

WSR 06-21-001
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 4, 2006, 1:43 p.m., effective November 4, 2006]

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

Purpose: WAC 415-02-100 is amended to remove confusing language that was found during the department's routine regulatory review process.

Citation of Existing Rules Affected by this Order: Amending WAC 415-02-100.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 06-17-144 on August 22, 2006.

Changes Other than Editing from Proposed to Adopted Version: Minor editorial change in the heading and the first sentence.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 28, 2006.

Sandra J. Matheson
 Director

AMENDATORY SECTION (Amending WSR 00-10-016, filed 4/21/00, effective 5/22/00)

WAC 415-02-100 Retiree insurance premium deductions ((for retirees))—Enrollment requirements. The department will not accept requests by retirees of any of the systems (~~which~~) that the department administrators to deduct premiums for any kind of insurance from retirement allowances unless the provider has at least twenty-five such retirees enrolled in a withholding program. ~~((Any providers who have less than twenty-five retirees in their deduction program will have twelve months in which to secure at least twenty-five participants. Failing to acquire the required minimum within twelve months will result in suspension of the deduction program for such provider.))~~ Any qualified provider who drops below twenty-five participants will be suspended if they remain under twenty-five participants for ninety days.

WSR 06-21-005
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed October 5, 2006, 1:53 p.m., effective November 1, 2006]

Effective Date of Rule: November 1, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The definitions are removed from RCW 46.04.274 effective November 1, 2006.

Purpose: RCW 46.04.274 was changed (effective November 1, 2006) so that all definitions of limousines will be in rule. This change will allow vehicles that can be used as limousines but were not in the old law to be licensed as well as add new categories of limousines to be licensed.

Statutory Authority for Adoption: RCW 46.04.274.

Other Authority: Chapter 46.72A RCW.

Adopted under notice filed as WSR 06-12-012 on May 26, 2006.

Changes Other than Editing from Proposed to Adopted Version: The definition for "stretch limousine" had a maximum wheelbase of 277 inches that has been increased to 285 inches. Also, the definition for "stretch sport utility vehicle" has a maximum wheelbase of 280 inches that has been increased to 325 inches.

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

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

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

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

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

Date Adopted: October 1, 2006.

Ralph Osgood
 Assistant Director
 Business and Professions Division

AMENDATORY SECTION (Amending WSR 96-16-032, filed 8/1/96, effective 9/1/96)

WAC 308-87-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Limousine" ~~((as defined in chapter 87, Laws of 1996-))~~ means a category of for hire, chauffeur-driven, unmarked, unmarked luxury motor vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity of not more than twelve passengers behind the driver, and a maximum wheelbase of 285 inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the

United States Department of Transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The term "stretch limousine" excludes trucks, auto transportation companies, excursion buses, charter buses, minibuses, vehicles regulated under chapter 81.66 RCW, taxicabs, executive sedans, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(b) "Executive sedan" means a four-door sedan automobile having a seating capacity of not more than three passengers behind the driver and a minimum wheelbase of 114.5 inches. An executive sedan is equipped with standard factory amenities, and the wheelbase may not be altered. The term "executive sedan" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(c) "Executive van" means a van, minivan, or minibus having a seating capacity of not less than seven passengers and not more than fourteen passengers behind the driver. The term "executive van" excludes trucks, auto transportation companies, excursion buses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, executive sport utility vehicles, stretch sport utility vehicles, funeral home vehicles, station wagons, and courtesy vans.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

(e) "Executive sport utility vehicle" means an automobile with a seating capacity of not less than three passengers and not more than six passengers behind the driver, and a minimum wheelbase of 116 inches that has not been altered. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The term "executive sport utility vehicle" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, stretch sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(f) "Stretch sport utility vehicle" means an automobile with a seating capacity of not more than fourteen passengers behind the driver or a total of fifteen occupants including the driver and a maximum wheelbase of 325 inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. Rear tailgates or hatches are not to be used as a primary door for loading or unloading passengers. The

term "stretch sport utility vehicle" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, executive sport utility vehicles, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(2) "Business owner" means operator or carrier as defined in chapter ((87, Laws of 1996)) 46.72A RCW.

(3) "Person or persons" means an individual, a corporation, association, joint stock association, partnership, limited liability partnership or limited liability ((companies)) company, or their lessees, trustees, or receivers.

(4) "Public highway" includes every public street, road, or highway in this state.

(5) "Chauffeur" means any person with a valid Washington state driver's license and authorized to drive a limousine as defined in chapter ((87, Laws of 1996)) 46.72A RCW.

(6) "Master license" as defined in chapter 19.02 RCW.

(7) "Vehicle certificate" is a limousine vehicle certificate issued by the department which must be carried in the limousine vehicle at all times. The vehicle certificate is not the vehicle registration.

(8) "Passenger capacity" may be determined using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle pursuant to 49 CFR, parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department of licensing may determine the passenger capacity upon visual inspection of the vehicle.

WSR 06-21-010

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 6, 2006, 8:32 a.m., effective November 6, 2006]

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

Purpose: This rule is designed to capture, for reporting purposes, relative new entities such as limited liability partnerships (LLP's), limited liability companies (LLC's), and/or similar entities when filing statements of personal financial affairs as required under RCW 42.17.240.

Statutory Authority for Adoption: RCW 42.17.241 (1)(n) and 42.17.370.

Adopted under notice filed as WSR 06-16-011 on July 21, 2006.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: September 28, 2006.

Vicki Rippie
Executive Director

NEW SECTION

WAC 390-24-201 Report of compensation by limited partnerships, limited liability partnerships, limited liability companies, and similar entities. For the purposes of filing financial disclosures required by RCW 42.17.241:

(1) The terms partnership, general partnership, limited partnership, limited liability partnership, and limited liability company as defined in Title 25 RCW will apply.

(2) Persons who have a partnership or membership in limited partnerships, limited liability partnerships, limited liability companies, and similar entities including but not limited to professional limited liability companies, shall file a personal financial affairs form (PDC F-1) as required in RCW 42.17.241, and shall also provide the information described in subsection (3) of this section.

(3) A person filing a personal financial affairs statement shall report the name of any limited partnership, limited liability partnership, limited liability company, professional limited liability company, and similar entity in which a partnership or membership is held by the person or member of the person's immediate family, and any title held. The person shall also report the following:

(a) Regarding a governmental unit in which the filer seeks or holds any office or position, if the entity has received compensation during the reporting period from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and

(b) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in the amount equal to or greater than the amount specified in WAC 390-24-010 and 390-24-020 (the F-1 reporting forms) during the reporting period and the consideration given or performed in exchange for the compensation.

WSR 06-21-011
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 6, 2006, 11:08 a.m., effective November 6, 2006]

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

Purpose: To update utility standards for Basic Food, the Washington combined application project (WASHCAP) high cost shelter standard, the WASHCAP low cost shelter standard, the WASHCAP shelter threshold, and the standard for WASHCAP-eligible persons can choose to participate in Basic Food based on high shelter costs.

These rules were adopted via an emergency order effective October 1, 2006, as WSR 06-19-016. These permanent rules, when effective, will replace and supersede the same sections in WSR 06-19-016.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0195, 388-492-0040, and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: 7 C.F.R. 273.9 (d)(6)(iii)(b).

Adopted under notice filed as WSR 06-17-175 on August 23, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: October 3, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-10-056, filed 5/1/06, effective 6/1/06)

WAC 388-450-0195 Utility allowances for Basic Food programs. (1) For Basic Food, "utilities" include the following:

- (a) Heating or cooling fuel;
- (b) Electricity or gas;
- (c) Water or sewer;
- (d) Well or septic tank installation/maintenance;
- (e) Garbage/trash collection; and
- (f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$(307) <u>298</u>
2	\$(316) <u>307</u>
3	\$(325) <u>316</u>
4	\$(334) <u>325</u>

Assistance Unit (AU) Size	Utility Allowance
5	\$(344) <u>334</u>
6 or more	\$(353) <u>343</u>

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred (~~forty-two~~) thirty-eight dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of (~~thirty-nine~~) thirty-eight dollars.

AMENDATORY SECTION (Amending WSR 05-18-036, filed 8/30/05, effective 10/1/05)

WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits? You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) Your nonutility shelter costs as defined in WAC 388-450-0190 (1)(a) through (d) are more than five hundred (~~forty-four~~) sixty-seven dollars a month;

(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month; or

(3) You chose to have Basic Food benefits instead of WASHCAP benefits prior to January 1, 2005.

AMENDATORY SECTION (Amending WSR 05-17-155, filed 8/22/05, effective 10/1/05)

WAC 388-492-0070 How are my WASHCAP food benefits calculated? We calculate your food benefits as follows:

(1) We begin with your gross income.

(2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost based on information we receive from Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:

(a) Three hundred (~~twenty-nine~~) forty-two dollars or more a month for shelter, we use three hundred (~~forty~~) fifty-four dollars as your shelter cost; or

(b) Less than three hundred (~~twenty-nine~~) forty-two dollars for shelter, we use one hundred (~~sixty-four~~) seventy-one dollars as your shelter cost; and

(c) We add the current limited utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.

(6) We figure your WASHCAP food benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, you will get at least ten dollars in food benefits each month.

WSR 06-21-012

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 6, 2006, 11:12 a.m., effective November 6, 2006]

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

Purpose: The department is amending these rules to update the standard deduction for Basic Food, the maximum shelter deduction for households that do not include a person with a disability, gross income standards, net income standards, 165% standard, and the maximum benefit amount for Basic Food and Washington combined application project (WASHCAP) households with no net income.

These rules were adopted via an emergency order effective October 1, 2006, as WSR 06-19-016. These permanent rules, when effective, will replace and supersede the same sections in WSR 06-19-016.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185, 388-450-0190, and 388-478-0060.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: 7 C.F.R. § 273.9.

Adopted under notice filed as WSR 06-17-174 on August 23, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: October 3, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food? We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$134
2	\$134
3	\$134
4	\$((+34)) <u>139</u>
5	\$((+57)) <u>162</u>
6 or more	\$((+79)) <u>186</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for AU member to:

- (i) Keep work, look for work, or accept work;
- (ii) Attend training or education to prepare for employment; or
- (iii) Meet employment and training requirements under chapter 388-444 WAC.

(b) We subtract allowable dependent care expenses that are payable to someone outside of your AU:

- (i) Up to two hundred dollars for each dependent under age two; and
- (ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

- (a) For a person who is not in your AU; or
- (b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

- (a) Monthly rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- (e) Utility allowance your AU is eligible for under WAC 388-450-0195;
- (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;
- (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

(i) AU intends to return to the home;

(ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and

(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

- (a) Up to a maximum of four hundred seventeen dollars if no one in your AU is elderly or disabled; or
- (b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred seventeen dollars.

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-((05))2006

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$((+037)) <u>1062</u>	\$((+798)) <u>817</u>	\$((+52)) <u>155</u>	\$((+346)) <u>1348</u>
2	((+390)) <u>1430</u>	((+070)) <u>1100</u>	((+278)) <u>284</u>	((+765)) <u>1815</u>
3	((+744)) <u>1799</u>	((+341)) <u>1384</u>	((+399)) <u>408</u>	((+213)) <u>2283</u>

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
4	((2097)) <u>2167</u>	((1613)) <u>1667</u>	((506)) <u>518</u>	((2661)) <u>2750</u>
5	((2450)) <u>2535</u>	((1885)) <u>1950</u>	((601)) <u>615</u>	((3409)) <u>3218</u>
6	((2803)) <u>2904</u>	((2156)) <u>2234</u>	((722)) <u>738</u>	((3558)) <u>3685</u>
7	((3156)) <u>3272</u>	((2428)) <u>2517</u>	((798)) <u>816</u>	((4006)) <u>4153</u>
8	((3509)) <u>3640</u>	((2700)) <u>2800</u>	((912)) <u>932</u>	((4454)) <u>4620</u>
9	((3863)) <u>4009</u>	((2972)) <u>3084</u>	((1026)) <u>1049</u>	((4903)) <u>5088</u>
10	((4217)) <u>4378</u>	((3244)) <u>3368</u>	((1140)) <u>1166</u>	((5532)) <u>5556</u>
Each Additional Mem- ber	+((354)) <u>369</u>	+((272)) <u>284</u>	+((114)) <u>117</u>	+((449)) <u>468</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

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

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

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

Date Adopted: October 3, 2006.

Elizabeth A. Luce
Director

WSR 06-21-023
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed October 9, 2006, 1:22 p.m., effective November 9, 2006]

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

Purpose: Rule making is required to clarify language and make it easier to understand.

Citation of Existing Rules Affected by this Order: Amending WAC 308-94-030.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 06-15-076 on July 14, 2006.

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

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

AMENDATORY SECTION (Amending WSR 01-11-070, filed 5/14/01, effective 6/14/01)

WAC 308-94-030 Snowmobile registration application—Registration year. (1) ~~((What must be included on an application to register a snowmobile? An application for an original or transfer registration of a snowmobile must include:))~~ **How do I register my snowmobile?** To register your snowmobile you must submit the following:

(a) An application for original or transfer registration. The application must include:

~~((i))~~ (i) The name and address of each registered owner~~((s))~~; and

~~((b))~~ (ii) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

~~((c))~~ (iii) The purchase price and year of purchase or declared value and year of declaration; and

~~((d))~~ ~~Proof of payment of sales or use tax, or satisfactory proof that sales or use tax is not due as established by the department of revenue; and~~

~~((e))~~ (b) A copy of any of the following:

(i) Previously issued registration certificate;

- (ii) Certificate of ownership from ~~((a foreign jurisdiction))~~ another state or country;
- (iii) Manufacturer's certificate of origin;
- (iv) A bill of sale or purchase agreement;
- (v) ~~((A purchase agreement; or~~
- ~~(vi))~~ Other department approved ~~((documentation))~~ ownership documents; and
- ~~((f))~~ Certificate of fact explaining how the snowmobile was acquired; and
- ~~(g))~~ (c) Applicable fees and taxes.

(2) **How are security interests recorded?** Please contact the Uniform Commercial Code section for specific instructions/application or visit them on the web site and key "security interest" in the DOL search tool. Security interests ~~((must be recorded))~~ are registered with the Uniform Commercial Code section of the department, and will not be recorded on the snowmobile registration.

(3) **What is the registration period for snowmobiles?** The registration period for snowmobiles is October 1 through September 30 of the following year. ~~((Regardless of the date acquired, there is no abatement of the snowmobile))~~ Registration fees are not prorated.

WSR 06-21-024

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 9, 2006, 1:25 p.m., effective November 9, 2006]

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

Purpose: Rule making is required to correct language and make the rule clearer.

Citation of Existing Rules Affected by this Order: Amending WAC 308-94A-005.

Statutory Authority for Adoption: RCW 46.16.110.

Adopted under notice filed as WSR 06-16-004 on July 20, 2006.

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

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

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

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

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

Date Adopted: October 3, 2006.

Liz Luce
Director

AMENDATORY SECTION (Amending WSR 01-13-008, filed 6/8/01, effective 7/9/01)

WAC 308-94A-005 Certificates of ownership and registration. (1) ~~((May I apply for a certificate of ownership for my off-road/nonhighway vehicle? Yes, you may apply for a certificate of ownership at your Washington vehicle licensing office or through the department. If the vehicle is not eligible for road use, the certificate of ownership will show not eligible for road use.))~~ **Is a certificate of ownership issued for off-road and nonhighway vehicles?** Yes, a certificate of ownership is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of ownership will indicate the brand "not eligible for road use," if a vehicle is not manufactured for road use.

(2) ~~((Do I have to purchase registration when applying for certificate of ownership? No, if you choose not to purchase registration when titling your vehicle, the record will be established without a road or off-road/nonhighway vehicle registration.))~~ **What are the licensing options for off-road and nonhighway vehicles described in RCW 46.09.020?** Licensing options include:

(a) If your vehicle is licensed for road use under chapter 46.16 RCW:

(i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas;

(ii) You may purchase an annual or temporary off-road use permit.

(b) If your vehicle is not manufactured for road use, you may only purchase an annual or temporary off-road use permit:

(c) You may choose to title your vehicle without licensing it.

(3) **What ~~((are the different ways I may register my))~~ is an off-road/nonhighway vehicle use permit?** ~~((You may register your off-road/nonhighway vehicle in one of the following ways:~~

(a) ~~If the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use, you may only purchase an off-road use permit (registration);~~

(b) ~~If your vehicle is eligible for road use under chapter 46.16 RCW you may purchase registration for road use off-road use or both; or~~

(c) ~~If your vehicle is not licensed for off-road use, you may purchase a temporary off-road vehicle permit.))~~ (a) The temporary off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for sixty days from the date of application;

(ii) Available to nonresidents and Washington residents who choose not to annually license their ORV;

(iii) Not transferable to another vehicle.

(b) The permanent off-road/nonhighway use permit authorized under RCW 46.09.070 is:

(i) Valid for one year from the date of application;

(ii) Available to residents of Washington who choose to annually license their ORV;

(iii) Not transferable to another vehicle.

(4) ~~((What information does the department require I apply for an off-road/nonhighway vehicle use permit? An application for an off-road/nonhighway vehicle use permit must include the following:~~

- (a) Name and address of the applicant;
- (b) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (c) Make and year of vehicle;
- (d) Expiration date of the foreign state registration;
- (e) Vehicle identification number;
- (f) Appropriate fees; and
- (g) Signature of the registered owner(s).

~~(5) **Where do I carry the temporary or annual off-road/nonhighway use permit?** The permit may be carried by the operator or in a moisture proof protective case attached to the vehicle. The use permit must be made available at all times for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.~~

~~(6)) **What do I do with the annual or temporary off-road permit?** The permit must be:~~

- ~~(a) Carried on the vehicle whenever in use;~~
- ~~(b) Made available to any law enforcement officer on request.~~

~~(5) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington?** ((It is recommended you check with local, state, or federal authorities in the areas you intend to operate to insure you are operating in accordance with their requirements-)) There may be different requirements, depending upon the jurisdiction control of the dirt, gravel road, or trail area. Check with local, state, or federal authorities in the areas you intend to operate the vehicle to ensure you are operating in accordance with their requirements.~~

WSR 06-21-025

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 9, 2006, 1:27 p.m., effective November 9, 2006]

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

Purpose: Rule making is required to make additions to the rule to specify the vessel registration certificate must be carried on board the vessel for which it is issued at all times. The language has been changed so that it is easier to read [read] by the public.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-050; and amending WAC 308-93-010, 308-93-030, 308-93-055, 308-93-070, and 308-93-090.

Statutory Authority for Adoption: RCW 88.02.070.

Other Authority: RCW 88.02.100.

Adopted under notice filed as WSR 06-15-095 on July 17, 2006.

Changes Other than Editing from Proposed to Adopted Version: The addition of two definitions.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 3, 2006.

Liz Luce
Director

AMENDATORY SECTION (Amending WSR 01-21-072, filed 10/18/01, effective 11/18/01)

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

(1) "Bare boat" means a vessel rented without a captain or crew.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.

(3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.

(4) "Charter vessel" means a vessel rented with a crew.

(5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(6) "Conveyance" means transfer of title of a vessel from one person to another.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.

(8) "Director" means the director of the department of licensing.

(9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.

(11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(12) "Exclusively" means solely and without exception.

(13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction. Also referred to as "out-of-country."

(14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means or wind.

(15) "Identification documents" means the vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the ~~((Coast Guard where a))~~ number system has not been approved by the Coast Guard or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)

(17) "Legal owner/secured party" means a person ~~((or)),~~ business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

(20) "Out-of-country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as Jet Ski or Wet Bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Racing vessel" is a vessel used exclusively in racing events.

(29) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

~~((29))~~ (30) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

~~((30))~~ (31) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

~~((31))~~ (32) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

~~((32))~~ (33) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance

procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

~~((33))~~ (34) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

~~((34))~~ (35) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

~~((35))~~ (36) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

~~((36))~~ (37) "Vessel seller's report of sale." A vessel seller's report of sale is a document that protects the seller from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.

(38) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-030 Vessels subject to excise tax, registration and titling exemptions. (1) What vessels are subject to excise tax(~~(-registration and titling))~~? All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter(~~(s~~ 88.02 and)) 82.49 RCW(~~(-all vessels sixteen feet or longer equipped with propulsion machinery or sails, are subject to excise tax, registration and titling, including the following:~~) and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

(2) What vessels are subject to registration? Most vessels are subject to registration under chapter 88.02 RCW, including the following:

~~((1))~~ (a) Amphibious vessels (vehicles);

~~((2))~~ (b) Docking hulls;

~~((3))~~ (c) Houseboats;

~~((4))~~ (d) Inflatable vessels with motors;

~~((5))~~ (e) Sailboats (sixteen feet or longer);

(f) Personal watercraft (Jet Ski, ~~((wet bike))~~ Sea-Doo, AquaTrax, Wave Runner, etc.);

~~((6))~~ (g) Racing vessels)

(g) Documented pleasure vessels.

(3) What do I do with the vessel registration identification document? The vessel registration must be:

(a) Carried on board the vessel whenever on the waters;

(b) Made available to any law enforcement officer on request.

(4) What vessels are exempt from registration? Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

(a) Vessels under sixteen feet in overall length are:

(i) Powered by ten horsepower or less; and

(ii) Used on waters where there is no federal jurisdiction.

(b) Sailboats under sixteen feet;

(c) Ship's tender when properly identified as a tender to the parent vessel; and

(i) Is used only for direct transportation from ship to shore; and

(ii) Is less than ten horsepower.

(d) Vessels powered by human power, such as canoes, kayaks, and rowboats.

(e) Documented charter vessels, including, bare boat and time share charters.

(f) Vessels used exclusively for racing.

(5) What vessels are subject to titling? All vessels subject to registration are issued a title, except the following:

(a) Vessel documented by the United States Coast Guard;

(b) Owner is unable to provide proof of ownership;

(c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-055 ((Foreign)) Vessels from out-of-state operating in this state—Identification document required. (1) **What documentation must be carried aboard a ((foreign)) vessel from another state or out-of-country when being operated upon the waters of this state?** The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

(a) The ((foreign)) vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.

(b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.

(c) A second ((vessel)) sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) **What must I provide to obtain a vessel sixty-day temporary identification document?** ((You must provide the following:))

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) **How many vessel sixty-day temporary identification documents may be obtained?** Not more than two ((vessel sixty-day temporary identification documents)) may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) **How do I display the vessel sixty-day temporary identification document?** ((The vessel sixty-day temporary identification document must be:))

(a) ((Kept)) Keep aboard ((the vessel)) at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) **If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document?** ((If the vessel owner is not available,)) The person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the ((foreign vessel)) out-of-state or out-of-country registration certificate.

AMENDATORY SECTION (Amending WSR 01-08-021, filed 3/27/01, effective 4/27/01)

WAC 308-93-070 Application for certificate of ownership/registration. (1) **When am I required to register my vessel in Washington?** Current ((foreign)) out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) **What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration?** Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) ((The department assigned customer account number for each owner of the vessel including secured parties if available;

((+)) The address ((at which)) that one of the owners regularly receives mail;

((+)) (d) The mailing address of the first secured party;

((+)) (e) The Washington registration number as assigned;

((+)) (f) Make and model year;

((+)) (g) Length of vessel;

((+)) (h) Type of power (gasoline, diesel, etc.);

((+)) (i) Primary use (commercial, pleasure, etc.);

((+)) (j) Primary method of propulsion (inboard, sail, etc.);

((+)) (k) Type of vessel (runabout, cabin, etc.);

((+)) (l) Primary vessel construction (fiberglass, wood, etc.);

((+)) (m) County of moorage;

((+)) (n) Hull identification number, if one has been assigned;

((+)) (o) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

(p) The signature of all of the owners.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-090 Leased or rented vessels. (1) **What is the difference between leased and rented vessels?** For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) **When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document?** (~~(A leased or rented vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances-)~~) If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in (~~(a foreign jurisdiction)~~) another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.-030(11). (~~(Not)~~) No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in (~~(a foreign jurisdiction)~~) another country or another state and leased or rented by a Washington res-

ident, and used upon Washington waters, the following apply:

(i) If the (~~(vessel is leased)~~) lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented? (~~(Rented vessels are titled and registered in)~~) The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?

(a) (~~(When the vessel is less than twenty six feet in length and leased or rented for less than seven days, the following documents must be carried on the vessel:~~

(i)) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(~~((ii))~~) (b) A copy of the current registration certificate.

(~~((b) When the vessel is less than twenty six feet in length and leased or rented for seven days or more, the following documents must be carried on the vessel:~~

(i) ~~A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and~~

(ii) ~~The original current registration certificate.~~

(c) ~~When the vessel is twenty six feet or more and is leased or rented, the following documents are required to be carried on the vessel:~~

(i) ~~A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and~~

(ii) ~~The original current registration certificate.)~~

(5) Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington? Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not

show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-050 Vessels exempted from registration, excise tax and titling.

WSR 06-21-026
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed October 9, 2006, 1:30 p.m., effective November 9, 2006]

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

Purpose: Rule making is a result of [no further information supplied by agency].

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-530.

Statutory Authority for Adoption: RCW 46.16.110, 46.16.335, 46.16.276.

Adopted under notice filed as WSR 06-16-002 on July 19, 2006.

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

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

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

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

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

Date Adopted: October 3, 2006.

Liz Luce
Director

AMENDATORY SECTION (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only persons qualified under RCW 46.16.319(~~(2) and (3)~~) may purchase veteran remembrance license plate emblems.

(3) **What will I receive when I purchase veteran remembrance license plate emblems (~~what will I receive~~)?** In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag and campaign ribbon emblem; or

(c) Two campaign ribbon emblems; or

(d) Two US flag emblems.

(4) **What emblems are available for purchase?**

(a) Afghanistan Campaign Medal.

(b) American Campaign Medal WWII.

(c) Armed Forces Expedition Medal.

(d) Armed Forces Services Medal.

(e) Asiatic - Pacific Campaign Medal WWII.

(f) European-African-Middle Eastern Campaign Medal WWII.

(g) Iraq Campaign Medal.

(h) Korean Defense Medal.

(i) Korean Service Medal.

(j) Kosovo Campaign Medal.

(k) Merchant Marines Atlantic War Zone Medal.

(l) Merchant Marines Middle East War Zone Medal.

(m) Merchant Marines Pacific War Zone Medal.

(n) National Defense Medal.

(o) South Asia Service Medal.

(p) U.S. Flag decal.

(q) U.S. Veteran decal.

(r) Vietnam Service Medal.

(s) War on Terrorism Expeditionary Medal.

(t) War on Terrorism Service Medal.

(u) World War I Victory Medal.

(5) **How much (~~will I be charged for the~~) do veteran remembrance license plate emblem packages cost?** Veteran remembrance license plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.01.140 (5)(b)(~~a fee of ten dollars is collected for each package~~).

(~~(5)~~) (6) **How (~~are the emblems to be displayed on my license plate~~) do I display my license plate emblems?** In addition to the requirements and limitations in RCW 46.16.327:

(a) When the VETERAN emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem must be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem must be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than

two CAMPAIGN emblems may be affixed to any one license plate;

~~((6))~~ (d) For two-plated vehicles, you may display the emblems on either the front or rear license plate, or you may buy a second package if you want to display emblems on both license plates.

Note: When a license plate displaying veteran's remembrance emblems is transferred to a new owner, the emblems must be removed.

(7) Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate? No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

~~((7) May I transfer my veteran remembrance license plate emblems to different vehicles? Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.))~~

(8) May I obtain a replacement or additional veteran remembrance license plate emblem package? Yes ~~((You may))~~:

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or

(c) When the license plates are replaced as required by the mandatory plate replacement law, a replacement set will be provided at no fee.

WSR 06-21-027

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 9, 2006, 1:32 p.m., effective November 9, 2006]

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

Purpose: Rule making is a result of additions and changes made to the existing rules to make sure they comply with the law and the way the department does business.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-005, 308-96A-101, 308-96A-201, 308-96A-208, 308-96A-210, and 308-96A-220.

Statutory Authority for Adoption: RCW 46.16.010.

Adopted under notice filed as WSR 06-15-040 on July 10, 2006.

Changes Other than Editing from Proposed to Adopted Version: Added definition of vehicle/vessel seller's report of sale and several clarifying language changes.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

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

Date Adopted: October 3, 2006.

Liz Luce
Director

AMENDATORY SECTION (Amending WSR 04-14-077, filed 7/6/04, effective 8/6/04)

WAC 308-96A-005 Terminology—Definitions.

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" ~~((means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale))~~ is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license of that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is ~~((a truck))~~ an incomplete vehicle manufactured and sold with only a cab ((and the)), frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. ~~((The certificate of license registration is renewed annually.))~~

(6) "Chattel lien" is a process by which a person may sell or take ownership of a vehicle when:

(a) They provide services or materials for a vehicle at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(7) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is more than thirty years old as authorized by RCW 46.16.305(1).

~~((7))~~ (8) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned

or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

~~((8))~~ (9) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

~~((9))~~ (10) "Department" means the department of licensing. (RCW 46.04.162.)

~~((10))~~ (11) "Empty scale weight" means the same as "scale weight" in this section.

(12) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

~~((11))~~ (13) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

~~((12))~~ (14) "Fixed load vehicle" is a vehicle that is exempt from the one hundred fifty percent gross weight requirements as specified in RCW 46.16.079 and described in WAC 308-96A-099.

~~((13))~~ (15) "Gross weight," "declared gross weight," and "tonnage" mean ~~(s)~~ gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

~~((14))~~ (16) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as a maximum load weight of a single vehicle.

(17) "Hybrid motor vehicle" means a vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

~~((15))~~ (18) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

~~((16))~~ (19) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

~~((17))~~ (20) "Indian tribe" means ~~((an))~~ a Washington Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

~~((18))~~ (21) "Indian" means a person on the tribal rolls of the Washington Indian tribe occupying Indian country.

~~((19))~~ (22) "Individual with disabilities parking placard expiration date" means the last day of the month as specified on the department placard.

~~((20))~~ (23) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative of one of these entities.

~~((21))~~ (24) "Jurisdiction seal" means ~~((a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is))~~ an embossed seal or stamp provided by the jurisdiction to authenticate court documents.

~~((22))~~ (25) "Landlord's lien" for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

(26) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

~~((23))~~ (27) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

~~((24))~~ (28) "License tab fees" means the same as described in RCW 46.16.0621.

~~((25))~~ (29) "Licensed physician" for the purpose of individual with disabilities parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, osteopathic physicians, podiatric physicians, and advanced registered nurse practitioners. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

~~((26))~~ (30) "Motor home" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

~~((27))~~ (31) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

~~((28))~~ (32) "Natural person" means a human being.

(33) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

~~((29))~~ (34) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

~~((30))~~ (35) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

~~((31))~~ (36) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

~~((32))~~ (37) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1).)

~~((33))~~ (38) "Permanent" in reference to individual with disabilities parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) ~~((Individual with disabilities parking privileges must be renewed every five years.~~

~~((34))~~ (39) "Permanent fleet" means a group of one hundred or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

(40) "Permit" in reference to individual with disabilities parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for individual with disabilities parking privileges. (RCW 46.16.381.)

~~((35))~~ (41) "Personalized license plates" are plates denoting the registered owner's chosen format or designation

and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

~~((36))~~ (42) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purpose including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

~~((37))~~ (43) "Placard" ~~((means a document))~~ is an item issued to individuals who qualify for special individual with disabilities parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing in the form of a removable windshield placard bearing the international symbol of access and individual serial number.

~~((38))~~ (44) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. ~~((WAC 308-96A-316.))~~

~~(39))~~ (45) "Private use trailer" means one that is owned by a natural person, and used for the private noncommercial use of the owner.

(46) "Privilege" in reference to individual with disabilities parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

~~((40))~~ (47) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

~~((41))~~ (48) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

~~((42))~~ (49) "Rental car" means a car that is rented as defined in RCW 46.04.465.

~~((43))~~ (50) "Renewal notice" means the notice to renew a vehicle license ~~((provided by the department))~~. Renewal notices are sent to the registered owner approximately sixty days prior to the current expiration ((year)) date.

~~((44))~~ (51) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

~~((45))~~ (52) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 ~~((and))~~, 46.16.111, and chapter 46.17 RCW.)

~~((46))~~ (53) "Self-storage facilities lien" is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(54) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

~~((47))~~ (55) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer

indicates additional or corrective information that must be provided at the time of registration renewal.

~~((48))~~ (56) "Subagent" means individual(s) ~~((business, organization, or political entity))~~ recommended by an agent and appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

~~((49))~~ (57) "Tab(s)" means ~~((decals))~~ stickers, issued by the department, affixed to the rear license plate to identify the registration expiration month ~~((of))~~ and year for a specific vehicle.

~~((50))~~ "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

~~(51))~~ (58) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

~~((52))~~ (59) "Unprocessed" as used in parking ticket system means no update of the computer record has ~~((occurred))~~ not been updated.

~~((53))~~ (60) "Use classes" means those vehicles described in WAC 308-96A-099.

~~((54))~~ (61) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

(62) "Vehicle/vessel seller's report of sale" means a document or electronic record transaction that when properly filed protects the seller of a vehicle/vessel from certain criminal and civil liabilities arising from use of the vehicle/vessel by another person after the vehicle/vessel has been sold or a change in ownership has occurred.

AMENDATORY SECTION (Amending WSR 02-11-096, filed 5/20/02, effective 6/20/02)

WAC 308-96A-101 Scale weight required for licensing. (1) ~~((What is scale weight?~~

Scale weight is the weight of a vehicle without a load.

(2) ~~When does the department require the scale weight of my vehicle?)~~ **The department requires ~~((the))~~ vehicle scale weight ~~((of your vehicle when))~~ for:**

(a) ~~((The use class requires gross weight))~~ Vehicles licensed under RCW 46.16.070 ~~((and))~~, 46.16.090, and 46.16.0621;

(b) ~~((The vehicle is a trailer;))~~ Trailers;

(c) ~~((The use class is F/H (for hire) or STA (stage);~~

~~((d))~~ The vehicle is powered by propane, natural gas or butane;

~~((e))~~ There is a discrepancy between the scale weight on department records or supporting documents and the actual weight of the vehicle; or

~~((f))~~ (d) The vehicle has been structurally modified changing the ~~((empty))~~ scale weight.

~~((3))~~ What does the department accept for scale weight verification?) (2) **Determining scale weight:**

The department will accept:

(a) The shipping/scale weight as shown on a manufacturer's statement/certificate of origin (~~((or))~~), factory invoice, previous title, registration, or supporting documentation issued by another jurisdiction; or

(b) A weight slip from a certified scale; or

(c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry; (for example: NADA or Kelly Blue Book); or

(d) (~~(Unladen or scale weight as shown on supporting documentation issued by another jurisdiction; or)~~) Automated Value System (AVS) Value Detail Screen; or

(e) Dealer's declaration of factory shipping weight - Completed vehicles only; or

(f) Other sources approved by the department.

AMENDATORY SECTION (Amending WSR 02-10-013, filed 4/22/02, effective 5/23/02)

WAC 308-96A-201 Purchasing gross weight—Expiration dates. (1) **What ~~((would))~~ is the gross weight expiration date ~~((be))~~ if I purchase twelve thousand pounds or less?**

The gross weight license expiration date (~~((must be))~~) is the same as the registration expiration date. Gross weight fees (~~((must be))~~) are paid for the same number of months as the registration.

(2) **What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?**

You, the owner, have two options:

(a) If you choose to (~~((purchase))~~) buy twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to (~~((purchase))~~) buy one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires March 9, monthly gross weight licenses will expire April 9, May 9, etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

(3) **When renewing the registration and purchasing monthly gross weight, what is the effective date of my gross weight license?**

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March 10. If the registration is purchased June 15, the effective date is June 10, etc. When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees (~~((shall be))~~) are charged for a full month.

(4) **If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?**

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

AMENDATORY SECTION (Amending WSR 02-10-013, filed 4/22/02, effective 5/23/02)

WAC 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class. (1) **When may I change my vehicle registration from a nonfarm use class to a farm use class?**

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

(2) **When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?**

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight. Changing use class from nonfarm to farm results in a forfeiture of gross weight fees paid. You may increase your declared gross weight to make up the difference between the nonfarm and the farm gross weight fees if the increased gross weight does not exceed the maximum legal limit of the vehicle.

(3) **What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class?** The expiration date of the gross weight license would remain the same as the current gross weight license.

(4) **What will be the start date of the gross weight license ~~((be))~~ when I change my vehicle registration from nonfarm use class to a farm use class?** The start date of the gross weight license would remain the same as the current gross weight license.

(5) **How many months gross weight must I purchase when I change my vehicle registration from nonfarm to farm?**

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

(6) **Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. At the time of application for change of use class from nonfarm to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the nonfarm gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date (~~((shall be forfeited))~~) forfeit. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?

Yes. A gross weight license of twelve thousand pounds or less (~~(must be)~~) is transferred to a new owner at the time of transfer of ownership of the vehicle. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?

Any gross weight credit not transferred to the new owner or to a replacement vehicle (~~(shall be forfeited)~~) is forfeit and (~~(shall not be)~~) is not refunded.

(3) What will be the start date of the gross weight license when transferred to the new owner?

(a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or

(b) The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

(4) What would the new gross weight expiration date be?

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date (~~(will be)~~) is the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(5) How many months gross weight fees will I be charged when I apply for transfer of ownership?

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that have already been paid?

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight

license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

AMENDATORY SECTION (Amending WSR 02-11-095, filed 5/20/02, effective 6/20/02)

WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle. (1) May I transfer a gross weight license to a replacement vehicle? Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle.

(2) What qualifies as a replacement vehicle? A replacement vehicle is a truck, tractor, or truck tractor that is:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement that is presently unlicensed or has had its gross weight license retained by its former owner.

(3) What is an unlicensed vehicle? For the purposes of this section, a vehicle is considered unlicensed if the current gross weight license expires prior to the registration, or if the current gross weight license is not adequate for the load being carried.

(4) When may I transfer gross weight license to a replacement vehicle? You may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle (~~(has been)~~) is:

(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;

(b) Destroyed;

(c) Reclassified so a gross weight license is no longer required;

(d) Registered in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, self-service storage facility lien, abandoned vehicle sale;

(f) Stolen; or

(g) Removed from service by the owner.

Gross weight license may also be transferred to a replacement vehicle at the request of the owner.

(5) What are the restrictions to transferring gross weight license? The restrictions to transferring gross weight license are:

(a) The expiration date of the transferred gross weight license may not:

(i) Extend beyond the registration expiration date of the replacement vehicle;

(ii) Be used to extend the registration expiration date of the replacement vehicle.

(b) The gross weight license being transferred may not exceed the replacement vehicle's weight limitations as defined in chapter 46.44 RCW;

(c) The gross weight license being transferred must be 14,000 pounds or more;

(d) The amount of gross weight credit being transferred must be fifteen dollars or more;

(e) A transfer of gross weight license for the purposes of increasing the declared gross weight of the replacement vehicle must comply with the requirements of WAC 308-96A-205;

(f) You must surrender the current gross weight license in order to transfer gross weight license to a replacement vehicle.

(6) What would the new gross weight expiration date be?

(a) The expiration date of the transferred gross weight license (~~will be~~) is the same day of the month as the registration expiration date of the replacement vehicle. For example: If the registration expiration date of the replacement vehicle is July 15, the transferred gross weight license will expire on the fifteenth day of the month, depending on how many months gross weight license was transferred.

You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.

(b) If the registration of a replacement vehicle as described in subsection (2)(b) of this section has expired, new registration and gross weight expiration dates will be assigned.

(7) Will I receive credit for gross weight fees that have already been paid? You will receive credit for the current and unused portions of the gross weight license already purchased. Any excess credit will (~~be forfeited and will~~) not be refunded or ever used as a credit.

WSR 06-21-031
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-262—Filed October 9, 2006, 2:51 p.m., effective November 9, 2006]

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

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-175 and 220-69-236.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-16-017A on July 24, 2006.

Changes Other than Editing from Proposed to Adopted Version: The following adjustments were made and adopted by the fish and wildlife commission as a floor amendment since the original CR-102 filing and are outlined below.

WAC 220-69-236 Description of catch record cards and required information. (1)(c) Halibut ~~taken from Catch Record Card Areas 5 through 13;~~

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

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

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

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

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

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

Date Adopted: October 6, 2006.

Nancy Burkhart
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

WAC 220-69-236 Description of catch record cards and required information. (1) The department shall prepare and distribute a catch record card for the following:

(a) Anadromous salmon (salmon);

(b) Dungeness crab taken from Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5-13;

(c) Halibut (~~taken from catch record card areas 5 through 13~~);

(d) Steelhead; and

(e) Sturgeon.

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

(a) Name of fisher;

(b) Home address;

(c) City, state, and zip code;

(d) Date of issuance;

(e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.

(3) Each catch record card shall contain space for the following information:

(a) Month of catch;

(b) Day of catch;

(c) Catch record card area, river code, or stream: Location of catch;

(d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;

(e) A space for designating the type of vessel from which halibut was taken, either charter (c) or personal/kicker (k) boat;

(f) A space for the length of sturgeon;

(g) For Dungeness crab:

(i) The type of crab fishery as described on the Dungeness crab catch record card;

(ii) The total crab retained by fishery type;

(iii) A tally mark for each crab retained.

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line and in Catch Record Card Areas 5-13, anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length, for halibut, vessel type and for salmon, whether or not the fish was marked.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

WSR 06-21-034
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-263—Filed October 10, 2006, 11:17 a.m., effective November 10, 2006]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-88E-030.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-16-018 on July 24, 2006.

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

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

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

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

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

Date Adopted: October 6, 2006.

J. P. Koenings, Director
Nancy Burkhart
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 05-245, filed 10/14/05, effective 11/14/05)

WAC 220-88E-030 Hagfish pot trial fishery—Season and gear. It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

(1) Season - Open year-round to hagfish pot gear only.

(2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.

(3) Gear restrictions:

(a) Maximum of ~~((50))~~ 100 hagfish pots per permit. Pots may be fished individually or on a common ground line.

(b) Hagfish pot gear requirements:

(i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.

(ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.

(c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end

marker buoys must display the number of pots on the ground line.

WSR 06-21-037
PERMANENT RULES
DEPARTMENT OF LICENSING
(Dealer and Manufacturer Services)

[Filed October 10, 2006, 4:37 p.m., effective November 10, 2006]

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

Purpose: To establish amount of the filing fee to be submitted by a licensed motorcycle dealer when initiating a protest against the manufacturer for violations of chapter 46.94 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 308-67-010.

Statutory Authority for Adoption: Section 3(1), chapter 354, Laws of 2003.

Adopted under notice filed as WSR 06-08-065 on March 31, 2006.

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

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

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

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

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

Date Adopted: May 26, 2006.

Daniel Devoe
Administrator

AMENDATORY SECTION (Amending WSR 90-03-022, filed 1/10/90, effective 2/10/90)

WAC 308-67-010 Petition fee—Vehicle manufacturers and dealers. The filing fee for petitioning the department of licensing concerning franchise disputes pursuant to ~~((sections 4, 11(6), and 18(4), chapter 415, Laws of 1989, shall be))~~ chapters 46.93 and 46.96 RCW is \$500.00.

WSR 06-21-041
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-264—Filed October 11, 2006, 3:11 p.m., effective November 11, 2006]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-88B-040.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-16-017 on July 24, 2006.

Changes Other than Editing from Proposed to Adopted Version: The following adjustments were adopted since the original CR-102 filing and are outlined below:

WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Seasons and gear—Species restriction.

(1) Season - Open to shellfish pot gear ~~((the entire year))~~ ~~April 1 through August 31~~ March 15 through September 15.

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

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

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

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

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

Date Adopted: October 6, 2006.

J. P. Koenings, Director
Nancy Burkhardt
for Ron Ozment, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-21, filed 2/10/04, effective 3/12/04)

WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction. It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear ~~((the entire year))~~ March 15 through September 15.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is unlawful for persons fishing in the coastal spot shrimp experimental fishery to deliver spot shrimp while having on board bottomfish taken in the coastal bottomfish fishery under WAC 220-44-050.

WSR 06-21-054

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed October 13, 2006, 3:41 p.m., effective November 13, 2006]

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

Purpose: Revise the general and serious infractions for prison and work release offenders and establish a procedure for revocation hearings for offenders sentenced under the drug offender sentencing alternatives (DOSA).

Citation of Existing Rules Affected by this Order: Amending chapters 137-28 and 137-25 WAC.

Statutory Authority for Adoption: RCW 72.01.090, 72.65.100, and 72.09.130.

Adopted under notice filed as WSR 06-18-062 on September 1, 2006.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 6, Repealed 0.

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

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

Date Adopted: October 13, 2006.

Ruben Cedeno
for Harold W. Clarke
Secretary

Chapter 137-24 WAC

SPECIAL DRUG SENTENCING ALTERNATIVE REVOCATION HEARINGS

NEW SECTION

WAC 137-24-010 Purpose. The purpose of this chapter is to specify policies and procedures pertaining to revocation of offenders, while in total/partial confinement, sentenced under the special drug offender sentencing alternative. Offenders sentenced under the special drug offender sentencing

alternative, are mandated by statute to undergo a comprehensive substance abuse assessment and receive, within available resources, substance abuse treatment services. Offenders who fail to complete or are administratively terminated from the special drug offender sentencing alternative substance abuse treatment program are subject to reclassification and service of the unexpired term of his/her sentence as ordered by the sentencing court. The following regulations set forth procedural guidelines. They do not create procedural or substantive rights in any person and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted as having sufficient flexibility to be consistent with law and permit the department to accomplish its statutory purposes.

NEW SECTION

WAC 137-24-020 Definitions. For purposes of this chapter, the following words have the following meanings:

(1) "Appeals panel" means three reviewing officers designated by the secretary with the authority to review hearing officer's decision, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW 9.94A.205.

(2) "Department" means the Washington state department of corrections.

(3) "Deputy secretary" means the deputy secretary of the prisons division of the department, or the deputy secretary's designee.

(4) "Hearing officer" means an employee of the department authorized to conduct department hearings.

(5) "Hearing program manager" means the manager/administrator of the hearings unit of the department, or the hearings program manager's designee.

(6) "Infraction" means commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in chapter 137-28 WAC.

(7) "Lesser included" means an infraction that must necessarily have been committed in order to commit another infraction.

(8) "Negotiated sanction" means an agreement between the offender and the department, reviewed and signed off on by a hearings officer, in which the offender admits violations and agrees to comply with the imposed sanction(s).

(9) "Offender" means any person in the custody of or subject to the jurisdiction of the department.

(10) "Partial confinement" means confinement in a facility or institution operated or utilized under contract by the state or by any other unit of government, to include, but not be limited to, work release, treatment center, residential facility, or home detention with electronic monitoring.

(11) "Secretary" means the secretary of the department, or the secretary's designee.

(12) "Staff member" means any employee of the department of corrections, contract employee or volunteer.

(13) "Stipulated agreement" means an agreement between the offender and the department in which the offender admits violations and agrees to comply with the imposed sanction(s).

(14) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp or a county or municipal jail.

(15) "Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.

NEW SECTION

WAC 137-24-030 Hearing procedures. (1) Offenders accused of failing to complete or having been administratively terminated from an in-custody substance abuse program are entitled to a hearing prior to the revocation or to the imposition of sanctions by the department.

(2) The hearing shall be conducted by a hearing officer in the department's community corrections hearing unit, and shall be considered as an offender disciplinary proceeding and shall not be subject to chapter 34.05 RCW, the Administrative Procedure Act.

(3) Hearings shall be conducted within five working days, but not less than twenty-four hours, after service of the notice of allegations, hearing and rights, and waiver form.

(4) Prior to the commencement of a hearing, the hearing officer shall verify that proper notice of the hearing has been given and that the offender was properly served with the notice of allegations, hearing and rights, and waiver form, given a copy of the report of alleged violations, and provided with all supporting documentary evidence to be presented by the department.

(5) The hearing officer is authorized to find an inmate guilty of the lesser included offense, failure to program, WAC 137-25-030 #557, without issuing a new infraction report or conducting a new hearing.

(6) Hearings shall be electronically recorded and shall be retained in accordance with the department's retention schedule. An offender, who is the subject of the hearing, may request a copy of the recording of that hearing by submitting a request in writing.

(7) The offender may call witnesses to testify on his/her behalf at the hearing. The hearing officer may limit the number of witnesses and the scope of the testimony to matters relevant to the allegations and/or disposition.

(8) Confidential information will be considered in accordance with procedures of WAC 137-28-300(7).

(9) At the hearing, a treatment staff or facility member has the obligation of setting forth evidence supporting the allegations of violations and of offering recommendations of disposition.

(10) The department has the obligation of proving each of the allegations of violation by preponderance of the evidence.

(11) The hearing officer shall:

(a) Administer oaths and affirmation;

(b) Weigh the credibility of the witnesses;

(c) Rule on all procedural matters, objections and motions;

(d) Rule on offers of proof, and receive relevant evidence including hearsay evidence;

(e) Question witnesses called by the parties in an impartial manner to elicit any facts deemed necessary to fairly and adequately decide the matter;

(f) Render or defer a decision; and

(g) Take any other actions necessary and authorized by these rules and law.

(12) The hearing officer may grant a request for a continuance of the hearing as long as such continuation is granted for good cause and does not unduly delay the hearing.

NEW SECTION

WAC 137-24-040 Rights specified. (1) To receive written notice of the alleged violation of the DOSA sentence.

(2) To have an electronically recorded hearing conducted within five working days of service of the notice.

(3) To have a neutral and detached hearing officer conduct the hearing.

(4) To examine, no later than twenty-four hours before the hearing, all supporting nonconfidential documentary evidence which the department of corrections intends to present during the hearing.

(5) To admit to the allegation. This may limit the scope of the hearing.

(6) To be present during the fact-finding and disposition phases of the hearing.

(7) To present his/her case to the hearing officer. If there is a language or communication barrier, the hearing officer may appoint someone to interpret or otherwise assist the offender. However, no other person may represent the offender in presenting his/her case. There is no right to an attorney or counsel.

(8) To confront and cross-examine witnesses appearing and testifying at the hearing.

(9) To testify during the hearing or to remain silent. An offender's silence will not be held against him/her.

(10) To have witnesses provide testimony on his/her behalf, either in person or in a witnessed statement/affidavit. However, outside witnesses may be excluded due to institutional concerns. The hearing officer may also exclude persons from the hearing upon a finding of good cause, or if the information to be presented by the witnesses is deemed irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case. In addition, the hearing officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of the offender's presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony with the offender present. In either event, the offender may submit a list of questions to ask the witness(es).

(11) To receive a written hearing and decision summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed. In the event of a deferred decision to receive a copy of the hearing and decision summary from facility staff within a reasonable amount of time.

(12) To receive a copy of the department of corrections hearing report.

(13) To obtain a copy of the audio recording of the hearing. The offender must send a written request to the hearings unit.

(14) To appeal to the regional appeals panel, in writing, within seven calendar days of receipt of the hearing and decision summary. The offender may also file a personal restraint petition to appeal the department's final decision through the court of appeals.

(15) If the offender waives their right to be present at the hearing, the department of corrections may conduct the hearing in their absence and may impose sanctions that could include loss of liberty and/or reclassification/revocation of the DOSA sentence.

(16) To waive any or all of the above rights.

NEW SECTION

WAC 137-24-050 Determination of competency. (1) Whenever, as a preliminary matter, the offender or the community corrections officer raises the issue of the offender's competency, or there is a reason to doubt his/her competency, the hearing officer shall request a county mental health professional or a qualified expert within the department to examine the offender and report upon the mental condition and competency of the offender to participate in the hearing.

(2) Once the report is delivered to the hearing officer, the hearing shall be reconvened. Based on all evidence, including the competency evaluation, the hearing officer shall determine whether the offender is competent to participate in the hearing and shall determine the appropriate disposition.

NEW SECTION

WAC 137-24-060 Appeals. (1) Within seven calendar days of the hearing, the offender may appeal the decision of the hearing officer to the appeal panel. The request for review shall be submitted in writing and shall identify the specific issues on appeal.

(2) The sanction may be reversed or modified if a majority of the panel determines that the sanction is not reasonably related to the infraction behavior.

(3) The appeals panel will also examine evidence presented at the hearing and reverse any finding of a violation based solely on unconfirmed or unconfirmable allegations.

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

WAC 137-28-220 General infractions. (1) Any of the following types of behavior may constitute a general infraction:

Unauthorized possession/theft

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.

- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

Loaning/trading

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

Altering/destroying property

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

Disruptive behavior/lying

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.
- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.
- 353 - Disruptive behavior.
- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.
- 357 - Unauthorized demonstration, practice or use of martial arts.

Failure to follow rules and orders

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.

~~((307 - Performing or taking part in an unauthorized marriage-))~~

Unauthorized communication/visitor contact

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

Inappropriate use of equipment

- 212 - Using any equipment or machinery when not specifically authorized or contrary to instructions or safety standards.
- ~~((213 - Using any equipment or machinery contrary to instructions or safety standards-))~~

Unexcused absence/feigning illness

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.
- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

Inappropriate sexual behavior

- 328 - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.

(2) In determining whether a #328 infraction or a #728 infraction pursuant to WAC ~~((137-28-260))~~ 137-25-030 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-250 Appeals. (1) The sanctions for a finding of guilty of a general infraction may be appealed by the inmate to the major hearing officer of the institution.

(a) The appeal must be in writing and must include the reason why the inmate believes the action taken was incorrect.

(b) The appeal must be delivered to the hearing officer within twenty-four hours after the inmate receives notice of the action taken.

(c) Failure to follow appeal procedures will be deemed a waiver of the appeal.

(2) Within ten working days after receipt of the appeal, unless the time is extended by the superintendent, the hearing officer will decide either to:

- (a) Schedule a hearing on the appeal; or
- (b) Affirm, modify downward, or reverse the finding of guilty without a hearing.

(3) Once a decision of the hearing officer is made, the inmate shall be notified within seventy-two hours, unless the time period is extended by the superintendent.

(4) Sanctions are not stayed upon appeal.

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

WAC 137-28-310 Decision of hearing officer. (1) A report of the hearing shall be made.

(a) The report shall include:

- (i) The charge;
- (ii) Names of witnesses;
- (iii) Inmate plea(s);
- (iv) Summary of the testimony and cross-examination;
- (v) A description of the physical evidence used;
- (vi) Reasons for denying witnesses or the fact that written witness statements were not returned to the hearing officer; and
- (vii) The decisions and reasons.

(b) The written report shall be placed in the inmate's institutional file if he/she is found guilty.

(c) All reports and attachments shall be maintained by the clerk as part of the hearing officer's permanent records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed ~~((one hundred twenty days after the date of the hearing))~~ in accordance with the department's archive retention schedule unless the hearing officer becomes aware that an appeal or court proceeding is pending.

(2) In reaching a decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing. However, during the dispositional stage of the hearing, other factors, such as the inmate's institutional file, prior conduct, mental status, and overall institution adjustment, may be considered.

(3) The hearing officer may not find an inmate guilty of committing a #328 or #728 infraction if the inmate possesses sexually explicit materials depicting **only** actual penetration and such sexually explicit material was screened and approved by a mail room staff member prior to delivery to the inmate. Nothing herein shall be construed to limit the ability to remove such material from the inmate's possession and cell.

(4) The hearing officer shall consider mitigating factors in determining whether to reduce a #728 serious infraction to a #328 general infraction.

(5) The hearing officer is authorized to find an inmate guilty of a lesser included offense without issuing a new infraction report or conducting a new hearing.

(6) Where the evidence suggests an inmate is guilty of an offense not charged and which is not a lesser included offense to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The inmate may waive the right to a separate hearing on the new charges and may allow the hearing officer to enter a finding of guilty or not guilty and impose sanctions.

(7) The inmate shall be informed of the decision of the hearing officer in writing within three working days of the hearing, unless extended by the superintendent.

(8) The inmate shall be informed of his/her right to appeal the decision of the hearing officer to the superintendent.

AMENDATORY SECTION (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

WAC 137-28-380 Appeal to superintendent. (1) An inmate or the inmate's staff advisor may appeal the decision of the hearing officer to the superintendent by filing a written request for review with his/her reasons with the clerk within fifteen days, exclusive of weekends and holidays, after receiving notice of the decision of the hearing officer. The superintendent may consider appeals filed beyond the fifteen-day period.

(2) The clerk shall promptly transmit the appeal and the hearing record to the superintendent.

(3) The superintendent shall act on the appeal within ten working days of its receipt. The superintendent may affirm the decision of the hearing officer; reduce the charge to a lesser included offense; reduce a #728 serious infraction to a #328 general infraction based upon mitigating factors; reduce the severity of the sanctions imposed; vacate the judgment of the hearing officer; or remand the matter for a new hearing. Any new hearing may not result in an increase in the severity of the sanctions originally imposed unless the inmate is charged with related or additional offenses.

(4) The inmate shall be notified promptly of the decision of the superintendent.

(5) Sanctions are not stayed upon appeal.

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

WAC 137-28-420 Continuances. (1) At any time during the disciplinary process, the hearing officer may continue the hearing for any reasons, including the following:

(a) To determine the inmate's mental status or competency.

(b) To appoint a staff advisor.

(c) To obtain an interpreter.

(d) To obtain witnesses or witness statements.

~~(e) To order an investigation into the incident.~~

~~(f))~~ To correct errors.

~~(g))~~ (f) To obtain a replacement hearing officer.

~~(h))~~ (g) To obtain crime lab reports or other documentation.

~~(i))~~ (h) Due to the inmate's and/or witness' unavailability.

~~(j))~~ (i) Because the inmate is on escape, court-ordered custody, at a non-DOC facility, in transit, etc.

~~(k))~~ (j) A reasonable request by the inmate.

~~(l))~~ (k) To determine restitution costs.

(2) Continuances shall be for no longer than necessary, but shall not exceed twenty working days, unless approved by the superintendent.

(3) Hearings for inmates on escape status, court-ordered custody, in transit at a nondepartment of corrections' facility or otherwise unavailable may be continued up to a period not to exceed twenty working days after their return to the facility where the infraction originated.

AMENDATORY SECTION (Amending WSR 05-24-009 and 06-02-038, filed 11/28/05 and 12/28/05, effective 5/1/06)

WAC 137-25-020 Definitions. For the purposes of this chapter, the following words have the following meanings:

Abusive sexual contact - an incident in which the contact occurs without his/her consent or he/she was unable to consent or refuse. Abusive sexual contact includes one or more of the following behaviors:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to, weapons, body parts, food products, or bodily secretions.

Attempted suicide - an unsuccessful attempt to kill oneself as determined by a medical or mental health professional.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - staff member(s) designated by the superintendent or hearings program administrator to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to, bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mental health professional - an individual with a unique set of knowledge, skills and abilities that makes him/her competent in either development, research, administration, assessment, prevention, treatment, education or training aimed at affecting the onset, occurrence, and maintenance of mental, behavioral and in some cases physical health disorders.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a #328 general infraction rather than a #728 serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728 serious infraction should be reduced to a #328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexual assault - an incident in which the act occurs against the will of the victim (without his/her consent and/or he/she is unable to consent or refuse) as the result of the threat of the force or force used to obtain compliance. A sexual assault includes one or more of the following behaviors:

- Contact between the penis and the vagina or the penis and the anus involving penetration. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit;
- Contact between the mouth and the penis, vagina and/or anus;

• Penetration of the anal or genital opening of another person by hand, finger or other object.

Sexually explicit - means a depiction of one of the following:

- One of the participants in the sexual act is, or appears to be, nonconsenting;
- One of the participants in the sexual act appears to be forceful, threatening, or violent;
- One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;
- One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;
- Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;
- Any bodily excretory function which is sexual in nature;
- Bestiality, sadomasochistic behavior, bondage; or
- Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 05-24-009 and 06-02-038, filed 11/28/05 and 12/28/05, effective 5/1/06)

WAC 137-25-030 Serious infractions.

Category A

501 - Committing homicide.
502 - Aggravated assault on another offender.
507 - Committing <u>an act that would constitute a felony and that is not otherwise included in these rules.</u>
511 - Aggravated assault on a visitor or community member.
521 - Taking or holding any person hostage.
550 - Escape (or attempted escape).
601 - Possession, manufacture, or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
602 - Possession, manufacture, or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any component thereof.
603 - Possession, introduction, use or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug, mind altering substance, or drug paraphernalia.
604 - Aggravated assault on a staff member.

Category A

611 - ((Noneconsensual)) Sexual assault on a staff member.
612 - Attempted ((noneconsensual)) sexual assault of staff.
613 - Abusive sexual contact with staff.
635 - ((Noneconsensual)) Sexual assault on another offender.
636 - Attempted ((noneconsensual)) sexual assault of another offender.
637 - Abusive sexual contact with another offender.
650 - Rioting.
651 - Inciting others to riot.

~~((Category B~~

762 - Failing to comply with DOSA requirements.))

Category B - Level 1

504 - Engaging in sexual acts with others within the facility with the exception of approved conjugal visits.
553 - Setting a fire.
560 - Unauthorized possession of items or materials likely to be used in an escape attempt.
((588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.))
633 - Assault on another offender.
704 - Assault on a staff member.
711 - Assault on a visitor or community member.
744 - Making a bomb threat.

Category B - Level 2

505 - Fighting with any person.
556 - Refusing to submit or cooperate in a search when ordered to do so by a staff member.
607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member within the allotted time frame.
608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests when ordered to do so by a staff member.
652 - Engaging in or inciting a group demonstration.
655 - Making intoxicants, alcohol, controlled substances, narcotics, or possession of ingredients, equipment, items, formulas, or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
682 - Engaging in or inciting an organized work stoppage.
707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage or substance.

Category B - Level 2

716 - Unauthorized use of ((prescribed or over the counter medication)) <u>an over the counter medication or failure to take prescribed medication as required when administered under supervision.</u>
736 - Possession, manufacture or introduction of unauthorized keys.
750 - Indecent exposure.
752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.
830 - Any escape from work release with voluntary return within 24 hours.

Category B - Level 3

503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
506 - Threatening another with bodily harm or with any offense against another person, property, or family.
509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
525 - Violating conditions of a furlough.
((557 - Refusing to participate in an available education or work program or other mandatory programming assignment.))
558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
605 - Impersonating any staff member, contracted staff member, volunteer, other offenders or visitor.
653 - Causing an inaccurate count or interfering with count by means of unauthorized absence, hiding, concealing oneself, or other form of deception or distraction.
654 - Counterfeiting, forgery, altering, falsification, or unauthorized reproduction of any document, article ((or)) <u>of identification, money, security, or official paper.</u>
660 - Unauthorized possession of money or other negotiable instruments the value of which is five dollars or more.
709 - Out-of-bounds: Being in another offender's cell or ((other area in the facility where not assigned or authorized.)) being in an area in the facility with one or more offenders without authorization.
738 - Possession of clothing of a staff member.

Category B - Level 3

739 - Possession of personal information about currently employed staff, contractors, or volunteers, or their immediate family members, not voluntarily given to the offender by the individual involved; including, but not limited to: Social Security numbers, unpublished home addresses or telephone numbers, driver's license numbers, medical, personnel, financial, or real estate records, bank or credit card numbers, or other like information not authorized by the court or the superintendent.
745 - Refusing a transfer to another institution.
746 - Engaging in or inciting an organized hunger strike.
762 - <u>Failing to complete, or administrative termination from, DOSA substance abuse treatment program. Note: This infraction must be initiated by authorized staff and heard by a community corrections hearing officer in accordance with chapter 137-24 WAC.</u>
777 - Causing injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
813 - Unauthorized/unaccounted time in the community or being in an unauthorized location in the community.
814 - <u>While in work release, violation of an imposed special condition.</u>
831 - While in work release, failure to return from an authorized sign out.
879 - Operating a motor vehicle without permission <u>or in an unauthorized manner or location.</u>

Category C - Level 1

508 - Throwing objects, materials, substances, or spitting ((at staff, visitors, or other offenders)) <u>in the direction of another person(s).</u>
517 - <u>Committing any act that would constitute a misdemeanor and that is not otherwise included in these rules.</u>
555 - Theft of property or possession of stolen property.
<u>557 - Refusing to participate in an available education or work program or other mandatory programming assignment.</u>
563 - Making a false fire alarm or tampering with, damaging, blocking, or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
610 - Unauthorized ((accumulation)) <u>possession</u> of prescribed medication greater than a single or daily dose.
620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
659 - Sexual harassment.
663 - Using physical force, intimidation or coercion against any person.
702 - Possession, manufacture or introduction of an unauthorized tool.

Category C - Level 1

708 - Organizing or participating in unauthorized group activity or meeting.
714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another offender or that offender's friend(s) or family, the value of which is ten dollars or more.
717 - Causing a threat of injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
720 - Flooding a cell or other area of the institution/facility.
724 - Refusing a cell or housing assignment.
734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
<u>810 - Failure to seek/maintain employment or training or maintain oneself financially or being terminated from a job for negative or substandard performance.</u>

Category C - Level 2

552 - Causing an innocent person to be penalized or proceeded against by providing false information.
554 - ((Mutilating, altering, defacing-)) <u>Damaging or destroying state property or any other item the value of which is ten dollars or more and that is not the personal property of the offender.</u>
559 - Gambling; possession of gambling paraphernalia.
656 - Giving, receiving, or offering any person a bribe or anything of value for an unauthorized favor or service.
706 - Giving false information when proposing a release plan.
710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.
718 - Use of mail or telephone in violation of court order or local, state, or federal law.
726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
727 - Telephoning or sending written communications to any person contrary to previous written warnings <u>or direction</u> and/or documented disciplinary action.
728 - Possession of any ((written photographic or hand-drawn)) <u>sexually explicit material(s), ((that depicts sexually explicit acts))</u> as defined ((in)) <u>by</u> department policy and/or WAC 137-25-020.
740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.
742 - A pattern of creating a false emergency by feigning illness.

Category C - Level 2

778 - Providing a ~~((false and/or adulterated urine sample))~~ urine specimen that has been diluted, substituted or altered in any way.

Category C - Level 3

551 - Providing false information to the disciplinary hearings officer or on a disciplinary appeal.

606 - Possession, introduction, or transfer of any tobacco, tobacco products, matches, or tobacco paraphernalia.

657 - Being found guilty of four or more general infractions arising out of separate incidents within a 90-day period.

658 - Failing to comply with any administrative or post-hearing sanction imposed for committing any general or serious infraction.

662 - Soliciting goods or services for which the provider would expect payment when the offender knows or should know that no funds are available to pay for those goods or services.

712 - Attempted suicide as determined by mental health staff.

713 - Self-mutilation or self-harm.

741 - Theft of food the value of which is more than five dollars.

755 - Misuse or waste of issued supplies, goods, services, or property the replacement value of which is ten dollars or more.

~~((810 - Willful failure to seek/maintain employment or training oneself financially or being terminated from a job for negative or substandard performance.))~~

811 - Entering into an unauthorized contract.

812 - Failure to report/turn in all earnings income.

~~((854 - Destroying or damaging state property, or the property of another person.))~~

861 - Performing or taking part in an unauthorized marriage.

~~((Definitions: Attempting to commit or aiding another person to commit a serious infraction - such action shall be considered the same as commission of the offense itself.)) (1) In determining whether a #728 infraction or a #328 infraction pursuant to WAC 137-25-030 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-25-020.~~

(2) Attempts to commit infraction #611 or #635 are now separate infractions #612 and #636 for the Prison Rape Elimination Act (PREA) reporting purposes only and do not impact the definition in WAC 137-25-020 which includes "attempts."

WSR 06-21-059

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed October 16, 2006, 12:53 p.m., effective November 16, 2006]

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

Purpose: To provide the rate of interest that will be included when property taxes paid in 2006 are refunded in subsequent years. The rates in interest reflected in this rule are included when property taxes are refunded. The rates are shown in chronological order with reference to the year in which the property taxes were paid. The rule is being revised to provide the rate of interest for treasury bill auction year 2006, which is used as a basis for refunding property taxes paid in 2007 and refunded in a subsequent year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rate of interest.

Statutory Authority for Adoption: RCW 84.69.100.

Adopted under notice filed as WSR 06-16-038 on July 25, 2006.

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

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

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

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

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

Date Adopted: October 16, 2006.

Janis P. Bianchi
Assistant Director
Interpretations and
Technical Advice Division

AMENDATORY SECTION (Amending WSR 05-22-096, filed 11/1/05, effective 12/2/05)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
<u>2007</u>	<u>2006</u>	<u>5.09%</u>

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

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

Date Adopted: October 17, 2006.

Ralph Osgood
Assistance Director

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

WAC 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$(1,000.00) <u>1,200.00</u>
License renewal	((800.00)) <u>1,000.00</u>
Late renewal with penalty	((1,000.00)) <u>1,200.00</u>
Bail bond agent:	
Original license	((400.00)) <u>500.00</u>
License renewal	((250.00)) <u>500.00</u>
Late renewal with penalty	((350.00)) <u>600.00</u>
Change of qualified agent	((200.00)) <u>250.00</u>
Original endorsement to the bail bond agent license	((50.00)) <u>100.00</u>
Endorsement renewal	((65.00)) <u>100.00</u>
Endorsement renewal with penalty	((100.00)) <u>150.00</u>
Bail bond recovery agent license:	
Original license	((300.00)) <u>400.00</u>
License renewal	((350.00)) <u>400.00</u>
Late renewal with penalty	((450.00)) <u>500.00</u>
Examinations:	
Reexamination fee	25.00

WSR 06-21-082

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 17, 2006, 9:38 a.m., effective November 17, 2006]

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

Purpose: The bail bond program is a dedicated fund program which is required to establish and maintain a reasonable fund balance. The purpose of the fee increase is to allow the program to meet this requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 308-19-130.

Statutory Authority for Adoption: Bail bonds, chapter 18.185 RCW.

Adopted under notice filed as WSR 06-18-096 on September 6, 2006.

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

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

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

WSR 06-21-108
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed October 17, 2006, 1:07 p.m., effective November 17, 2006]

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

Purpose: These changes implement within I-601 fee increases for the following rule sections: WAC 246-329-990 Child birth centers, 246-337-990 Residential treatment facilities, 246-360-990 Transient accommodations, and 246-380-990 State institutional survey. The fee increases will allow these programs to continue their current level of public health activities such as licensing, surveys and complaint investigations during fiscal year 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 246-329-990, 246-337-990, 246-360-990, and 246-380-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 06-15-129 on July 19, 2005 [2006].

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

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

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

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

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

Date Adopted: October 16, 2006.

M. C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

WAC 246-329-990 Fees. (1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred ~~((eighty))~~ ninety-nine dollars and ~~((thirty))~~ ninety cents to the department unless a center is a charitable, non-profit, or government-operated institution under RCW 18.46.030.

(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.

AMENDATORY SECTION (Amending WSR 05-23-099, filed 11/17/05, effective 12/18/05)

WAC 246-337-990 Licensing fees. A licensee must submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	\$ ((150.00)) <u>155.00</u>
License bed fee (per bed)	\$ ((139.90)) <u>144.60</u>
Annual renewal fee (per bed)	\$ ((139.90)) <u>144.60</u>
Late fee (per bed)	\$25.00 (up to \$500.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1000.00

(1) The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance. The department shall refund two-thirds of the fees paid, less a fifty dollar processing fee;

(b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a fifty dollar processing fee.

(2) The department will not refund fees paid by the applicant if:

(a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1)(a) or (b) of this section is ten dollars or less.

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

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	\$ ((158.80)) <u>164.10</u>
11 - 49	\$ ((315.70)) <u>326.30</u>
50 - over	\$ ((635.60)) <u>657.00</u>

Fee

(b) A late fee of ~~((fifty-two))~~ fifty-four dollars and ~~((ninety))~~ 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-two))~~ fifty-four dollars and ~~((ninety))~~ 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.

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

Fee

(1) Food Service

- (a) As defined in WAC 246-215-011(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system. ~~\$(583.60)~~
603.30

- (b) Food service establishments or concessions that do not prepare potentially hazardous foods. ~~\$(292.80)~~
302.60

- (c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.

(2) State institutions or facilities.

- (a) Institutions or facilities operating a food service: The annual fee shall be nine dollars and ~~((twenty-five))~~ fifty cents times the population count plus ~~((five hundred eighty-three))~~ six hundred three dollars and ~~((sixty))~~ thirty cents. The population count shall mean the average daily population for the past twelve months (January through December).
- (b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars and ~~((twenty-five))~~ fifty cents times the population count.
- (c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.

WSR 06-21-114

PERMANENT RULES

GAMBLING COMMISSION

[Order 463—Filed October 17, 2006, 3:18 p.m., effective November 17, 2006]

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

Purpose: Poker at fund-raising events: Poker is now authorized to be played at fund-raising events (Reno Nights).

Citation of Existing Rules Affected by this Order: Amending WAC 230-25-040, 230-25-050, and 230-25-325.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 06-17-083 [and 06-18-001] on August 14, 2006 [and August 23, 2006] with a published date of September 6, 2006 [and September 20, 2006].

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 3, Repealed 0.

Date Adopted: October 13, 2006.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 387, filed 7/17/00, effective 8/17/00)

WAC 230-25-325 Limited fund-raising event—Procedures and restrictions. Pursuant to RCW 9.46.0233(2), nonprofit or charitable organizations may offer *limited* fund-raising events (FREs). Organizations offering *limited* FREs must operate the FRE under the following operational procedures:

Operating procedures.

(1) Only members of the organization and their guests shall participate in the event. The event shall not be open to the general public.

(2) Participants shall purchase scrip with cash.

(3) Scrip shall be exchanged at gambling stations for chips.

(4) Only bona fide members will be utilized for all transactions involving acceptance of cash for scrip, conducting the schemes to determine the winners of merchandise prizes, and maintaining records during the event.

(5) The value of all purchased prizes must not exceed ten percent of the gross revenue from the event, less the cost of the FRE equipment rental contract.

(6) Any prizes purchased from the FRE equipment distributor must be disclosed. The cost may not exceed the fair market value. Prizes may be disclosed to the public at the retail value.

(7) Poker tournaments may be operated at limited fund-raising events. Tournament rules must be established and posted.

FRE equipment distributors.

Limitations.

~~((7))~~ (8) The nonprofit organization may only contract with a person or organization licensed as a FRE equipment distributor to provide the equipment and staff to operate the gaming stations.

~~((8))~~ (9) Under no circumstances shall employees of the FRE equipment distributor handle cash transactions or allow participants to purchase chips with cash.

Compensation.

~~((9))~~ (10) The fee paid to the FRE equipment distributor shall be in compliance with WAC 230-25-120. The FRE equipment distributor shall not share in any way in the proceeds of the event except as set forth in the rule.

Information to be submitted with FRE application.

~~((10))~~ (11) The application must include details relating to the initial cost to participate, and method for purchasing additional scrip, as well as identify all costs included in the initial price to enter that are not related to the gambling activity (i.e., meals, drinks, etc.). The application must also identify the scheme that will be followed to distribute the merchandise prizes to participants at the end of the event (i.e., raffle, auction, etc.).

~~((11))~~ (12) All contracts signed by the FRE licensee with the FRE equipment distributor and premises provider must be submitted with the FRE license application.

Fees.

~~((12))~~ (13) The licensing fee for a *limited* FRE shall be as set forth in WAC 230-04-202(4).

AMENDATORY SECTION (Amending Order 387, filed 7/17/00, effective 8/17/00)

WAC 230-25-040 Fund-raising event—House rules to be developed and posted—Limitations on wagers. (1) Before conducting a fund-raising event (FRE), each licensee shall develop house rules to govern the scope and manner of all gambling activities to be conducted during the FRE. At a minimum, these rules shall:

(a) State the maximum amount of a single wager that may be placed by FRE participants. Wagering limits are as follows:

(i) Single wagers shall not exceed ten dollars;

(ii) Raffles or other similar drawings may exceed the ten dollar wagering limit, but may not exceed the limitations set forth in RCW 9.46.0277; ~~(and)~~

(iii) There are no limits on wagers made using scrip; and

(iv) There are no limits on the number of poker tournament chips that may be wagered.

(b) Prohibit any thing of value from being given to any person involved in the management or operation of the FRE; and

(c) Prohibit any person involved in the management or operation of the FRE from accepting any thing of value.

Posting house rules.

(2) A copy of the rules shall be conspicuously posted in the area where the FRE is being conducted at all times during the FRE. A copy must be available, upon request, to any law enforcement officer or representative of the commission, or member of the general public.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-25-050 Wagering among participants not permitted. ~~((No))~~ Licensees ~~((to conduct))~~ conducting a fund-raising event shall not permit, as a part of that fund-raising event, a gambling activity which involves a wagering of money or other items of value by one participant against another participant. This rule ~~((shall not be construed to))~~ does not prohibit gambling activities wholly administered by the licensee wherein the licensee collects wagers from among the participants and determines the winners and amounts of prizes on a parimutuel basis or poker tournaments as authorized under WAC 230-25-045.

NEW SECTION

WAC 230-25-045 Poker tournaments at fund-raising events and limited fund-raising events. Poker tournaments are authorized at fund-raising events (FREs) and limited FREs under FRE rules with the following additional requirements.

Net receipts limitation.

(1) All money paid to enter a tournament or purchase chips or script to enter a tournament is considered to be a wager for the purpose of determining the \$10,000 net receipts limits.

Prizes.

(2) Chips used in card tournaments do not have a monetary value and may only be redeemed for prizes.

Posting of rules.

(3) The licensee must adopt poker tournament rules and conspicuously post the rules at the tournament location.

Prize records.

(4) The licensee must maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant. If prizes are donated, the licensee must maintain a record that includes the name of the donor and a description of the prizes donated.