time and to such applicants as may be fixed by the board;

19 (5) Where the application is for a special permit by a manufacturer  
20 to import or purchase within the state alcohol, malt, and other  
21 materials containing alcohol to be used in the manufacture of liquor,  
22 or other products, a special permit;

23 (6) Where the application is for a special permit by a person  
24 operating a drug store to purchase liquor at retail prices only, to be  
25 thereafter sold by such person on the prescription of a physician, a  
26 special liquor purchase permit, except that the governor may waive the  
27 requirement for a special liquor purchase permit under this subsection  
28 pursuant to an order issued under RCW 43.06.220(2);

29 (7) Where the application is for a special permit by an authorized  
30 representative of a military installation operated by or for any of the  
31 armed forces within the geographical boundaries of the state of  
32 Washington, a special permit to purchase liquor for use on such  
33 military installation at prices to be fixed by the board;

34 (8) Where the application is for a special permit by a  
35 manufacturer, importer, or distributor, or representative thereof, to  
36 serve liquor without charge to delegates and guests at a convention of  
37 a trade association composed of licensees of the board, when the said  
38 liquor is served in a hospitality room or from a booth in a board-

1 approved suppliers' display room at the convention, and when the liquor  
2 so served is for consumption in the said hospitality room or display  
3 room during the convention, anything in Title 66 RCW to the contrary  
4 notwithstanding. Any such spirituous liquor shall be purchased from  
5 the board or a spirits, beer, and wine restaurant licensee and any such  
6 beer and wine shall be subject to the taxes imposed by RCW 66.24.290  
7 and 66.24.210;

8 (9) Where the application is for a special permit by a  
9 manufacturer, importer, or distributor, or representative thereof, to  
10 donate liquor for a reception, breakfast, luncheon, or dinner for  
11 delegates and guests at a convention of a trade association composed of  
12 licensees of the board, when the liquor so donated is for consumption  
13 at the said reception, breakfast, luncheon, or dinner during the  
14 convention, anything in Title 66 RCW to the contrary notwithstanding.  
15 Any such spirituous liquor shall be purchased from the board or a  
16 spirits, beer, and wine restaurant licensee and any such beer and wine  
17 shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

18 (10) Where the application is for a special permit by a  
19 manufacturer, importer, or distributor, or representative thereof, to  
20 donate and/or serve liquor without charge to delegates and guests at an  
21 international trade fair, show, or exposition held under the auspices  
22 of a federal, state, or local governmental entity or organized and  
23 promoted by a nonprofit organization, anything in Title 66 RCW to the  
24 contrary notwithstanding. Any such spirituous liquor shall be  
25 purchased from the board and any such beer or wine shall be subject to  
26 the taxes imposed by RCW 66.24.290 and 66.24.210;

27 (11) Where the application is for an annual special permit by a  
28 person operating a bed and breakfast lodging facility to donate or  
29 serve wine or beer without charge to overnight guests of the facility  
30 if the wine or beer is for consumption on the premises of the facility.  
31 "Bed and breakfast lodging facility," as used in this subsection, means  
32 a hotel or similar facility offering from one to eight lodging units  
33 and breakfast to travelers and guests.

34 **Sec. 602.** RCW 66.20.010 and 2007 c 370 s 16 are each amended to  
35 read as follows:

36 Upon application in the prescribed form being made to any employee  
37 authorized by the board to issue permits, accompanied by payment of the



1 prescribed fee, and upon the employee being satisfied that the  
2 applicant should be granted a permit under this title, the employee  
3 shall issue to the applicant under such regulations and at such fee as  
4 may be prescribed by the board a permit of the class applied for, as  
5 follows:

6 (1) Where the application is for a special permit by a physician or  
7 dentist, or by any person in charge of an institution regularly  
8 conducted as a hospital or sanitorium for the care of persons in ill  
9 health, or as a home devoted exclusively to the care of aged people, a  
10 special liquor purchase permit, except that the governor may waive the  
11 requirement for a special liquor purchase permit under this subsection  
12 pursuant to an order issued under RCW 43.06.220(2);

13 (2) Where the application is for a special permit by a person  
14 engaged within the state in mechanical or manufacturing business or in  
15 scientific pursuits requiring alcohol for use therein, or by any  
16 private individual, a special permit to purchase alcohol for the  
17 purpose named in the permit, except that the governor may waive the  
18 requirement for a special liquor purchase permit under this subsection  
19 pursuant to an order issued under RCW 43.06.220(2);

20 (3) Where the application is for a special permit to consume liquor  
21 at a banquet, at a specified date and place, a special permit to  
22 purchase liquor for consumption at such banquet, to such applicants as  
23 may be fixed by the board;

24 (4) Where the application is for a special permit to consume liquor  
25 on the premises of a business not licensed under this title, a special  
26 permit to purchase liquor for consumption thereon for such periods of  
27 time and to such applicants as may be fixed by the board;

28 (5) Where the application is for a special permit by a manufacturer  
29 to import or purchase within the state alcohol, malt, and other  
30 materials containing alcohol to be used in the manufacture of liquor,  
31 or other products, a special permit;

32 (6) Where the application is for a special permit by a person  
33 operating a drug store to purchase liquor at retail prices only, to be  
34 thereafter sold by such person on the prescription of a physician, a  
35 special liquor purchase permit, except that the governor may waive the  
36 requirement for a special liquor purchase permit under this subsection  
37 pursuant to an order issued under RCW 43.06.220(2);

1 (7) Where the application is for a special permit by an authorized  
2 representative of a military installation operated by or for any of the  
3 armed forces within the geographical boundaries of the state of  
4 Washington, a special permit to purchase liquor for use on such  
5 military installation at prices to be fixed by the board;

6 (8) Where the application is for a special permit by a  
7 manufacturer, importer, or distributor, or representative thereof, to  
8 serve liquor without charge to delegates and guests at a convention of  
9 a trade association composed of licensees of the board, when the said  
10 liquor is served in a hospitality room or from a booth in a board-  
11 approved suppliers' display room at the convention, and when the liquor  
12 so served is for consumption in the said hospitality room or display  
13 room during the convention, anything in Title 66 RCW to the contrary  
14 notwithstanding. Any such spirituous liquor shall be purchased from  
15 the board or a spirits, beer, and wine restaurant licensee and any such  
16 beer and wine shall be subject to the taxes imposed by RCW 66.24.290  
17 and 66.24.210;

18 (9) Where the application is for a special permit by a  
19 manufacturer, importer, or distributor, or representative thereof, to  
20 donate liquor for a reception, breakfast, luncheon, or dinner for  
21 delegates and guests at a convention of a trade association composed of  
22 licensees of the board, when the liquor so donated is for consumption  
23 at the said reception, breakfast, luncheon, or dinner during the  
24 convention, anything in Title 66 RCW to the contrary notwithstanding.  
25 Any such spirituous liquor shall be purchased from the board or a  
26 spirits, beer, and wine restaurant licensee and any such beer and wine  
27 shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

28 (10) Where the application is for a special permit by a  
29 manufacturer, importer, or distributor, or representative thereof, to  
30 donate and/or serve liquor without charge to delegates and guests at an  
31 international trade fair, show, or exposition held under the auspices  
32 of a federal, state, or local governmental entity or organized and  
33 promoted by a nonprofit organization, anything in Title 66 RCW to the  
34 contrary notwithstanding. Any such spirituous liquor shall be  
35 purchased from the board and any such beer or wine shall be subject to  
36 the taxes imposed by RCW 66.24.290 and 66.24.210;

37 (11) Where the application is for an annual special permit by a  
38 person operating a bed and breakfast lodging facility to donate or

1 serve wine or beer without charge to overnight guests of the facility  
2 if the wine or beer is for consumption on the premises of the facility.  
3 "Bed and breakfast lodging facility," as used in this subsection, means  
4 a facility offering from one to eight lodging units and breakfast to  
5 travelers and guests.

6 NEW SECTION. **Sec. 603.** Section 601 of this act expires July 1,  
7 2008.

8 NEW SECTION. **Sec. 604.** Section 602 of this act takes effect July  
9 1, 2008.

10 **PART VII**  
11 **MISCELLANEOUS**

12 NEW SECTION. **Sec. 701.** Part headings used in this act are not any  
13 part of the law.

--- END ---