

Chapter 246-360 WAC

TRANSIENT ACCOMMODATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-360-060	Swimming pools, spas, hot tubs, wading pools, bathing beaches. [Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-060, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-060, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-071, filed 5/17/89.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-170	Travel trailers and mobile homes. [Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-170, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-170, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-181, filed 5/17/89.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-190	Housekeeping equipment and procedures. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-190, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-201, filed 5/17/89.] Repealed by WSR 94-23-077, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 70.62.240.
246-360-210	Separability. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-210, filed 12/27/90, effective 1/31/91; Order 71, § 248-144-250, filed 4/11/72.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-360-001 Purpose. (1) This chapter outlines the minimum public health and safety standards for the licensure and operations of transient accommodations in Washington state.

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than thirty days. These facilities include, but are not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;

- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Hostels; and
- (k) Retreats.

(3) RCW 70.62.240 requires the board to adopt rules to assure transient accommodations are operated and maintained in a manner consistent with the public's health and safety. RCW 43.70.110 requires the secretary to charge fees for licensure and RCW 43.70.250 requires the cost of business licensing programs to be fully borne by the licensees.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-001, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-001, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-001, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-001, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-010, filed 5/17/89; Order 71, § 248-144-010, filed 4/11/72.]

WAC 246-360-010 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Approved" means a written statement of acceptability issued by a governmental agency or meeting nationally recognized testing standards.

(2) "Bathroom" means a room containing a bathing fixture.

(3) "Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers. This type of facility may include food service in accordance with chapter 246-215 WAC.

(4) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(5) "Clean" means without visible or tangible soil or residue.

(6) "Cleanable" means the material and finish is fabricated to permit complete removal of residue through normal cleaning methods.

(7) "Construction" means:

(a) A new building intended for use as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration that changes the functional use of an existing transient accommodation or portion of a transient accommodation;

(c) An existing building or portion thereof to be converted for use as a transient accommodation; or

(d) A modification requiring a building permit by a local authority having responsibility for enforcing state and local building codes or local ordinances.

(8) "Crisis shelter" means a transient accommodation, at a permanent physical location, providing emergency or

planned lodging services to a specific population, for periods of less than thirty days. A crisis shelter may or may not be reimbursed for services in the form of rental fee or labor.

(9) "Department" means the Washington state department of health.

(10) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping by a number of guests.

(11) "Exemption" means a written authorization granted by the department under WAC 246-360-500.

(12) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

(13) "Hostel" means a transient accommodation offering lodging and limited services, that may include the use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

(14) "Laundry" means a central area or room with equipment intended to be used to clean and dry bedding, linen, towels, and other items, including such areas or rooms provided for guests' use.

(15) "Licensee" means the person to whom the department issues the transient accommodation license.

(16) "Local health jurisdiction" means the county or district that provides public health services within the area consistent with chapters 70.05 and 70.08 RCW.

(17) "Lodging unit" means an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

(18) "Person" means any individual, firm, partnership, corporation, company, association, organization, or joint stock association, and the legal successor thereof.

(19) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(20) "Rustic resort" means a rural transient accommodation lacking many modern conveniences. A rustic resort may operate seasonally.

(21) "Sanitary" means hygienic conditions that are conducive to good health.

(22) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs. For purposes of these regulations, "sanitize" and "disinfect" are equivalent.

(23) "Self-inspect" means the licensee evaluates a transient accommodation for compliance with specific requirements in this chapter.

(24) "Sink" means a properly trapped plumbing fixture, capable of holding water, with approved potable running hot and cold water under pressure.

(25) "State building code" means chapter 19.27 RCW and any codes adopted and any rules and regulations promulgated under chapter 19.27 RCW.

(26) "Survey" means the examination or inspection of a transient accommodation, conducted by the department to determine if minimal health and safety standards in chapter 246-360 WAC are being met. A survey may require one or more site visits and may be announced or unannounced. For

purposes of these regulations, a survey and inspection are equivalent.

(27) "Surveyor" means a department employee who conducts a health and safety survey of transient accommodations. For purposes of these regulations, the terms surveyor and inspector are equivalent.

(28) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than thirty days and may include food service operations in accordance with chapter 246-215 WAC.

(29) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink, excluding commercial vending and storage equipment.

(30) "Vector" means an animal that transmits a disease-producing organism from one host to another. For example, mosquitoes are vectors that transmit malaria.

(31) "Water closet" means a portable device or a fixture that has a hinged seat and flushing device used to dispose of body waste. This may include water filled, chemical or incineration toilets.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-010, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-010, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-010, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-020, filed 5/17/89; Order 71, § 248-144-020, filed 4/11/72.]

WAC 246-360-020 Licensure. (1) A person must have a current license issued by the department before operating or advertising a transient accommodation. A license is effective for one year from date of issuance.

(2) An applicant for initial licensure must submit to the department, sixty days or more before commencing business, an application which shall include the following:

(a) A completed application on a form provided by the department;

(b) A completed self-inspection on a form provided by the department;

(c) The fee specified in WAC 246-360-990;

(d) A completed uniform business identifier number form provided by the department; and

(e) Other information as required by the department.

(3) A licensee must apply for license renewal annually on or before the expiration date of the current license by submitting to the department, by mail postmarked no later than midnight on the license expiration date, or by presenting to the department personally or electronically no later than 5:00 p.m. on the expiration date, a renewal application which shall include the following:

(a) A completed application on a form provided by the department;

(b) A completed self-inspection on a form provided by the department;

(c) The fee specified in WAC 246-360-990;

(d) A completed uniform business identifier number form, provided by the department; and

(e) Other information as required by the department.

(4) An applicant must pass, to the satisfaction of the department, an on-site survey prior to the department issuing an initial license or reinstating an invalid license.

(5) If the licensee fails to submit a complete renewal application meeting the requirements of subsection (3) of this section by the license expiration date, the license shall become invalid on the thirty-fifth day after the license expiration date unless:

(a) All deficiencies in the renewal have been corrected; and

(b) The applicable penalty or late fee as specified in WAC 246-360-990 has been received by the department, in each case prior to the thirty-fifth day following the expiration date. In the event the license becomes invalid, the transient accommodation is no longer authorized to operate.

(6) An invalid license may be reinstated upon reapplication for a license under subsections (2) and (4) of this section.

(7) At least fifteen days prior to a transfer of ownership or change in the Uniform Business Identifier number of a transient accommodation the current licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

(c) The date of the proposed change; and

(d) Other information as required by the department.

(8) At least fifteen days prior to a transfer of ownership or a change in the Uniform Business Identifier number of a transient accommodation, the prospective new licensee must apply for licensure by submitting to the department:

(a) A completed application on a form provided by the department;

(b) A completed self-inspection on a form provided by the department;

(c) The fee specified in WAC 246-360-990;

(d) A completed Uniform Business Identifier Number Form provided by the department; and

(e) Other information as required by the department.

(9) A licensee must notify the department when changing the number of lodging units or the name of the transient accommodation by submitting:

(a) A letter describing the intended change;

(b) The fee specified in WAC 246-360-990 for an amended license; and

(c) Other information as required by the department.

(10) The licensee must notify the department prior to construction as defined in WAC 246-360-010(8) by submitting:

(a) A description of the construction;

(b) A description of how the construction will be used;

(c) A description of any changes in the functional use of existing construction;

(d) Documentation of approvals issued by local authorities having jurisdiction; and

(e) Other information as required by the department.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-020, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-020, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-020, filed 12/23/91, effective 1/23/92. Statu-

tory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW and RCW 42.20.050. WSR 90-06-049 (Order 040), § 248-144-031, filed 3/2/90, effective 3/2/90. Statutory Authority: RCW 43.20.050. WSR 89-11-058 (Order 328), § 248-144-031, filed 5/17/89.]

WAC 246-360-030 Responsibilities and rights— Licensee. (1) The licensee must:

(a) Comply with the provisions of chapter 70.62 RCW, other applicable state and local agency regulations and this chapter;

(b) Conspicuously display the license in the lobby or office of the transient accommodation for which it is issued;

(c) Conduct self-inspections as directed by the department;

(d) Submit a response to a statement of deficiencies to the department by the date specified. For the purposes of this section, a statement of deficiencies means a written notice of any violation of chapter 70.62 RCW or the rules adopted thereunder, that describes the reasons for noncompliance. Responses shall include:

(i) A written plan of correction for each deficiency stated in the report. For the purposes of this section, a plan of correction is a proposal devised by the licensee or applicant that includes specific actions that must be taken and a time frame to accomplish them. The plan of correction must meet the approval of the department. Implementation is required unless modification is agreed to by the department and is subject to verification by the department; and/or

(ii) A progress report of corrections, if required by the department. For the purposes of this section, a progress report means a document prepared by the licensee outlining the completion or ongoing status of efforts to correct deficiencies or violations cited in a survey. The licensee must send the progress report to the department as directed by the statement of deficiencies.

(e) Comply with a compliance schedule if the department issues one. For the purposes of this section, a compliance schedule means a document listing violations and a time schedule for the licensee to follow in correcting violations. This schedule may be called a directed plan of correction (DPOC);

(f) Adequately supervise employees and transient accommodation premises to ensure the transient accommodation is:

(i) Clean, safe, and sanitary; and

(ii) In good repair;

(g) Establish policies and procedures requiring employees to maintain good personal hygiene;

(h) Consult with the department or local health department on any suspected imminent health hazard;

(i) Effective October 1, 2005, have a written basic emergency preparedness plan in the event of fire, power failure, transient accommodation problem, or natural or other disasters. Emergency response training must be conducted and documented annually or more often as needed.

(2) The licensee shall fully cooperate with the department in, and shall in no way impede, its administration and enforcement of the provisions of chapter 70.62 RCW and this chapter.

(3) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-030, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-030, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-030, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-041, filed 5/17/89.]

WAC 246-360-035 Authority of the department. (1) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license or reinstating an invalid license;

(b) Conduct announced or unannounced on-site surveys during routine business hours and conduct complaint investigations at any time of its choosing to determine compliance with chapter 70.62 RCW and this chapter;

(c) Issue or renew a license when the applicant or licensee and the transient accommodation meet the requirements in chapter 70.62 RCW and this chapter;

(d) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(e) Comply with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(f) Comply with RCW 43.70.095 when assessing civil fines.

(2) The department may deny, suspend, or revoke a transient accommodation license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation, including in any plan of correction or other document required to be provided to the department;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Knowingly, or with reason to know, compromises the health or safety of a guest;

(e) Fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the department and the licensee; or

(f) Operates with a suspended or revoked license.

(3) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 70.62 RCW or this chapter by:

(a) A plan of correction may be offered if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in

which to complete them. The plan of correction must be approved. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) A directed plan of correction may be offered if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems; and/or

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame.

(4) In lieu of or in addition to license suspension or revocation, the department may assess a civil fine in accordance with RCW 43.70.095.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-035, filed 11/18/04, effective 4/1/05.]

WAC 246-360-040 Water supply and temperature control. The licensee must:

(1) Ensure that the water supply is from an approved source as specified in chapter 246-290 or 246-291 WAC;

(2) Ensure that the plumbing inside the transient accommodation that provides potable water is free of any actual or potential cross connections with any systems that could be a source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow;

(3) Provide hot and cold water under adequate pressure accessible to guests at all times when the lodging unit is rented;

(4) Provide sinks and bathing fixtures used by guests with hot water at 110 degrees plus or minus 10 degrees Fahrenheit accessible at all times when the lodging unit is rented; and

(5) Label nonpotable water supplies at all accessible connections and valves "unsafe for drinking or other domestic use."

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-040, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-040, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-040, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-051, filed 5/17/89.]

WAC 246-360-050 Sewage and liquid waste disposal.

The licensee must provide documentation that demonstrates that sewage and liquid waste drain into:

- (1) A municipal sewage system if available; or
- (2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272, 246-272B, and 173-240 WAC and local ordinances.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-050, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-050, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-050, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-061, filed 5/17/89.]

WAC 246-360-070 Refuse and vectors. The licensee must:

- (1) Provide in each lodging unit one or more washable, leak-proof refuse containers of adequate size, kept in sanitary condition, or an equivalent container(s) with a leak-proof disposable liner;
- (2) Collect refuse as necessary to maintain a clean, and sanitary environment in and around the transient accommodation;
- (3) Collect refuse from lodging units:
 - (a) After each guest occupancy; and
 - (b) At least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room;
- (4) Handle refuse in a safe, clean and sanitary manner;
- (5) Store outside refuse in washable, leak-proof, and closed covered containers, bins or dumpsters until removed for disposal, no less often than every two weeks;
- (6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances; and
- (7) Take measures to control vectors including insects, rodents and other pests, in and around the transient accommodation.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-070, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-070, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-070, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-081, filed 5/17/89.]

WAC 246-360-080 Construction and maintenance.

The licensee must:

- (1) Ensure all transient accommodations, including any construction, buildings, facilities, fixtures, furnishings and surroundings meet the requirements of:
 - (a) Chapter 70.62 RCW and this chapter;
 - (b) The state building code;
 - (c) All other applicable municipal and county codes and ordinances.
- (2) Provide documentation of compliance with WAC 246-360-080 (1)(b) and (c) under the following conditions:
 - (a) For construction that is on-going or has been completed since the last survey; or
 - (b) For existing buildings, facilities and conditions that appear to pose an imminent hazard to life or property.
- (3) Ensure that all buildings, facilities, fixtures, common areas such as exercise rooms, public bathrooms, kitchens, utility sinks and guest laundry rooms and furnishings are

(10/17/06)

structurally sound, safe, clean, cleanable, sanitary, and in good repair.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-080, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-080, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-080, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-091, filed 5/17/89.]

WAC 246-360-090 Lodging units. The licensee must provide lodging units with:

- (1) An occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage; and
- (2) Adequate space to provide a clear path of egress from each bed, including any cot, crib, mat or mattress, to the exit of the sleeping room or unit in case of fire:
 - (a) An aisle at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit;
 - (b) An aisle at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty-eight inches high, provided that the placement of the temporary bed does not obstruct the egress aisles required for other beds;
 - (c) An aisle at least twenty-eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty-eight inches, provided that the placement of the temporary bed does not obstruct the egress aisle required for other beds; and
 - (d) For purposes of this section, a temporary bed is any easily transported bed, cot, crib, mattress, pad or other furnishing intended for sleeping that is provided only at the request of a guest and is removed or stored when the guest departs.
- (3) Floors, ceilings, doors, walls, carpet, windowsills, window tracks, electrical switches, locking mechanisms and receptacle plates kept clean, cleanable and in good repair;
- (4) Wall and ceiling mounted lighting fixtures firmly secured and in good repair; and
- (5) If a phone or other reliable communication device is provided for a lodging unit, it must be capable of allowing immediate communication and connection to police, fire department, paramedic, poison control, hazardous material team or other local emergency responder.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-090, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-090, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-090, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-101, filed 5/17/89.]

WAC 246-360-100 Bathrooms, water closets, and handwashing sinks. The licensee must:

- (1) Provide adequate private or common-use bathrooms, water closets, and handwashing sinks to meet the needs of guests;
- (2) Provide private and common-use bathrooms, water closets, and handwashing areas with cleanable floors, walls, ceilings, fixtures and furnishings;
- (3) Provide an uncarpeted, easily cleanable area around each water closet and adjacent to each bathing fixture;

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(4) Maintain safe and properly working fixtures and drains;

(5) Provide slip-resistant surfaces or other devices in bathtubs and/or showers;

(6) Provide a means to maintain privacy for toileting and bathing;

(7) Provide water flush water closets unless the licensee has approval from the department and local health jurisdiction for alternative devices;

(8) Provide a handwashing sink or equivalent within, or adjacent to, each water closet room;

(9) Provide easy access to an acceptable single-use drying device from each common-use handwashing sink;

(10) Provide toilet tissue conveniently located by each toilet;

(11) Provide soap for each handwashing and bathing fixture;

(12) Provide an adequate supply of clean towels, washcloths and floor mats:

(a) For guests upon arrival; and

(b) At least weekly or at the request of the guest;

(13) Assure clean towels, washcloths and floor mats kept in lodging units and common bathrooms are stored in a clean area off the floor; and

(14) For lodging units that do not have water closets, and handwashing sinks, provide common-use bathrooms, water closet rooms and handwashing sinks meeting the requirements of this section in a ratio of one bathing fixture, one water closet and one handwashing sink for each fifteen or fewer guests. A bathing fixture means a shower, bathtub or combination bathtub/shower.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-100, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-100, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-100, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-111, filed 5/17/89.]

WAC 246-360-110 Lodging unit kitchens. (1) A licensee offering kitchens in lodging units must provide each kitchen with:

(a) Cleanable and durable floors and walls in good repair. Effective April 1, 2007, lodging unit kitchens must be uncarpeted and covered with a cleanable floor covering;

(b) Ventilation according to the provisions of WAC 246-360-140;

(c) A sink, other than a "handwashing sink," and defined as a "kitchen sink" that shall be of a sufficient size to accommodate the largest utensil in the lodging unit;

(d) Hot running water according to the provisions of WAC 246-360-040;

(e) A refrigeration device that is:

(i) Capable of maintaining food at a temperature of 45 degrees Fahrenheit or lower; and

(ii) Kept in good repair and in sanitary condition;

(f) Permanently installed cooking equipment meeting nationally recognized testing standards and installed according to local building codes;

(g) A cleanable, nonabsorbent food storage area;

(h) A cleanable table, counter, and chairs, or equivalent; and

(i) A washable, leak-proof waste food container kept in sanitary condition or equivalent container with a disposable leak-proof liner.

(2) The licensee shall clean and sanitize food preparation areas, refrigerator and reusable utensils between each guest occupancy.

(3) A licensee providing utensils shall comply with the provisions of WAC 246-360-160(2).

(4) A licensee shall discard all opened or unused food items left in the units by previous guests.

(5) A licensee offering lodging units that are equipped with only a microwave and mini refrigerator is exempted from this section.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-110, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-110, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-110, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-110, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-121, filed 5/17/89.]

WAC 246-360-120 Heating and cooling. (1) The licensee must provide a safe, adequate means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) A licensee providing a cooling system must keep the system safe, clean, and in good working condition.

(3) All air filters must be cleaned or replaced regularly or as needed.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-120, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-120, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-120, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-131, filed 5/17/89.]

WAC 246-360-130 Lighting. The licensee must:

(1) Maintain light intensities adequate for safety;

(2) Upon request from a guest, provide additional light for tasks or general illumination; and

(3) Provide sufficient emergency lighting for guests to be able to exit the facility safely in the event of a power outage.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-130, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-130, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-130, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-141, filed 5/17/89.]

WAC 246-360-140 Ventilation. (1) The licensee must provide ventilation in all lodging units, kitchen areas, bathrooms, water closet rooms, and laundry rooms.

(2) All areas of the building must be ventilated to minimize odors and moisture. The ventilation system must be in compliance with the Washington Ventilation and Indoor Air Quality Code, chapter 51-13 WAC.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-140, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-140, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-140, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-151, filed 5/17/89.]

WAC 246-360-150 Beds and bedding. A licensee providing beds must:

- (1) Provide clean, sanitary mattresses and bedding in good repair;
- (2) Maintain durable, clean, and safe beds, cots, bunks, or other furniture for sleeping;
- (3) Ensure bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or the top bunk and ceiling;
- (4) Not provide, or allow the use of, triple bunk beds;
- (5) Supply each bed, cot, or bunk with a clean mattress or cushioned pad, top and bottom sheet, mattress pad, pillow, pillowcase, and blankets unless the transient accommodation is a hostel.
- (6) Ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled.
- (7) Provide clean replacement pillowcases and sheets:
 - (a) For guests upon arrival; and
 - (b) At least weekly when occupied; or
 - (c) As requested by a guest.
- (8) Ensure that bedding kept in the lodging unit is stored in a clean area off the floor.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-150, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-150, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-150, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-161, filed 5/17/89.]

WAC 246-360-160 Food and beverage services. (1) A licensee providing food service to guests must meet the requirements of:

- (a) Chapter 246-215 WAC, Food service;
- (b) Chapter 246-217 WAC, Food worker permits; and
- (c) Local ordinances.
- (2) A licensee providing cooking utensils and ice buckets for guests must:
 - (a) Ensure multiple-use ice buckets are clean and sanitary between guest occupancies;
 - (b) Wash, handle and store utensils in a safe and sanitary manner to protect from contamination;
 - (c) Maintain reusable cooking utensils and ice buckets in good condition, free from cracks, chips and distortions caused by damage or excessive use; and
 - (d) If a lodging unit is equipped with a kitchen that meets the requirements in WAC 246-360-110, the licensee must clean and sanitize utensils and ice buckets in a clean and sanitary area separate from bathrooms, water closet rooms, and adjoining handwashing sinks.
- (3) If ice is provided, the licensee must store and dispense ice in a sanitary manner by:
 - (a) Cleaning and sanitizing ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions; and
 - (b) Restricting guest access to unprotected bulk ice by:
 - (i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or
 - (ii) Having employees dispense bulk ice to guests.
- (4) The licensee must clean, maintain, and properly adjust the water flow in drinking fountains to ensure there is adequate pressure.

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(5) Upon the department's request, the licensee must provide: A copy of the transient accommodations' current food service permit, and food handlers' permits issued by the local health jurisdiction.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-160, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-160, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-160, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-160, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-171, filed 5/17/89.]

WAC 246-360-180 Laundry. The licensee must:

- (1) Provide clean, sanitary bedding, linens, towels, washcloths, and other items intended for guest use by:
 - (a) Using a commercial laundry service; or
 - (b) Washing and sanitizing laundry in accordance with the washer's manufacturer's recommendations and detergent and sanitizer instructions; and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer.
- (2) Ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed.
- (3) Store clean and sanitized bedding, linens, towels, washcloths and other items in an area:
 - (a) Designated for clean items only;
 - (b) Off the floor;
 - (c) Protected from contamination;
 - (d) Inaccessible to guests, pets or other animals; and
 - (e) Away from excessive moisture or humidity.
- (4) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths, and other items to prevent cross-contamination of clean items;
- (5) Provide handwashing facilities that are readily accessible to employees as described in WAC 296-823-14030.
- (6) Effective April 1, 2007, ensure that laundry room flooring is uncarpeted and covered with a cleanable floor covering.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-180, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-180, filed 11/16/94, effective 12/17/94; WSR 92-02-019 (Order 225B), § 246-360-180, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-180, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-191, filed 5/17/89.]

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee must:

- (1) Establish and follow policies and procedures for properly and safely storing, labeling, and using all hazardous chemical agents or any substance bearing a warning label, such as cleaners, solvents, disinfectants and insecticides to assure they are:
 - (a) Stored to prevent contamination of clothing, towels, washcloths, and bedding materials, and away from food items or anything intended for consumption; and
 - (b) Used according to manufacturer's precautions and recommendations;
- (2) Provide adequate and safe hand railing for all stairways, porches, and balconies including appropriate spacing between slats;
- (3) Eliminate all known environmental health and safety hazards in and around the transient accommodation, includ-

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ing hazards resulting from fire, natural or other disasters and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to reoccupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to reoccupancy;

(4) Ensure all doors providing access to a lodging unit are equipped with a suitable locking security device in compliance with applicable building and fire codes; and

(5) If spas, pools and/or hot tubs are provided, have available for review a copy of a current water recreation facility permit issued by the local health jurisdiction.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-200, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-200, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-360-200, filed 12/27/90, effective 1/31/91; WSR 89-11-058 (Order 328), § 248-144-211, filed 5/17/89.]

WAC 246-360-220 Fire safety. The licensee must establish and maintain a fire-safe environment:

(1) Except as described in subsection (2) of this section, effective October 1, 2005, the licensee must establish and implement a written plan to ensure:

(a) Smoke detectors are installed and maintained in all sleeping rooms or sleeping areas. Nonrechargeable batteries in smoke detectors must be replaced each year or per manufacturer's instructions. Rechargeable batteries must be charged and maintained or replaced per the manufacturer's instructions.

(b) Fire extinguishers are inspected when initially placed in service and at approximately thirty-day intervals or at more frequent intervals when circumstances require. Fire extinguishers must be inspected manually or by electronic monitoring. Periodic inspection of fire extinguishers must include a check of at least the following items:

- (i) Location in designated place;
- (ii) No obstruction to access or visibility;
- (iii) Operating instructions on nameplate, legible and facing outward;
- (iv) Safety seals and tamper indicators not broken or missing;
- (v) Fullness determined by weighing or "hefting";
- (vi) Examination for obvious physical damage, corrosion, leakage, or clogged nozzle;
- (vii) Pressure gauge reading or indicator in the operable range or position;
- (viii) Condition of tires, wheels, carriage, hose, and nozzle checked (for wheeled units); and
- (ix) Hazardous material identification system label in place.

(c) If a fire alarm system is installed:

(i) The system, including initiating devices and notification appliances, is regularly inspected, tested, and maintained by the owner or the owner's designated representative in accordance with the requirements of NFPA 72 and records of this inspection are maintained for review by the department during survey;

(ii) Unless otherwise recommended by the manufacturer, single and multiple station smoke alarms installed in one- and two-family dwellings must:

(A) Be replaced when they fail to respond to operability tests; and

(B) Must not remain in service longer than ten years from the date of manufacture.

(d) If an automatic fire suppression system is installed:

(i) The system must be inspected, tested and maintained in accordance with procedures established in NFPA 25; and

(ii) Valves designed to be open under normal system operation must be kept in open position and only closed with approval of the authority having jurisdiction.

(e) Obstructions, including storage, are not placed in the required means of egress, except projections allowed by the building code. Means of egress must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Exit doors must not be locked in the direction of egress unless a special egress control device is installed per the building code.

(2) In lieu of the requirements of subsection (1) of this section, the licensee may provide evidence satisfactory to the department of a current fire, life, and safety inspection conducted by the local fire jurisdiction.

(3) The licensee must ensure that gas, oil-fired, or other fuel-burning appliances including fireplaces, dryers, stoves and water heaters, are vented to the out-of-doors as specified in the manufacturer's instructions and current applicable state codes adopted by the state building code council.

(4) The licensee may not use extension cords in the lodging units unless prior written approval from the local fire jurisdiction is available for the surveyor's review.

(5) If candle holders and other open flame candles, lanterns or other open flame light sources and decorations are present:

(a) Candle holders and other open flame devices must be designed to return to the upright position after being tilted to an angle of forty-five degrees from vertical.

(b) Liquid or solid-fueled lighting devices containing more than eight ounces of fuel must:

(i) Self-extinguish and not leak fuel at a rate of more than one-quarter teaspoon per minute if tipped over.

(ii) Have a fully enclosed flame except as follows:

(A) Openings on the side must not be more than three-eighths inch in diameter;

(B) Openings on the top and the distance to the top must be such that a piece of tissue paper placed on the top will not ignite in less than ten seconds; and

(C) Candelabras with flame lit candles must be securely fastened in place to prevent overturning and must be located away from the occupant using the area and away from possible contact with drapes, curtains, or other combustibles.

(6) Portable space heaters, which are prohibited unless prior written approval from the local fire authority has been obtained and made available for the surveyor's review.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-220, filed 11/18/04, effective 4/1/05.]

WAC 246-360-230 Rustic resorts. (1) If the transient accommodation is a rustic resort, the licensee must ensure the transient accommodation meets the requirements of:

(a) The administrative regulations specified in:

(i) WAC 246-360-020 Licensure;

- (ii) WAC 246-360-030 Responsibilities and rights—Licensee and department;
- (iii) WAC 246-360-500 Exemptions; and
- (iv) WAC 246-360-990 Fees.
- (b) The environmental regulations specified in:
- (i) WAC 246-360-040 Water supply and temperature control;
- (ii) WAC 246-360-050 Sewage and liquid waste disposal;
- (iii) WAC 246-360-070 (1), (4), (5), (6) and (7) Refuse and vectors;
- (iv) WAC 246-360-100 (1) through (10) and (14) Bathrooms, water closets, and handwashing sinks;
- (c) The transient accommodation regulations specified in:
- (i) WAC 246-360-080 Construction and maintenance; and
- (ii) WAC 246-360-090 Lodging units;
- (d) Safety related regulations specified in:
- (i) WAC 246-360-200 Safety, chemical and physical hazards; and
- (ii) WAC 246-360-220 Fire safety.
- (2) If the licensee provides the amenities and services addressed in all or part of the following sections, the licensee must also meet the requirements as specified in the sections:
 - (a) WAC 246-360-100 (11), (12) and (13) Bathrooms, water closets, and handwashing sinks;
 - (b) WAC 246-360-110 Lodging unit kitchens;
 - (c) WAC 246-360-120 Heating and cooling;
 - (d) WAC 246-360-150 Beds and bedding;
 - (e) WAC 246-360-160 Food and beverage services;
 - (f) WAC 246-360-180 Laundry;
 - (g) WAC 246-360-130 Lighting; and
 - (h) WAC 246-360-140 Ventilation.
- (3) If the licensee does not provide the services and amenities addressed in subsection (2) of this section, the licensee must adopt the decision as written policy and upon request must make the policy available to the surveyor.
- (4) A licensee may not advertise as providing services that are not provided at the rustic resort.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-230, filed 11/18/04, effective 4/1/05.]

WAC 246-360-500 Exemptions. (1) A licensee may request an exemption from a requirement in this chapter for part or all of a particular licensure period by submitting a written request to the department, including:

- (a) The specific section number or numbers of the rule for which exemption is requested;
- (b) An explanation of the circumstances involved;
- (c) A proposed alternative that meets the intent of the rule and ensures guest safety and health;
- (d) Any supporting research or other documentation; and
- (e) The time period for which an exemption is requested.
- (2) The department will grant or deny exemption requests after the department has received an exemption request with complete relevant information from the licensee. After review and consideration, the exception may be granted if it will not:
 - (a) Negate the purpose and intent of these rules;

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- (b) Place the safety or health of the guests in the transient accommodation in jeopardy;
- (c) Lessen any fire and life safety or infection control provision of this chapter or other codes or regulations; and
- (d) Affect any structural integrity of the building.
- (3) The department will document the exemption decision and will keep the decision as a part of the current transient accommodation file. The licensee must maintain the documented exemption decision on file in the transient accommodation.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-500, filed 11/18/04, effective 4/1/05. Statutory Authority: RCW 70.62.240. WSR 94-23-077, § 246-360-500, filed 11/16/94, effective 12/17/94.]

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

- (a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$164.10
11 - 49	\$326.30
50 - over	\$657.00

- (b) A late fee of fifty-four dollars and sixty cents, in addition to the full license renewal fee, if the full license renewal fee is not received by the department on the expiration date (see RCW 70.62.260);

- (c) An additional fee of fifty-four dollars and sixty cents for an amended license due to changing the number of lodging units or the name of the transient accommodation.

- (2) The department shall refund fees paid by the applicant for initial licensure as follows:

- (a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

- (b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

- (c) No fees paid by the applicant will be refunded if any of the following applies:

- (i) More than one on-site visit for any purpose has been performed by the department;
- (ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or
- (iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

[Statutory Authority: RCW 43.70.250. WSR 06-21-108, § 246-360-990, filed 10/17/06, effective 11/17/06; WSR 05-13-189, § 246-360-990, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 70.62.260. WSR 05-05-072, § 246-360-990, filed 2/15/05, effective 3/18/05. Statutory Authority: RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470. WSR 04-19-141, § 246-360-990, filed 9/22/04, effective 10/23/04. Statutory Authority: RCW 43.70.250 and 2002 c 371. WSR 02-18-115, § 246-360-990, filed 9/4/02, effective 10/5/02. Statutory Authority: RCW 70.62.220, 43.70.110 and 43.70.250. WSR 01-15-093, § 246-360-990, filed 7/18/01, effective 8/18/01; WSR 99-23-015, § 246-360-990, filed 11/5/99, effective 12/6/99. Statutory Authority: RCW 43.70.110 and 43.70.250. WSR 94-21-016, § 246-360-990, filed 10/6/94, effective 11/6/94. Statutory Authority: RCW 70.62.220, 70.62.230 and 43.70.250. WSR 92-21-089 (Order 312), § 246-360-990, filed

10/21/92, effective 11/21/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-360-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. WSR 87-17-045 (Order 2524), § 440-44-075, filed 8/17/87; WSR 85-12-029 (Order 2236), § 440-44-075, filed 5/31/85. Statutory Authority: 1982 c 201. WSR 82-13-011 (Order 1825), § 440-44-075, filed 6/4/82.]