



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (7/1/89)

Agency: Dept. of Services for the Blind

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: 10/13/89

(2) Purpose:  
Housekeeping Changes

(3) Citation of existing rules affected by this order:

Repealed:	67-35-020	67-35-310
Amended: <input checked="" type="checkbox"/>	67-35-090	67-35-430
Suspended:	67-35-120	67-35-910

(4) Authority for adoption:

Statute: 74.18 RCW  
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 89-18-013 on August 25, 1989 (date).

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

Remove the word "terminate" from 67-35-430.  
Add "on the job" to 67-35-430.

Specify that the Vendors Committee consist of seven vendors elected by vendors representing three regions of the state--67-35-120.

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

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

Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

- 30 days after filing  Immediately  
 Other (specify) \_\_\_\_\_ \*  Later (specify) \_\_\_\_\_

\*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Bonnie Jean Jindra

SIGNATURE

*Bonnie Jean Jindra*

TITLE Assistant Director - Administration

DATE 10/13/89

CODE REVISIONS ONLY  
STATE OF WASHINGTON  
FILED

OCT 13 1989

TIME: 1:50

WSR: 89-21-046

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-020 APPLICATION--HOW TO APPLY. The public may obtain additional information about the program, including how to apply for services by contacting the ((vending-facility-program-staff-(the-vending-facility-program-administrator--and--vending-facility-program-assistant))) business enterprise program staff at the Department of Services for the Blind, ((927-Lakeridge-Drive)) 521 East Legion Way, (#202) Mailstop FD-11, Olympia, WA ((98504-0088)) 98504-1422, phone (206) ((754-4224)) 586-0277, toll-free 1-800-552-7103((?--or--by--contacting-department-of-services-for-the-blind-offices-located--in--several--large--cities--of-the-state)). An application for service under the ((vending-facility)) business enterprise program ((may)) must be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-090 ASSIGNMENT TO A VENDING FACILITY--AGREEMENT. To execute the assignment of a licensee or vendor to a vending facility, the licensee or vendor shall enter into an agreement with the department which states the terms and conditions of the assignment to the specific vending facility. The department will provide each vendor with a copy of these rules which include the description of the arrangements for providing services. The department will take adequate steps to assure that each vendor understands the provisions of any permit, contract or agreement under which he/she operates as evidenced by the vendor's signed statement. No vendor will operate a vending facility unless he/she signs a vendor agreement. An existing agreement between the department and a vendor is automatically terminated when the vendor signs a new agreement with the department.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-120 STATE COMMITTEE OF BLIND VENDORS--ELECTION--REPRESENTATION--MEETINGS. The committee of blind vendors consists of seven vendors elected by vendors ((divided-into)) representing three geographical areas of the state, Eastern Washington, Northwest Washington, and Southwest Washington. ((One--committee--vendor--is--elected--by--vendors--in--eastern--Washington--(east--of--the--Cascade--Mountains),--Three--committee--vendors--are--elected--by--vendors--in--northwest--Washington--including--Pierce--County--through--Whatecom--County,--Two--committee--vendors--are--elected--by--vendors--in--southwest--Washington--including--Thurston--County--through--Clark--County.)) A minimum of one vendor will be elected from each geographical area and one committee vendor is elected at large by all vendors on a state-wide basis.

(1) Members of the committee are elected for a two-year term and are elected during the month of January ((of-each-even-numbered-year)). Four of the committee members are elected during odd-numbered years and three committee members are elected during even-numbered years. Any vendor serving as a representative who chooses to transfer ((or)), ceases to be a vendor, or who promotes to a vending facility outside the area that ((individual)) he/she represents, thereby relinquishes membership in the vendors committee. The vendors in an area having lost such vendor committee representation shall elect a replacement vendor committee person for the remainder of that term. All vendors are entitled to vote in the election. The committee elects its own ((chairperson)) chair and vice-chair.

((Note:--The vendors are urged to constitute the blind--venders--committee--so that it is representative of the various types of vending facilities including those established on--federal and nonfederal property and those that are cafeterias, snack bars,--dry--stands,--lunch--counters--and--vending--machine facilities.))

(2) There ((are two scheduled)) will be a minimum of four blind vendor committee meetings per year. Additional meetings can be called by the ((supervisor)) manager of the ((vending facility)) business enterprise program or by the ((chairperson)) chair of the ((blind)) vendors committee.

(3) The department will conduct all elections and pay for all expenses in connection therewith and publish the results.

AMENDATORY SECTION (Amending Order 85-12, filed 8/30/85)

WAC 67-35-310 PUBLIC LIABILITY INSURANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

((~~\$500,000.00~~)) \$1,000,000.00 each person personal injury,  
 ((~~\$500,000.00~~)) \$1,000,000.00 each occurrence personal injury, and  
 ((~~\$500,000.00~~)) \$1,000,000.00 each occurrence property damage; or

insurance coverage specified in the permit or contract, whichever is greater. A vendor operating a vending facility is required by the department to have this insurance and is required to provide proof of insurance to the department on an annual basis. Failure to have this insurance will result in suspension.

AMENDATORY SECTION (Amending Order 93-09, filed 12/15/83)

WAC 67-35-430 REASONS FOR SUSPENSION OF LICENSE ((SUSPENSION)) PRIOR TO EVIDENTIARY HEARING. If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend ((or terminate)) the license of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. ((For--purposes of this section, the department's interest in a vending facility includes--the safety and well-being of the patrons of such facility.)) The department may suspend a vendor or licensee for the following reasons:

(1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.

(2) Failure to purchase vendor liability insurance for his/her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.

(3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor as required in chapter 67-35 WAC.

(4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.



(5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.

(6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract.

(7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:

(a) Fraud.

(b) Consumption of controlled substances and/or alcohol on the job.

(c) Inexcusable neglect of duties as a vendor.

(d) Embezzlement.

(e) Falsifying reports.

(f) Failure to submit to a medical eye examination when requested by the department.

(g) Any other actions or behavior which would seriously jeopardize the vending facility.

(h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-910 VENDOR AGREEMENT.

This VENDOR AGREEMENT entered in this ..... day of ....., 19.. by and between the Department of Services for the Blind, hereinafter referred to as the department, and ....., hereinafter referred to as the vendor.

Name and Address of Facility .....  
City: ....., Washington

IT IS HEREBY AGREED:

1. The provisions of the permit and/or contract between the department and the property management as now exists (~~(or as may be renegotiated in the future;)~~) and chapter 67-35 WAC (the ~~((vending--facility))~~ business enterprise program rules), which described the rights and responsibilities of the department and the rights and responsibilities of the vendor, as presently exist (~~(or as may be amended in the future;)~~) are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-35-140.
3. The vendor is responsible to submit reports to the department as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit and/or contract.
5. The vendor shall receive a copy of the permit and/or contract and all applicable department rules.
6. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

((~~\$500,000.00~~)) \$1,000,000.00 each person personal injury,  
((~~\$500,000.00~~)) \$1,000,000.00 each occurrence personal  
injury, and  
((~~\$500,000.00~~)) \$1,000,000.00 each occurrence property dam-  
age or insurance coverage specified in the permit and/or  
contract, whichever is greater.

- 7. Vendors are accountable to the department for equipment assigned to their location. The vendor is responsible for maintaining the equipment in a clean and sanitary condition.
- 8. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
- 9. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
- 10. The department staff shall provide management services as defined in WAC 67-35-030 on a systematic basis. Consultation shall occur ((a)) at least ((bi-monthly)) on a semi-annual basis.
- 11. The department may upon thirty days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit and/or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-35-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-35-430.
- 12. The vendor may terminate this agreement upon giving thirty days written notice to the department.
- 13. This agreement is automatically terminated when the permit or contract with the contracting agency is terminated.
- 14. The vendor will sign a facility equipment and stock agreement.

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED ((ALL-NECESSARY--EXPLANATIONS)) COPIES OF THE FACILITIES OPERATING PERMIT AND/OR CONTRACT AND THE ((VENDING-FACILITY)) BUSINESS ENTERPRISE PROGRAM RULES ((AND HAVE-RECEIVED-WRITTEN-COPIES-THEREOF)).

Signed: ..... Date: ....., 19..  
(Vendor)

Name of vendor: .....  
(please type)

Signed: ..... Date: ....., 19..  
(Department of Services for the Blind)

Name of staff: .....  
Title: .....