

WSR 11-04-004
PERMANENT RULES
GAMBLING COMMISSION

[Order 674—Filed January 20, 2011, 1:27 p.m., effective February 20, 2011]

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

Purpose: Dave & Buster's Inc., a restaurant/amusement game business that does not currently operate in Washington is looking into opening a new location in Washington. Dave & Buster's submitted a petition for rule change to increase amusement game wagering limits from \$0.50 to \$5 and prize limits from \$250 to \$500 for all locations listed in WAC 230-13-135. The commission filed the petition for discussion at their October 2010 commission meeting. At their January 2011 meeting, the commissioners voted 3:1 to increase prize limits from \$250 to \$500. However, they amended the petition and increased wager limits from \$0.50 cents to \$3.50, rather than the petitioner's requested proposal of \$5.00 wager limits.

Citation of Existing Rules Affected by this Order: Amending WAC 230-13-135.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.-0331, 9.46.0201.

Adopted under notice filed as WSR 10-23-110 filed on November 17, 2010, published on December 1, 2010.

Changes Other than Editing from Proposed to Adopted Version:

- At their January 2011 meeting, the commissioners voted to amend the petition to increase wager limits from \$0.50 cents to \$3.50, rather than the petitioner's requested proposal of \$5.00 wager limits.
- Subsection (7) was not stricken as noted in WSR 10-23-110. Striking subsection (7) was an inadvertent typographical carry-over from a petition submitted by Funland Amusement Center (a licensed amusement center) the commission filed for discussion at their 9/10 meeting. Funland requested that wager limits be removed for amusement centers. It was not Dave & Buster's intent to strike subsection (7). Furthermore, at the January 2011 commission meeting, Funland withdrew their petition and testified in support of the Dave & Buster's petition.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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

Date Adopted: January 20, 2011.

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 650, filed 7/13/09, effective 8/13/09)

WAC 230-13-135 Maximum wagers and prize limitations at certain amusement game locations. The maximum wager is three dollars and fifty cents and the maximum cost for a prize is ~~((two))~~ five hundred ~~((fifty))~~ dollars if school-aged minors are allowed to play amusement games at the following locations:

- (1) Regional shopping centers; and
- (2) Movie theaters; and
- (3) Bowling alleys; and
- (4) Miniature golf course facilities; and
- (5) Skating facilities; and
- (6) Family sports complexes.

~~((+))~~ (a) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

~~((+))~~ (b) A family sports complex does not include a facility owned or operated by a school or school district; and

- (7) Amusement centers; and
- (8) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas; and

(9) Any business whose primary activity is to provide food service for on premises consumption.

WSR 11-04-007
PERMANENT RULES
TRANSPORTATION COMMISSION

[Filed January 20, 2011, 3:42 p.m., effective see below]

Effective Date of Rule: Contingent upon legislative action regarding toll rates and fees, these WAC rules take effect immediately upon the certification by the secretary of transportation that the new statewide tolling operations center and the photo toll system are fully operational.

Purpose: To adopt proposed amendments to the existing chapter 468-270 WAC that will establish toll rates and vehicle exemptions for the proposed 520 Bridge, and statewide fees in consideration of public comments and commission review.

Citation of Existing Rules Affected by this Order: Amending WAC 468-270-030, 468-270-040, 468-270-050, 468-270-075, 468-270-080, and 468-270-100.

Statutory Authority for Adoption: RCW 47.56.870, 47.56.785, 47.56.795, 47.56.830, 47.56.850.

Adopted under notice filed as WSR 10-24-001 on January 5, 2011 [November 17, 2010].

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 468-270-030 Definitions, the following terms: "Customer-Initiated Payment," "Good To Go!™ Pass," "Pass" and "Photo toll" were amended to clarify their meaning and to be consistent with the use of the same terms by the Washington state department of transportation.

2. WAC 468-270-071 What are the toll rates on the SR 520 Bridge?, footnote 3 added to Tables 2 through 6 to include toll rates for travel on six holidays which will be the same as weekend rates.

3. WAC 468-270-091 What vehicles are exempt from paying tolls on the SR 520 Bridge?, proposed language amended to clarify the process for obtaining toll exemptions and adding tow trucks as qualified vehicles for toll exemptions.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 4, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 5, 2011.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-030 Definitions. "Authorized emergency vehicle" includes but is not limited to a vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private or any other emergency vehicle as defined in RCW 46.04.040.

"Bona fide emergency" occurs when an authorized emergency vehicle, as defined herein, responds to or returns from an emergency call.

"Cash customer" means a toll customer who ~~((is heading eastbound and is paying))~~ pays the toll on the Tacoma Narrows Bridge in cash ((on a trip-by-trip basis)).

"Citizens advisory committee" means the citizens committee established by RCW 47.46.090 that advises the transportation commission on Tacoma Narrows Bridge toll rates.

"Customer-Initiated Payment" means the method used to pay a photo toll when there is no regular toll account and the customer initiates payment no later than three days after the toll transaction.

"Department" means the Washington state department of transportation (WSDOT).

~~((**"Electronic toll collection (ETC) lane"** means a lane in which the electronic toll collection system will read the transponder of each vehicle and automatically collect the toll without requiring the vehicle to slow its speed or stop.))~~

"Good To Go!™" is the name of the department's ~~((electronic))~~ toll collection system.

~~((**"Good To Go!™ customer"** means a toll customer who participates in the department's "Good To Go!™" toll collection system.))~~ **"Good To Go!™ Pass"** means the transponder device used to pay a toll by a customer who has a prepaid toll account.

"High-occupancy toll (HOT) lanes" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the lanes in order to maintain travel speed and reliability. HOT lane supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment.

"Pass" see Good To Go!™ Pass.

"Pay By Mail" means the method used to pay a photo toll when a toll bill is mailed to the vehicle's registered owner.

"Pay By Plate" means the method used to pay a photo toll by a customer who has a prepaid toll account through the use of a photo toll system.

"Photo toll" means a charge associated with a particular vehicle that is identified by its license plate and includes Pay By Mail, Pay By Plate and Customer-Initiated Payment.

"Toll account" means a prepaid account that is linked to a Pass (transponder) or license plates in order to pay a toll by automatic debit.

"Transponder (Pass)" means a ~~((radio frequency identification (RFID) unit))~~ device attached to a toll customer's vehicle that ((transmits a radio signal to a reader mounted in the toll facility. The purpose of the transponder is to)) automatically ~~((identify))~~ identifies the toll customer's vehicle as it passes through the toll facility. ~~((You will receive a transponder when you open a "Good to Go!™" account.))~~

"Transportation commission" means the Washington state transportation commission whose duties and composition are set out in chapter 47.01 RCW.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-040 How are the tolls determined and adjusted? In determining toll amounts, the transportation commission considers data and information provided by the department of transportation, public opinion and advice from any required citizen advisory committee.

~~((For the))~~ (1) Tacoma Narrows Bridge ((only)). In accordance with chapter 47.46 RCW, the commission must consider the toll rate advice of the citizen advisory committee and must set toll amounts that cover the debt and operations and maintenance until the indebtedness is repaid as required by law.

(2) SR 520 Bridge.

(a) The commission must consider toll rates that will help maintain travel time, speed, and reliability on the corri-

dor and must set and adjust toll rates to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

(b) Starting July 1, 2012, the toll rates will increase two and one-half percent annually, subject to review and potential adjustment by the commission, in order to generate toll revenue sufficient to meet the costs and obligations listed in RCW 47.56.830 through 47.56.850.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-050 What toll facilities are currently subject to this chapter? Currently, the Tacoma Narrows Bridge ((and)), SR 167 HOT lanes ((are covered by this chapter)) and SR 520 Bridge.

TOLL RATES

NEW SECTION

WAC 468-270-071 What are the toll rates on the SR 520 Bridge? Tables 2 through 6 show the applicable toll rates by vehicle axles, day and time of travel, and method of payment.

**Table 2
SR 520 Bridge
Two-Axle Vehicle Toll Rates**

Mondays through Fridays	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$1.60	\$3.10	\$1.85	\$2.60
6 a.m. to 7 a.m.	\$2.80	\$4.30	\$3.05	\$3.80
7 a.m. to 9 a.m.	\$3.50	\$5.00	\$3.75	\$4.50
9 a.m. to 10 a.m.	\$2.80	\$4.30	\$3.05	\$3.80
10 a.m. to 2 p.m.	\$2.25	\$3.75	\$2.50	\$3.25
2 p.m. to 3 p.m.	\$2.80	\$4.30	\$3.05	\$3.80
3 p.m. to 6 p.m.	\$3.50	\$5.00	\$3.75	\$4.50
6 p.m. to 7 p.m.	\$2.80	\$4.30	\$3.05	\$3.80
7 p.m. to 9 p.m.	\$2.25	\$3.75	\$2.50	\$3.25
9 p.m. to 11 p.m.	\$1.60	\$3.10	\$1.85	\$2.60
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
Saturdays and Sundays³	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$1.10	\$2.60	\$1.35	\$2.10
8 a.m. to 11 a.m.	\$1.65	\$3.15	\$1.90	\$2.65
11 a.m. to 6 p.m.	\$2.20	\$3.70	\$2.45	\$3.20
6 p.m. to 9 p.m.	\$1.65	\$3.15	\$1.90	\$2.65
9 p.m. to 11 p.m.	\$1.10	\$2.60	\$1.35	\$2.10
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: ¹For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

²For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

³The weekend rates will be assessed for the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**Table 3
SR 520 Bridge
Three-Axle Vehicle Toll Rates**

Mondays through Fridays	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00

Mondays through Fridays	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
5 a.m. to 6 a.m.	\$2.40	\$4.65	\$2.65	\$4.15
6 a.m. to 7 a.m.	\$4.20	\$6.45	\$4.45	\$5.95
7 a.m. to 9 a.m.	\$5.25	\$7.50	\$5.50	\$7.00
9 a.m. to 10 a.m.	\$4.20	\$6.45	\$4.45	\$5.95
10 a.m. to 2 p.m.	\$3.40	\$5.65	\$3.65	\$5.15
2 p.m. to 3 p.m.	\$4.20	\$6.45	\$4.45	\$5.95
3 p.m. to 6 p.m.	\$5.25	\$7.50	\$5.50	\$7.00
6 p.m. to 7 p.m.	\$4.20	\$6.45	\$4.45	\$5.95
7 p.m. to 9 p.m.	\$3.40	\$5.65	\$3.65	\$5.15
9 p.m. to 11 p.m.	\$2.40	\$4.65	\$2.65	\$4.15
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
Saturdays and Sundays³	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$1.65	\$3.90	\$1.90	\$3.40
8 a.m. to 11 a.m.	\$2.50	\$4.75	\$2.75	\$4.25
11 a.m. to 6 p.m.	\$3.30	\$5.55	\$3.55	\$5.05
6 p.m. to 9 p.m.	\$2.50	\$4.75	\$2.75	\$4.25
9 p.m. to 11 p.m.	\$1.65	\$3.90	\$1.90	\$3.40
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: ¹For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

²For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

³The weekend rates will be assessed for the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Table 4
SR 520 Bridge
Four-Axle Vehicle Toll Rates

Mondays through Fridays	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$3.20	\$6.20	\$3.45	\$5.70
6 a.m. to 7 a.m.	\$5.60	\$8.60	\$5.85	\$8.10
7 a.m. to 9 a.m.	\$7.00	\$10.00	\$7.25	\$9.50
9 a.m. to 10 a.m.	\$5.60	\$8.60	\$5.85	\$8.10
10 a.m. to 2 p.m.	\$4.50	\$7.50	\$4.75	\$7.00
2 p.m. to 3 p.m.	\$5.60	\$8.60	\$5.85	\$8.10
3 p.m. to 6 p.m.	\$7.00	\$10.00	\$7.25	\$9.50
6 p.m. to 7 p.m.	\$5.60	\$8.60	\$5.85	\$8.10
7 p.m. to 9 p.m.	\$4.50	\$7.50	\$4.75	\$7.00
9 p.m. to 11 p.m.	\$3.20	\$6.20	\$3.45	\$5.70
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
Saturdays and Sundays³	Good To Go!™ Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$2.20	\$5.20	\$2.45	\$4.70
8 a.m. to 11 a.m.	\$3.30	\$6.30	\$3.55	\$5.80

Saturdays and Sundays³	Good To Go!TM Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
11 a.m. to 6 p.m.	\$4.40	\$7.40	\$4.65	\$6.90
6 p.m. to 9 p.m.	\$3.30	\$6.30	\$3.55	\$5.80
9 p.m. to 11 p.m.	\$2.20	\$5.20	\$2.45	\$4.70
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: ¹For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

²For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

³The weekend rates will be assessed for the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**Table 5
SR 520 Bridge
Five-Axle Vehicle Toll Rates**

Mondays through Fridays	Good To Go!TM Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$4.00	\$7.75	\$4.25	\$7.25
6 a.m. to 7 a.m.	\$7.00	\$10.75	\$7.25	\$10.25
7 a.m. to 9 a.m.	\$8.75	\$12.50	\$9.00	\$12.00
9 a.m. to 10 a.m.	\$7.00	\$10.75	\$7.25	\$10.25
10 a.m. to 2 p.m.	\$5.65	\$9.40	\$5.90	\$8.90
2 p.m. to 3 p.m.	\$7.00	\$10.75	\$7.25	\$10.25
3 p.m. to 6 p.m.	\$8.75	\$12.50	\$9.00	\$12.00
6 p.m. to 7 p.m.	\$7.00	\$10.75	\$7.25	\$10.25
7 p.m. to 9 p.m.	\$5.65	\$9.40	\$5.90	\$8.90
9 p.m. to 11 p.m.	\$4.00	\$7.75	\$4.25	\$7.25
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
Saturdays and Sundays³	Good To Go!TM Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$2.75	\$6.50	\$3.00	\$6.00
8 a.m. to 11 a.m.	\$4.15	\$7.90	\$4.40	\$7.40
11 a.m. to 6 p.m.	\$5.50	\$9.25	\$5.75	\$8.75
6 p.m. to 9 p.m.	\$4.15	\$7.90	\$4.40	\$7.40
9 p.m. to 11 p.m.	\$2.75	\$6.50	\$3.00	\$6.00
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: ¹For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

²For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

³The weekend rates will be assessed for the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**Table 6
SR 520 Bridge
Six-Axle or More Vehicle Toll Rates**

Mondays through Fridays	Good To Go!TM Pass	Pay By Mail	Pay By Plate¹	Customer-Initiated Payment²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$4.80	\$9.30	\$5.05	\$8.80

Mondays through Fridays	Good To Go!™ Pass	Pay By Mail	Pay By Plate ¹	Customer-Initiated Payment ²
6 a.m. to 7 a.m.	\$8.40	\$12.90	\$8.65	\$12.40
7 a.m. to 9 a.m.	\$10.50	\$15.00	\$10.75	\$14.50
9 a.m. to 10 a.m.	\$8.40	\$12.90	\$8.65	\$12.40
10 a.m. to 2 p.m.	\$6.75	\$11.25	\$7.00	\$10.75
2 p.m. to 3 p.m.	\$8.40	\$12.90	\$8.65	\$12.40
3 p.m. to 6 p.m.	\$10.50	\$15.00	\$10.75	\$14.50
6 p.m. to 7 p.m.	\$8.40	\$12.90	\$8.65	\$12.40
7 p.m. to 9 p.m.	\$6.75	\$11.25	\$7.00	\$10.75
9 p.m. to 11 p.m.	\$4.80	\$9.30	\$5.05	\$8.80
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
Saturdays and Sundays ³	Good To Go!™ Pass	Pay By Mail	Pay By Plate ¹	Customer-Initiated Payment ²
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$3.30	\$7.80	\$3.55	\$7.30
8 a.m. to 11 a.m.	\$4.95	\$9.45	\$5.20	\$8.95
11 a.m. to 6 p.m.	\$6.60	\$11.10	\$6.85	\$10.60
6 p.m. to 9 p.m.	\$4.95	\$9.45	\$5.20	\$8.95
9 p.m. to 11 p.m.	\$3.30	\$7.80	\$3.55	\$7.30
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: ¹For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
²For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.
³The weekend rates will be assessed for the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

AMENDATORY SECTION (Amending WSR 08-06-032, filed 2/26/08, effective 4/7/08)

WAC 468-270-075 What ((will)) are the toll rates ((be)) for the SR 167 HOT lanes pilot project? ((Effective April 7, 2008, a variable toll rate schedule will be applied by WSDOT.)) Toll rates will vary based upon several factors including time of day, traffic volumes, traffic demand, and overall corridor performance. The toll rate schedule shall be adjusted as needed by WSDOT to meet HOV performance criteria as defined in RCW 47.56.403 and WAC 468-300-828 in order to maintain average HOT lane vehicle speeds above forty-five miles per hour, at least ninety percent of the time during peak hours.

When the SR 167 HOT lanes are in operation, the minimum toll rate is \$0.50 and the maximum toll rate is \$9.00.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-080 When are ((these)) toll rates in effect? The toll rates for each facility ((will)) take effect upon commencement of the tolling program on each new toll facility. Check the WSDOT web site at wsdot.wa.gov/goodtogo for updated information on the opening dates for the tolling programs. Unless otherwise required by law, the collection of tolls on a facility will remain in effect until changed by the commission.

(1) For the Tacoma Narrows Bridge toll rates will remain in effect until changed by the commission or removed due to final repayment of the project as provided by law.

(2) For the SR 167 HOT lanes, the tolls will remain in effect until changed by the commission.

(3) For the SR 520 Bridge, the tolls will take effect upon certification by the secretary of transportation that the new statewide tolling operations center and photo toll system are fully operational as described in the note following RCW 47.56.795.

EXEMPTIONS

NEW SECTION

WAC 468-270-091 What vehicles are exempt from paying tolls on the SR 520 Bridge? Except as provided herein, all vehicles using the SR 520 Bridge must pay the required toll. Only qualified vehicles may be exempted from paying tolls. The registered owner and operator of the qualified vehicle must comply with the requirements of the department in order to obtain the exemption. The following vehicles shall qualify for exemption:

(1) Department maintenance vehicles directly involved in bridge and roadway maintenance on the SR 520 Bridge, including the department's incident response vehicles responding to incidents and WSDOT tow trucks stationed on the bridge;

- (2) Washington state patrol vehicles directly providing service to the SR 520 Bridge corridor;
- (3) Publicly owned or operated transit buses;
- (4) Passenger motor vehicles used as ride-sharing as defined in RCW 46.74.010, and that are compliant with RCW 46.16.023 and 82.12.0282;
- (5) Privately owned and operated passenger buses with a carrying capacity of sixteen or more persons, including the operator, as defined in WAC 468-510-010(2), all of which must be similarly marked or identified to display the business name and/or logo on the driver and passenger sides of the vehicle; operate on a fixed schedule and fixed route, and meet the annual certification requirements of the department;
- (6) Vehicles owned by foreign governments and international organizations. A vehicle transponder is not required for this exemption;

- (7) Authorized emergency vehicles on bona fide emergencies; and
- (8) Tow trucks authorized by Washington state patrol responding to clear blocking vehicles from the toll facility.

AMENDATORY SECTION (Amending WSR 08-06-032, filed 2/26/08, effective 4/7/08)

WAC 468-270-100 What vehicles are exempt from paying tolls on the SR 167 HOT lanes? Vehicles described in RCW 47.56.403 and WAC 468-510-010 are exempt from paying tolls, including transit buses and vanpool vehicles owned or operated by any public agency. All other vehicles using the SR 167 HOT lanes must pay the required toll. All toll-paying vehicles must have a transponder and a valid ("Good To Go!TM") toll account.

ADMINISTRATIVE FEES

NEW SECTION

WAC 468-270-300 What other fees and discounts may apply to toll customers? The commission is authorized to adopt rules to assess administrative fees as appropriate for toll collection processes. Additionally, a toll customer may be required to pay fees set forth by state law for attempts to collect funds due to a state agency. The following table lists and explains the types and amount of administrative fees that a toll customer may be required to pay.

**Table 7
Customer Fees and Discounts**

Fee and Discount Type	When is the administrative fee charged?	What is the fee amount?
Paper Statements and Reprinting Fee	Upon each mailing of a paper statement at the account holder's request.	\$0.50 per page (with a minimum fee of \$1.50)
Inactive Account Fee	After 24 months of no transactions on the account, this one-time fee will be assessed.	\$5.00
Reprocessing Fee	This fee will be assessed when the department sends a reminder notice of unpaid tolls. The reminder notice to pay may be a summary or itemization of amounts owed and included as part of a toll bill or in any other correspondence to collect tolls.	\$5.00 per reminder notice to pay unpaid tolls
Pay By Plate Fee	A customer who establishes a prepaid toll account but passes through a toll facility without a pass will be assessed this fee in addition to the Good To Go! TM Pass toll rate.	\$0.25 per transaction
Customer-Initiated Payment	A customer will receive a discount off the Pay By Mail toll rate, if the customer pays for the transaction not later than 72 hours after driving on the toll facility.	\$0.50 per transaction credit off the Pay By Mail toll rate

**WSR 11-04-010
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed January 21, 2011, 8:34 a.m., effective February 21, 2011]

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

Purpose: The department has amended WAC 458-20-144 (Rule 144) to reflect the following recent legislative changes:

- SB 6173 (chapter 563, Laws of 2009) which replaced the resale certificate with a resellers permit as a means to document a wholesale sale; and

- 2ESSB 6143 (chapter 23, Laws of 2010) which provides that advertising revenues earned by printers are to be apportioned to this state for tax purposes.

Rule 144 was also amended to recognize the retail sales tax and use tax exemptions for computer equipment used in printing or publishing of printed material as provided in RCW 82.08.806 and 82.12.806.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-144 Printing industry.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 10-19-010 on September 3, 2010.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: January 21, 2011.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-04-033, filed 1/26/06, effective 2/26/06)

WAC 458-20-144 Printing industry. (1) **Introduction.** This section discusses the taxability of the printing industry. For information on the taxability of mailing bureau services and a discussion of direct mail, refer to WAC 458-20-141(~~, Duplicating industry and mailing bureaus.~~

~~Chapter 514, Laws of 2005, changed the taxability of delivery charges associated with direct mail. Refer to subsection (4) of this section for further information).~~ For information on the taxability of printers and publishers of newspapers, magazines, and periodicals, refer to WAC 458-20-143.

(2) **Definition.** The phrase "printing industry" includes letterpress, offset-lithography, and gravure processes as well as multigraph, mimeograph, autotyping, addressographing and similar activities.

(3) **Business and occupation tax.**

(a) Printers are subject to the business and occupation tax under the printing and publishing classification upon the gross income of the business.

(b) Effective July 1, 2009, printers of newspapers are taxable under the publication of newspapers classification of the B&O tax upon the gross income of the business. Persons reporting income under the publication of newspapers classification of the B&O tax must file a complete annual report with the department. In addition, such persons must electronically file with the department all surveys, reports, returns, and any other forms. Refer to RCW 82.32.600 and WAC 458-20-267 for the specific guidelines and requirements.

(c) Doing business inside and outside the state. RCW 82.04.460 requires that advertising income earned by printers derived from business activities performed within Washington be apportioned to this state for tax purposes. Refer to chapter 23 (E2SSB 6143), Laws of 2010 1st sp. sess. Part I for information on apportioning advertising income.

(4) **Retail sales tax.**

(a) The printing or imprinting of advertising circulars, books, briefs, envelopes, folders, posters, racing forms, tickets, and other printed matter, whether upon special order or upon materials furnished either directly or indirectly by the customer is a retail sale and subject to the retail sales tax, providing the customer either consumes, or distributes such articles free of charge, and does not resell such articles in the regular course of business. The retail sales tax is computed upon the total charge for printing, and the printer may not deduct the cost of labor, author's alterations, or other service charges in performing the printing, even though such charges may be stated or shown separately on invoices.

~~((RCW 82.04.070 and 82.08.010, respectively, define "gross proceeds of sales" and "selling price." These definitions provide that there is no deduction for "delivery costs." RCW 82.08.010 further provides that there is no deduction for "delivery charges," a term also defined by the statute to include postage. Effective May 17, 2005, chapter 514, Laws of 2005, provides a B&O tax deduction and retail sales and use tax exemption from the measure of tax for amounts derived from delivery charges for direct mail when the delivery charges are separately stated on an invoice or similar billing invoice provided to the buyer.~~

~~"Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. RCW 82.08.010 and chapter 514, Laws of 2005.~~

~~"Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. RCW 82.08.010.)~~

(b) Sales of printed matter to advertising agencies who purchase for their own use or for the use of their clients, and not for resale in the regular course of business, are sales for consumption and subject to the retail sales tax.

(c) Sales of tickets to theater owners, amusement operators, transportation companies and others are sales for consumption and subject to the retail sales tax. Such tickets are not resold by the theater owners or amusement proprietors as tangible personal property but are used merely as a receipt to the patrons for payment and as evidence of the right to admission or transportation.

(d) Sales of school annuals and similar publications by printers to school districts, private schools or student organizations therein are subject to the retail sales tax.

(e) Sales by printers of books, envelopes, folders, posters, racing forms, stationery, tickets and other printed matter to dealers for resale in the regular course of business are wholesale sales ~~((and are not subject to the retail sales tax)).~~ Such sales are not subject to retail sales tax when seller

obtains a resale certificate for sales made before January 1, 2010, or a reseller permit for sales made on or after January 1, 2010, from the buyer to document the wholesale nature of the sale as provided in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

(f) Charges made by bookbinders or printers for imprinting, binding or rebinding of materials for consumers are subject to the retail sales tax.

(g) Sales to printers of equipment, supplies and materials which do not become a component part or ingredient of the finished printed matter sold or which are put to "intervening use" before being resold are subject to the retail sales tax unless specifically exempt (see subsection (5) of this section). This includes, among others, sales of fuel, furniture, and lubricants~~(, machinery, type, lead, slugs and mats)~~.

(h) Sales to printers of paper stock and ink which become a part of the printed matter sold are sales for resale and are not subject to retail sales tax when the buyer provides a resale certificate (WAC 458-20-102A) for sales made before January 1, 2010, or a reseller permit (WAC 458-20-102) for sales made on or after January 1, 2010, to the seller.

(5) Exemption for sales of computer equipment to printers. RCW 82.08.806 and 82.12.806 provide a retail sales and use tax exemption to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(6) Commissions and discounts.

(a) There is a general trade practice in the printing industry of making allowances to advertising agencies of a certain percentage of the gross charge made for printed matter ordered by the agency either in its own name or in the name of the advertiser. This allowance may be a "commission" or may be a "discount."

(b) A "commission" paid by a seller constitutes an expense of doing business and is not deductible from the measure of tax under either business and occupation tax or retail sales tax. On the other hand, a "discount" is a deduction from an established selling price allowed to buyers, and a bona fide discount is deductible under both these classifications.

(c) In order that there may be a definite understanding, printers, advertising agencies and advertisers are advised that tax liability in such cases is as follows:

~~((a))~~ (i) The allowance taken by an advertising agency will be deductible as a discount in the computation of the printer's liability only in the event that the printer bills the charge on a net basis; i.e., less the discount.

~~((b))~~ (ii) Where the printer bills the gross charge to the agency, and the advertiser pays the sales tax measured by the gross charge, no deduction will be allowed, irrespective of the fact that in payment of the account the printer actually

receives from the agency the net amount only; i.e., the gross billing, less the commission retained by the agency. In all cases the commission received is taxable to the agency.

WSR 11-04-016

PERMANENT RULES

BELLINGHAM TECHNICAL COLLEGE

[Filed January 21, 2011, 3:03 p.m., effective February 21, 2011]

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

Purpose: To update wording to accurately reflect acceptable conduct on campus by students and visitors; job titles; and, disciplinary authority and appeal procedures. Also to clarify parking permits.

Citation of Existing Rules Affected by this Order: Amending chapter 495B-120 WAC and WAC 495B-116-050.

Statutory Authority for Adoption: RCW 28B.50.130.

Adopted under notice filed as WSR 10-24-035 on November 22, 2010.

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 XX [22], Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended XX [22], 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 XX [22], Repealed 0.

Date Adopted: January 20, 2011.

Patricia L. McKeown

President

AMENDATORY SECTION (Amending WSR 05-06-011, filed 2/18/05, effective 3/21/05)

WAC 495B-116-050 Vehicle parking permits. ~~((+)) All part-time and full-time employees of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for day classes, in accordance with WAC 495B-116-040.~~

~~((+))~~ With the exception of visitor, as defined in WAC 495B-116-060, all persons parking in permit restricted areas on the campus shall secure and display a currently valid parking permit.

Chapter 495B-120 WAC

~~(STUDENT)~~ CAMPUS CONDUCT CODE

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "College" means Bellingham Technical College.

(3) (~~"Liquor"~~) "Alcohol" or "alcoholic beverages" means the definition of liquor as contained within RCW 66.04.010 as now law or hereinafter amended.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the (~~hearing~~) disciplinary committee as denominated in WAC 495B-120-170, the (~~dean~~) vice-president of student services, the vice-president (~~of~~) of instruction, and the president.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means the reprimand, disciplinary warning, probation, (~~expulsion,~~) summary suspension, deferred suspension, suspension, or (~~reprimand~~) expulsion of a student under WAC 495B-120-120 for the violation of a rule adopted in this chapter.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-020 Statement of purpose. (1) Bellingham Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs (~~will be dealt with~~) may be applied by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

(4) The rules and regulations prescribed in this title shall be observed by guests and visitors while on campus, at all college functions and events, and on or within any other college-controlled or college-owned property.

Guests and visitors who willfully refuse to obey college security or other duly designated college authorities to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order may subject the person to arrest under the provisions of the Washington criminal trespass law, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-030 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is on campus or is engaged in or present at a college-related activity whether occurring on or off college facilities.

AMENDATORY SECTION (Amending WSR 97-11-014, filed 5/9/97, effective 6/9/97)

WAC 495B-120-035 Hazing. (1) Bellingham Technical College prohibits college-sponsored organizations(~~;~~) or associations (~~or living groups~~) and their members from engaging individually or collectively in hazing activities.

(2) Hazing is defined as any method of initiation into a student organization(~~;~~) or association (~~or living group~~) or any pastime or amusement engaged in with respect to such an organization or (~~living group~~) association that causes(~~;~~) or is likely to cause(~~;~~) bodily danger or physical harm(~~;~~) or serious mental or emotional harm(~~;~~) to any student or other person attending any institution of higher education or post-secondary institution. "Hazing" does not include customary athletic events or other similar contests or competitions.

(3) Penalties.

(a) Any organization(~~;~~) or association (~~or student living group~~) that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Bellingham Technical College as an official organization(~~;~~) or association (~~or student living group~~) on the Bellingham Technical College campus. If the organization(~~;~~) or association (~~or student living group~~) is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) The (~~student~~) campus conduct code, WAC 495-120-040 through 495-120-150, may be applicable to hazing violations.

(c) Members of student organizations(~~;~~) or associations (~~or living groups~~) who participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary actions in accordance with the (~~student~~) campus conduct code.

(d) Other disciplinary actions for individuals of student organizations(~~;~~) or associations (~~or living groups~~) participating in hazing activities may include forfeiture of any enti-

tlement to state-funded grants, scholarships or awards for a period of time determined by the college.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(i) Impermissible conduct associated with initiation into a student organization~~(s)~~ or association ~~((or living group))~~ or any pastime or amusement engaged in, with respect to the organization~~(s)~~ or association ~~((or living group))~~, will not be tolerated.

(ii) Impermissible conduct ~~((which))~~ that does not amount to hazing may include conduct ~~((which))~~ that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(iii) Impermissible conduct not amounting to hazing is subject to any sanctions available under the ~~((student))~~ campus conduct code~~(s)~~ in WAC 495-120-040 through 495-120-150, depending upon the seriousness of the violation.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this ~~((student))~~ campus conduct code, for a violation of other college rules ~~((which))~~ that may from time to time be properly adopted, or for any of the following types of misconduct including, but not limited to:

(1) Smoking is prohibited ~~((in all buildings and other areas so posted by college officials))~~ on campus except in designated smoking areas;

(2) The possession, use, being demonstrably under the influence of, sale, or distribution of any alcoholic beverage or illegal drug on the college campus ~~((is prohibited))~~ and/or the use of any alcoholic beverage or illegal drug~~((s by any student))~~ while attending a college-sponsored event ~~((is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on nonecollege property shall conform to state law))~~ on or off campus. Alcoholic beverages may be permissible, however, at sanctioned events where consumption of alcohol is approved by the president or designee in compliance with state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) ~~((Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;))~~ Presenting an imminent danger to staff, other students, or community members in college facilities on or off campus or while attending a college-sponsored event on or off campus;

(5) Engaging in academic dishonesty~~(s)~~ including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college;

(6) Willful failure or demonstrated inability to comply with ~~((school))~~ college standards ~~((regarding academic progress and attendance as set forth in the application for enrollment))~~;

(7) ~~((The intentional))~~ Intentionally making ~~((of))~~ false statements or filing ~~((of))~~ false charges against the college and/or members of the college community;

(8) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(9) ~~((Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;))~~ Intentional or negligent damage to or destruction of any college facility, equipment, or other private real or personal property;

(10) ~~((Failure))~~ Failing to comply with the direction of college officials acting in the legitimate performance of their duties;

(11) ~~((Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property;~~

~~((Sexual harassment.))~~ Carrying, exhibiting, displaying, or drawing any weapon (e.g., firearm, club, dagger, sword, knife, or other cutting or stabbing instrument), or incendiary device or explosive, or any facsimile weapon, or any other weapon apparently capable of producing bodily harm and/or property damage is prohibited on or in college-owned or college-operated facilities and premises and/or during college-sponsored events;

(12) Computer, telephone, or electronic technology violations. Conduct that violates the college-published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet;

(13) Engaging in unwelcome sexual advances, requests for sexual favors, and/or any other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance;

(14) Assault on, reckless endangerment of, intimidation of, or interference with another person;

(15) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions;

(16) Failure to follow instructions. Inattentiveness, inability or failure to follow instructions of a college official, thereby infringing upon the rights and privileges of others;

(17) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability;

(18) Theft and robbery. Theft of the property of the college or of another as defined in the RCW 9A.56.010 through 9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the college or of another; actual or attempted theft of property or services belonging to the college, any member of its community, or any campus visitor; or knowingly possessing stolen property;

(19) Criminal law violations, illegal behavior, other unlawful violations. Any person can be reported to proper authorities for acts that constitute violations of applicable local, state, and federal laws;

(20) Violation of other published college policies, rules, or regulations.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-050 Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and may be referred ~~((to the authorities))~~ for prosecution.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-060 Free movement on campus. The president is authorized ~~((in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the dean of student services or any other person he may designate))~~ to prohibit the entry of or to withdraw the privileges of any person or group of persons to enter onto or remain upon any portion of the college campus if he/she deems that an individual or a group of individuals disrupts the ingress or egress of others from the college facilities. The president may act through the vice-president of student services or any other person he/she may designate.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-070 Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to ~~((any behavior by))~~ any person on ~~((a))~~ the college ((facility)) campus or at a college-sponsored event off campus, any college personnel or other authorized personnel may demand that any person on the college ((facilities)) campus or at a college-sponsored event off-campus produce evidence of student enrollment at the college.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-080 Academic dishonesty/classroom conduct. (1) Academic dishonesty~~((:))~~. Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

~~((a))~~ ~~((It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.~~

~~((b))~~ Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

~~((c))~~ (b) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in ~~((subparagraph (b) above))~~ subsection (a) of this section, shall be subject to disciplinary action.

~~((d))~~ (c) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct~~((:))~~. Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course~~((:))~~, provided that~~((:))~~ a student shall have the right to appeal ~~((such))~~ the disciplinary action ~~((to the dean of student affairs))~~ through the discipline appeal procedure (WAC 495B-120-180, discipline appeal procedure).

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-090 Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the

college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution (~~(which prohibits)~~) regarding religious worship, exercise, or instruction on state property.

(2) In order to (~~(insure)~~) ensure an atmosphere of open exchange and to (~~(insure)~~) ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting (~~(, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor))~~ including, but not limited to, the time, the manner, and the place for the conduct of such a meeting. Likewise, the president may (~~(encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings))~~ require permission for comments and questions from the floor and/or may encourage the appearance of one or more additional speakers at a meeting or at a subsequent meeting so that other points of view may be expressed.

(3) A free speech area may be designated by the college president and can be reserved by student groups and student organizations through the office of the vice-president of student services.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-100 Distribution of information. (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student or students, or by members of recognized student organizations at locations specifically designated by the vice-president of (~~(instruction))~~) student services, provided such distribution does not interfere with the ingress or egress of persons or interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the vice-president of (~~(instruction))~~) student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-110 Commercial activities. (1) College facilities will not be used for a commercial solicitation,

advertising or promotional activities except when such activities clearly serve educational objectives(~~(s)~~) including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college(~~(s)~~) or the student association if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495B-120-100.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-120 Disciplinary process. (1) Any infractions of college rules may be referred by any college faculty or staff member to the (~~(dean)~~) vice-president of student services or (~~(in his or her absence the vice president for instruction))~~ a designee. That official shall then follow the appropriate procedures for any disciplinary action (~~(which)~~) that he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken (~~(by an instructor or faculty member))~~ pursuant to the provisions in WAC 495B-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of (~~(these rules))~~) the disciplinary rules as defined in WAC 495B-120-130. If the student concludes that any sanction(~~(s)~~) imposed (~~(are))~~ is inappropriate, the student may appeal (~~(to the student disciplinary committee).~~

(3) ~~If a referral or an appeal is made to the student disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college.~~

(4) ~~The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student disciplinary committee. The decision of the president is final.)~~ the sanction pursuant to the provision in WAC 495B-120-180.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-130 Disciplinary terms. The definitions set forth in this section apply throughout WAC 495B-120-135 through 495B-120-200.

(1) "Disciplinary warning" means oral notice of violation of college rules.

(2) "Reprimand" means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will

result in one or more serious disciplinary actions described below.

(3) "Disciplinary probation" means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period (~~(which)~~ that may extend to graduation or other termination of the student's enrollment in the college.

(4) "Summary suspension" means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days (~~(which)~~ that occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or to other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) "Deferred suspension" means notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) "Suspension" means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

~~((6))~~ (7) "Expulsion" means dismissal from the college and termination of student status for an indefinite period of time or permanently for violation of college rules or for failure to meet the college standards of conduct (~~(for an indefinite period of time or permanently)~~).

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-135 Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct (~~(which)~~ that disrupted the orderly operation of the campus or any facility of the (~~(district,))~~ college may be denied access to all or any part of the campus or other (~~(district))~~ college facility.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-140 Readmission after suspension or expulsion. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed

for readmission, the student may be readmitted following approval of a written petition submitted to the (~~(dean))~~ vice-president of student services. Such petition must state reasons (~~(which)~~ that support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-150 Reestablishment of academic standing. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495B-120-120 and 495B-120-130 and whose suspension upon appeal (~~(is found to have been unwarranted))~~ has been overturned pursuant to the appeal procedure set forth in WAC 495B-120-180 shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-160 Disciplinary authority of the (~~(dean))~~ vice-president of student services (~~(and vice-president for instruction)).~~ (1) The (~~(dean))~~ vice-president of student services or (~~(in his or her absence, the vice president for instruction of the college,))~~ a designee is responsible for initiating disciplinary proceedings for infractions of rules. The (~~(dean))~~ vice-president of student services (~~(or, in his or her absence, the vice president for instruction,))~~ may delegate this responsibility to members of (~~(their))~~ his/her staff and/or (~~(they may also))~~ establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial (~~(conference))~~ meeting or hearing of the several sanctions that may be (~~(involved))~~ applied for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the (~~(dean))~~ vice-president of student services (~~(or in his or her absence, the vice president for instruction,))~~ or a designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Directly impose any of the disciplinary sanctions (~~(directly))~~ that are outlined in WAC 495B-120-130, subject to the student's right of appeal (~~(as described in this chapter))~~ pursuant to WAC 495B-120-180. The student shall be notified in writing of the action taken except (~~(that))~~ where the disciplinary warning (~~(s may be))~~ is given verbally;

(d) Refer the matter to the student disciplinary committee for appropriate action (WAC 495B-120-170). The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official, as set forth in subsection (1) of this section, from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. ~~((The student will also be given an opportunity to invoke the formal hearing process set forth in this chapter.))~~ The student may elect, as well, to utilize the appeal procedures pursuant to WAC 495B-120-180.

NEW SECTION

WAC 495B-120-165 Summary suspension. The vice-president of student services or a designee may summarily suspend any student from the college if the vice-president has reason to believe that the student presents a danger either to self or to others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) Initial summary suspension proceedings. If the vice-president of student services believes it is necessary to exercise the authority to summarily suspend a student, the vice-president shall notify the student of the alleged misconduct and violation(s) of the campus conduct code.

(a) This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address or shall be personally served.

(b) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(i) The charges against the student, including the reference to the law and/or code of conduct;

(ii) The specified date, time, and location that the student must appear before the vice-president for a hearing, which shall be held as soon as practical after the summary suspension;

(iii) A warning that the student shall be considered trespassing and that the police will be called if the student enters the college campus other than to meet with the vice-president of student services or to attend the disciplinary hearing described in subsection (2) of this section.

(2) Emergency procedure. The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the vice-president of student services for appropriate disciplinary action.

(3) Procedures of summary suspension hearing.

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon

as possible and the vice-president of student services will preside over the meeting.

(b) The vice-president of student services shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) Decision by the vice-president of student services. The vice-president of student services may continue to enforce the suspension of the student from the college and may impose any other disciplinary action that is appropriate if the vice-president finds probable cause to believe that:

(a) The student against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The vice-president of student services is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-170 Student disciplinary committee.

(1) The student disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by students. The committee will be appointed by the president of the college or a designee and shall be composed of ~~((the following persons:~~

~~(a) An administrator appointed by the president of the college or a designee;~~

~~(b) Two members of the faculty, appointed by the college president or a designee;~~

~~(c) Two representatives from the student council, appointed by the college president or a designee;~~

~~(d) A counselor appointed by the college president or a designee))~~ one administrator, two members of the faculty, two representatives from the student council, and one counselor.

(2) None of the above-named persons shall sit on any case in which he or she is a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the college president or a designee. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) ~~((The committee may decide that the student involved:))~~ After conducting its investigation, the disciplinary committee will recommend to the proper authority that the student in question:

(a) Be given a disciplinary warning; or

- (b) Be given a reprimand; or
- (c) Be placed on disciplinary probation; or
- (d) Be placed on deferred suspension; or
- (e) Be given a suspension; or
- ~~((f))~~ (f) Be expelled; or
- ~~((g))~~ (g) Be exonerated with all proceedings terminated and with no sanctions imposed; and/or
- ~~((h))~~ (h) Be disqualified from participation in any (school-sponsored) college-sponsored activities.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-180 (~~(Procedural guidelines.)~~) Discipline appeal procedure. ~~((1) The student, if he or she wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.~~

~~(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.~~

~~(3) The student or his or her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The rules of evidence need not be applied at this hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.~~

~~(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.~~

~~(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.~~

~~(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the committee may exclude such persons from the hearing room.~~

~~(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.~~

~~(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.~~

~~(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.~~

~~(10) The student will be provided with a copy of the findings of fact and the conclusions of the committee. The student will also be advised of his or her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.~~

~~(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with these procedural guidelines.~~

~~(12) The president of the college or a designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He or she shall then notify the official who initiated the proceedings, the student and the committee chairperson:))~~ Any disciplinary action taken resulting from the student disciplinary committee's recommendations as described in WAC 495B-120-170 may be appealed following the process outlined below.

(1) The student may file an appeal using the appropriate forms. (An appointment must be made with the vice-president of student services or designee to obtain the necessary form and information.)

(2) Appeals must be filed with the vice-president of student services or a designee.

(3) Appeals must be filed within ten calendar days of the college giving notice of the disciplinary action. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(4) The vice-president of student services or a designee will monitor the appeal process.

(5) The student will receive acknowledgment of the filing of a formal appeal. The student may withdraw the appeal at any point during the formal procedure. The vice-president of student services or a designee will notify all parties involved.

(6) An appeal committee will be appointed annually by the college president and will consist of five individuals representing the various college constituencies. The committee will be made up of one administrator, two faculty members, and two support staff members. The complainant may request student representation on the committee. If requested, the president may select two students to substitute for a like number of existing members of the committee. Members of the committee will remove themselves from the

process if they deem themselves biased or personally interested in the outcome of the appeal.

(7) The committee will review the appeal and all other documentation related to the incident and the resulting discipline. They may request further investigation if facts warrant the need to do so. The vice-president of student services or a designee will serve as the investigating officer.

(8) If an investigation is ordered, the investigating officer will:

(a) Meet with the student and the staff member(s) who initiated the discipline;

(b) Examine documentation and interview witnesses;

(c) Consult with the appropriate vice-president or equivalent unit head and/or other appropriate administrator; and

(d) Prepare a written investigative report.

(9) After a full review, the committee's decision will be limited to one of the following statements:

(a) "Based on the evidence presented to us, we find probable cause for believing that an improper or unfair disciplinary decision or act has been committed"; or

(b) "Based on the evidence presented, we find no probable cause for believing that an improper or unfair disciplinary decision or act has been committed."

The committee will make its report in writing to the vice-president of student services or a designee. The deliberations of the committee will not be disclosed to anyone except the vice-president of student services or a designee who will hold them confidential.

(10) If no probable cause is found, the matter will be considered concluded. However, the student may submit a written appeal to the president within ten calendar days from the date the decision is made. The appeal must specify in detail what findings, recommendations, or other aspects of the decision were not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president. The president may uphold the decision of the committee, and at that point no further appeals within the college will be considered. Or, the president may instruct the committee to go forward with an appeal hearing.

(11) If probable cause is found, a hearing will be held.

(a) The committee will select a chair. The chair of the committee will establish a date for the hearing. A notice establishing the date, time, and place of the hearing will be provided to all involved parties.

(b) The hearing will be held within thirty calendar days from the time of the hearing notice. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(c) The student will have the privilege to challenge one member of the committee without cause (stated reason). Unlimited challenges may be issued if it is felt that a member of the committee is biased. In the case of a challenge for bias, a majority of the committee members must be satisfied that a challenged member cannot hear the case impartially before the member can be disqualified. In the case of removal of a member through the challenge process, the president will restore the committee to full membership.

(d) The hearing will be conducted as expeditiously as possible and on successive days, if possible.

(e) The student and any others the committee deems necessary to the proceedings will make themselves available to appear at the proceeding unless the individual can verify to the committee that their absence is unavoidable.

(f) The student will be permitted to have with him/her a party of his/her own choosing to act as advisor and counsel. The hearing may be monitored by the assistant attorney general assigned to the college.

(g) The hearing will be closed to all except those persons directly involved in the case as determined by the committee. Statements, testimony, and all other evidence given at the hearing will be confidential and will not be released to anyone and may be used by the committee only for the purpose of making its findings and recommendations to the president.

(h) The chair of the committee will convene and regulate the proceeding. The student, identified staff, and the members of the hearing panel must be present during the proceeding unless excused by the chair for good cause. Repeated failure, without reasonable explanation, of either the student or identified staff to appear will be grounds for defaulting that party's case. The student will have the burden of presenting the case and staff will have the burden of challenging the evidence presented.

(i) All parties will have the opportunity to present evidence, respond to evidence presented, and examine and cross examine witnesses.

(ii) The hearing committee will be empowered to examine witnesses and receive evidence; exclude any person(s) felt to be unreasonably disruptive of the proceedings; hold conferences for the settlement of the issues involved; make decisions or proposals for decisions; and take any other actions authorized by the rule consistent with this procedure.

(iii) No individual will be compelled to divulge information in any form that he/she could not be compelled to divulge in or in connection with court proceedings.

(i) Any legal opinion or interpretation given to the committee by the parties may be shared with all parties to the case.

(j) The committee will file its findings and recommendations with the president, the vice-president of student services, the student, and involved staff after the conclusion of the hearing. If the findings and recommendations of the committee are acceptable to the student, the president may direct implementation of the recommendations.

(12) If the student objects to the findings and recommendations and wishes to appeal, a written appeal may be submitted to the president within ten calendar days from the date the finding is issued. The appeal must specify in detail the findings, recommendations, or other aspects of the report or decision that are not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president.

(13) After considering an appeal, the president will issue a written decision to the parties involved. The decision of the president will be final and no further appeals within the college will be considered.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-120-190 ((Appeals.)) Reporting. ~~((Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the dean of student services within ten calendar days of the college's giving of the notice of the disciplinary action. Notice to the student of the disciplinary action shall be deemed complete when the final, written decision is either personally served, or is posted by either certified or registered mail to the address of record as maintained in the enrollment office.~~

~~(1) Disciplinary action by a faculty member or other college staff member may be appealed to and, if appealed, shall be reviewed by, the dean of student services, or in his or her absence, the vice president for instruction.~~

~~(2) Disciplinary action by the appropriate disciplinary official may be appealed to and, if appealed, shall be reviewed by the student disciplinary committee.~~

~~(3) Disciplinary action by the student disciplinary committee may be appealed to and, if appealed, shall be reviewed by the college president or a designee.~~

~~(4) Disciplinary action by the president or designee shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The decision of the president or his or her designee shall be final.) Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as is reasonably possible, for five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495B-120-200 Reporting, recording and maintaining records.

**WSR 11-04-017
PERMANENT RULES
STATE BOARD OF HEALTH**

[Filed January 21, 2011, 4:17 p.m., effective January 1, 2012]

Effective Date of Rule: January 1, 2012.

Purpose: WAC 246-100-191, 246-100-192, 246-100-197, and 246-100-201, rules pertaining to zoonotic diseases. The purpose of the rule is to reflect current federal and other state agency laws and rules, and national standards of practice designed to prevent and control human cases of psittacosis, rabies, and other diseases transmissible from animals to humans. The rules focus on environmental factors and controls to prevent and control zoonotic disease outbreaks.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-191 and 246-100-201.

Statutory Authority for Adoption: RCW 43.20.050 and 16.70.040(1).

Adopted under notice filed as WSR 10-20-146 on October 5, 2010.

A final cost-benefit analysis is available by contacting Ted Dale, P.O. Box 47825, Olympia, WA 98504-7825, phone (360) 236-3322, fax (360) 236-2261, e-mail Ted.Dale@DOH.WA.GOV.

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

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

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

Date Adopted: November 10, 2010.

Craig McLaughlin
Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-100-191 Animals(~~,-birds,-pets~~))—General measures to prevent human disease. (1) ~~((All persons and entities are prohibited from:~~

~~(a) Sale of milk, meat, hides, and hair from animals infected with anthrax; and~~

~~(b) Sale and display of turtles except as permitted under Title 21 CFR, Food and Drug Administration, part 1240.62; 1986.~~

~~(2) Except for bonafide public or private zoological parks, persons and entities are prohibited from:~~

~~(a) Importing into Washington state any bat, skunk, fox, raccoon, or coyote without a permit from the director of the Washington state department of agriculture, as required in WAC 16-54-125; and~~

~~(b) Acquiring, selling, bartering, exchanging, giving, purchasing, or trapping for retention as pets or for export any:~~

- ~~(i) Bat;~~
- ~~(ii) Skunk;~~
- ~~(iii) Fox;~~
- ~~(iv) Raccoon; and~~
- ~~(v) Coyote.~~

~~(3) Local health officers shall determine whether or not to order the destroying or testing of animals other than cats and dogs if:~~

- (a) The animal has bitten or otherwise exposed a person, and
- (b) Rabies is suspected.
- (4) When an animal has bitten or otherwise exposed a person, the local health officer shall institute any or all of the following as judged appropriate:
- (a) Order testing and destruction of the animal;
- (b) Order restriction of dogs and cats for ten days observation;
- (c) Require examination and recommendation by a veterinarian related to signs of rabies; or
- (d) Specify other appropriate actions for animals considered low risk for rabies.
- (5) When an animal other than a bat is found to be rabid, the local health officer shall immediately institute a community-wide rabies control program including:
- (a) Issuance of orders to pick up and impound all stray and unlicensed dogs and cats;
- (b) Issuance of orders to owners of dogs and cats requiring proof of rabies vaccination of animals by a veterinarian within six previous months;
- (c) Restriction of household mammals to owners' premises except when on a leash; or
- (d) Institute actions other than subsection (5)(a), (b), and (c) of this section when judged appropriate.
- (6) A person destroying an animal as described in this section shall:
- (a) Avoid damaging the brain; and
- (b) Transport the dead animal's head, brain, or body in a manner approved by the local health department.
- (7) To improve surveillance for rabies, laboratories shall inform the local health officer prior to testing specimens and samples for rabies.
- (8) When a cat or dog has been bitten or exposed to a rabid or suspected rabid animal, the local health officer shall require:
- (a) Destruction of the exposed animal; or
- (b) Revaccination, if currently vaccinated, including observation by owner for ninety days; or
- (c) If not currently vaccinated, vaccination and strict isolation for six months with revaccination one month prior to release from isolation; or
- (d) Any other action judged appropriate by the local health officer.
- (9) A person importing a dog and/or a cat into Washington state shall comply with WAC 16-54-120.) The purpose of this rule is to protect the public from acquiring diseases transmissible by animals and animal products.
- (2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:
- (a) "Carapace" means a hard bony outer covering, such as the fused dorsal plates of a turtle.
- (b) "Immunocompromised" means having the immune system impaired or weakened as by drugs or illness.
- (c) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency; or the authorized agents of these entities.
- (d) "Poultry" means chickens, ducks, turkeys, and other domestic farm birds.

(e) "Turtles" means all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order Testudinata, class Reptilia, except marine species in the families Dermachelidae and Chelonidae.

(f) "Vendor" means a person selling, trading, or transferring an animal to another person as a commercial activity.

(3) A vendor transferring a reptile, amphibian, or poultry chick for the purpose of being kept as a pet shall provide the buyer or recipient a written notification including:

(a) Information about possible human diseases contracted from reptiles, amphibians, or poultry chicks, such as Salmonella infection;

(b) Who is at greater risk for contracting and experiencing severe illness related to contact with reptiles, amphibians, and poultry chicks, such as young, elderly, and immunocompromised persons; and

(c) Disease prevention messages, such as proper hand washing and recommendations for high risk groups.

(4) To meet the requirements of subsection (3) of this section, vendors may use materials provided by the department and available at www.doh.wa.gov.

(5) Live turtles with a carapace length of less than four inches shall not be sold, held for sale, or offered for sale or distribution for the purpose of being kept as a pet.

(6) All persons are prohibited from selling products containing milk, meat, hides, or hair that is contaminated or suspected of being contaminated with anthrax as determined by the state health officer, local health officer, or a federal agency.

(7) All persons are prohibited from selling, transferring, or acquiring an animal or animal product associated with a zoonotic disease outbreak or suspected outbreak as determined by the state health officer, local health officer, or a federal agency.

NEW SECTION

WAC 246-100-192 Animals in public settings—Measures to prevent human disease. (1) The purpose of this rule is to protect the public from diseases transmitted to humans from animals in public settings.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Animal exhibitor" means a person with a valid class C certification as an exhibitor under the Animal Welfare Act, 7 U.S.C. 2131-2159.

(b) "Animal venue operator" means a person furnishing a setting where public contact with animals is encouraged such as a petting zoo, county fair, or horse or pony rides.

(c) "Immunocompromised" means having the immune system impaired or weakened as by drugs or illness.

(d) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency; or the authorized agents of these entities.

(3) Animal venue operators shall:

(a) Provide an accessible hand-washing station or alternative hand sanitizing method approved by the local health officer;

(b) Post a prominent sign in a simple and easy-to-understand format for visitors to see before they enter the animal exhibit area which warns that:

(i) Animals can carry germs that can make people sick, even animals that appear healthy;

(ii) Eating, drinking, or putting things in a person's mouth in animal areas could cause illness;

(iii) Older adults, pregnant women, immunocompromised people, and young children are more likely to become ill from contact with animals;

(iv) Young children and individuals with intellectual disabilities should be supervised in animal exhibit areas; and

(v) Strollers, baby bottles, pacifiers, and children's toys are not recommended in animal exhibit areas.

(c) Post a prominent sign at each exit of the animal exhibit area reminding visitors to wash their hands.

(4) To meet the requirements of subsections (3)(b) and (c) of this section, animal venue operators may use materials provided by the department and available at www.doh.wa.gov.

(5) Animal exhibitors and other persons legally responsible for animals in public settings shall:

(a) Observe animals daily for signs of illness;

(b) Prevent public contact with sick animals;

(c) As applicable, comply with WAC 246-100-197, Rabies—Measures to prevent human disease;

(d) As applicable, comply with WAC 246-100-201, Psittacosis—Measures to prevent human disease; and

(e) Comply with, and have in their possession, any local, state, or federally required documents allowing the exhibition of animals in public settings.

(6) Animal venue operators, animal exhibitors, other persons legally responsible for animals in public settings, and veterinarians shall cooperate with local health officer investigations and control measures for zoonotic disease.

NEW SECTION

WAC 246-100-197 Rabies—Measures to prevent human disease. (1) The purpose of this rule is to protect the public from rabies, a deadly disease.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Animal exhibitor" means a person with a valid class C certification as an exhibitor under the Animal Welfare Act, 7 U.S.C. 2131-2159.

(b) "Cat" means an animal of the species *Felis domesticus*, and excludes felid hybrid animals.

(c) "Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA) executed by a licensed and accredited veterinarian or a veterinarian approved by APHIS, USDA.

(d) "Dog" means an animal of the species *Canis familiaris* and excludes canid hybrid animals.

(e) "Entry permit" means prior written permission from the director of the department of agriculture.

(f) "Euthanize" means to humanely destroy an animal by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

(g) "Ferret" means an animal of the species *Mustela furo*.

(h) "Hybrid" means any mammal which is the offspring of the reproduction between any species of:

(i) Wild canid or hybrid wild canid and a domestic dog or hybrid wild canid, or is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid; or

(ii) Wild felid or hybrid wild felid and a domestic cat or hybrid wild felid or is represented by its owner to be a wild felid hybrid.

(i) "Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. Livestock does not mean "wild animals" as defined in RCW 77.08.010.

(j) "Owner" means any person legally responsible for the care and actions of a pet animal.

(k) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency; or the authorized agents of these entities.

(l) "Research facility" means a person with a valid class R certification as a research facility under the Animal Welfare Act, 7 U.S.C. 2131-2159.

(m) "Zoological park" means an accredited member of the American Zoo and Aquarium Association (AZA).

(3) An owner of a dog, cat, or ferret shall have it vaccinated against rabies and revaccinated following veterinary and vaccine manufacturer instructions. This requirement does not apply to animal shelters.

(4) Zoological parks and other types of animal exhibitors shall confine for a minimum of six months all wild-caught mammals susceptible to rabies and intended for public exhibition.

(5) The following restrictions apply to the importation and movement of certain mammals in Washington state.

(a) All persons are prohibited from acquiring, selling, bartering, exchanging, giving, purchasing, distributing, or trapping to retain any bat, skunk, fox, raccoon, or coyote, except a zoological park, animal exhibitor, or research facility.

(b) All persons are prohibited from importing into the state any bat, skunk, fox, raccoon, or coyote, except a zoological park, animal exhibitor, or research facility under an entry permit issued by the director of the department of agriculture in consultation with the secretary of the department.

(c) Any person importing a dog internationally that requires confinement according to requirements of 42 C.F.R. 71.51, shall notify the secretary of the department within seventy-two hours of the animal's arrival in the state.

(6) When a local health officer receives a report that a dog, cat, ferret, or hybrid has been exposed to a rabid or suspected rabid animal, the local health officer may require:

(a) Unvaccinated dogs, cats and ferrets be:

(i) Euthanized immediately; or

(ii) Confined in a manner considered appropriate by the local health officer for at least six months from the date of suspected rabies exposure and given rabies vaccine at least thirty days prior to the end of the confinement period.

(b) Currently vaccinated dogs, cats, and ferrets be revaccinated immediately with rabies vaccine, kept under the owner's control in a manner considered appropriate by the local health officer, and observed for forty-five days for signs of illness.

(c) Hybrids be euthanized immediately.

(7) The owner or caretaker of a dog, cat, or ferret that is confined or under observation as described in subsection (6) of this section shall report any illness in the animal to the local health officer. If signs suggestive of rabies develop, the local health officer may order the animal to be euthanized and tested for rabies.

(8) When a local health officer receives a report that a mammal has bitten or otherwise potentially exposed a person to rabies, the local health officer may institute any or all of the following:

(a) Order a healthy dog, cat, or ferret to be confined in a manner the local health officer considers appropriate and observed daily for at least ten days with any illness reported to the local health officer, and if signs suggestive of rabies develop, order the animal to be euthanized and tested for rabies;

(b) Order immediate euthanasia and rabies testing of any stray or unwanted dog, cat, or ferret; or

(c) Order euthanasia and rabies testing of any hybrid or other mammal that is not a livestock animal.

(9) When a mammal other than a bat is found to be rabid, the local health officer may institute additional community-wide measures as appropriate including, but not limited to, the following actions:

(a) Issuance of orders to pick up and impound stray and unlicensed dogs, cats, hybrids and ferrets;

(b) Issuance of orders to owners of dogs, cats, and ferrets requiring proof of rabies vaccination following veterinary and vaccine manufacturer instructions;

(c) Restriction of dogs, cats, hybrids, and ferrets to owners' or caretakers' premises except when on leash; or

(d) Provide public and professional outreach education.

(10) When mammals are displaced during or after a man made or natural disaster and require emergency sheltering, the local health officer may implement and coordinate rabies prevention and control measures as described in Part I B.8., Disaster Response of the *Compendium of Animal Rabies Prevention and Control*, 2008. A copy of this publication is available for review at the department's web site, at www.doh.wa.gov.

(11) A person euthanizing a mammal for the purpose of rabies testing as described in this section shall prepare, package, and transport the specimens to be tested in a manner approved by the local health officer and according to the department's *Guidelines for the Submission of Specimens for Rabies Testing*, August 2006. This publication is available from the department at www.doh.wa.gov.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-201 ((Birds)) Psittacosis—Measures to prevent ((psittacosis)) human disease. (1) ((Definitions specific to this section:

(a) "Breeder" means a person or persons propagating birds for purpose of sale, trade, gift, or display;

(b) "Displayer" means a person, owner, or entity other than a public or private zoological park showing, exhibiting, or allowing a person or persons to handle or access a bird in a place open to the public or in a health care facility;

(c) "Leg band" means a smooth plastic or metal cylinder, either open (seamed) or closed (seamless), designed to be used to encircle a leg of a bird including permanent inscription of identification indicating:

(i) Code for individual bird, and

(ii) Code for breeder source except when open bands identify vendor rather than breeder.

(d) "Psittacine bird" or "bird" means all birds commonly known as:

(i) Parrots;

(ii) Macaws;

(iii) Cockatoos;

(iv) Lovebirds;

(v) Parakeets; and

(vi) All other birds of the order psittaciformes.

(e) "Vendor" means a person or entity selling, trading, or giving a bird to another person or entity.

(2) A person selling, trading, or otherwise transferring a bird shall identify each bird by:

(a) A coded and closed (seamless) leg band;

(b) A United States department of agriculture open (seamed) leg band; or

(c) An open (seamed) leg band only in cases where an original and closed (seamless) leg band was lost or required replacement due to injury or potential injury to the bird.

(3) A vendor transferring a bird to other than the general public shall maintain a record of transfer including acquisition, sales, and trade of a bird, for at least one year and including:

(a) Date of transaction;

(b) Name and address of the recipient and source;

(c) Number and type, including the common name of the bird transferred; and

(d) Leg band codes, including breeder or vendor and individual bird codes, omitting individual bird code only upon initial transfer of a bird propagated by the breeder.

(4) A vendor transferring a bird to the general public shall provide each buyer or recipient with:

(a) A sales slip or written document including all information required in subsection (3)(a), (b), (c), and (d) of this section; and

(b) A written warning or caution notice including:

(i) Information about possible human infection or disease caused by birds, especially psittacosis, parrot fever, and ornithosis;

(ii) Signs of infection or a sick bird including:

(A) Nasal discharge;

(B) Sneezing;

(C) Coughing;

(D) Ruffled feathers;
 (E) Lethargy, and
 (F) Diarrhea.
 (iii) Signs and symptoms of an illness in a human including, but not limited to:
 (A) Chills;
 (B) Fever;
 (C) Headache;
 (D) Cough, and
 (E) Muscle aches.
 (iv) Information that nasal discharge and droppings of an infected or sick bird may cause illness in humans; and
 (v) Advice to consult veterinarian or health care provider, as appropriate, if signs or symptoms occur.
 (5) A vendor shall post a readable sign in a public area with a warning described in subsection (4)(b) of this section.
 (6) When investigation of a human case of psittacosis indicates probable infection from a bird, the local health officer shall:
 (a) Order collection of blood or other appropriate samples from the suspect bird or birds for appropriate laboratory tests to rule out disease; or
 (b) Use protocols established in *Communicable Diseases Manual*, seventeenth edition, James Chin, MD, MPH, editor, 2000. A copy of this publication is available for review at the department and at each local health department; and
 (c) Have authority to enforce requirements of this section on a nonpsittacine bird or birds when:
 (i) There is suspected exposure to an infected bird, or
 (ii) There is evidence a bird caused a disease.
 (7) When a local health officer orders a quarantine of a bird or birds, the vendor shall:
 (a) Cooperate with the local health officer, and
 (b) Assume costs associated with action.
 (8) Upon confirmation of psittacosis, vendors shall follow directions issued by the local health officer to:
 (a) Place the birds under antibiotic treatment with environmental cleaning and sanitizing; or
 (b) Destroy all birds on the premises followed by environmental cleaning and sanitizing; and
 (c) Assume costs associated with psittacosis prevention and control action ordered by local and state health officer;
 (d) Prohibit sale or addition of birds to inventory; and
 (e) Prevent contact of any bird with the public.
 (9) A person exhibiting or displaying a bird or birds in a place or area used or occupied by the public shall exhibit the bird or birds in a manner preventing human exposure to the birds and bird discharges except:
 (a) In single purpose pet shops and aviaries, and
 (b) At bird shows if:
 (i) A room containing a bird or birds is separated from other areas and activities, and
 (ii) The room entrance has a sign warning a person about potential exposure to psittacosis.
 (10) Shipment and embargo of birds.
 (a) Any person or entity receiving a psittacine bird or birds from points outside Washington state shall:
 (i) Comply with Title 9 CFR, parts 92.3 and 92.8(b);
 (ii) Refuse receipt of any bird originating from premises where psittacosis infection is suspected or known; and

(iii) Refuse receipt of any bird from a premise quarantined for psittacosis.
 (b) The state health officer is authorized to:
 (i) Order placement and removal of an embargo upon shipment of a live bird or birds into Washington state, and
 (ii) Order any action necessary to control an outbreak or potential outbreak of psittacosis in Washington state.) The purpose of this rule is to protect the public from psittacosis.
 (2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:
 (a) "Avian chlamydiosis" means a bacterial infection of birds caused by *Chlamydophila psittaci*;
 (b) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency; or the authorized agents of these entities;
 (c) "Psittacine bird" means all birds commonly known as parrots, macaws, cockatoos, cockatiels, lovebirds, parakeets, and all other birds of the order Psittaciformes.
 (d) "Psittacosis" means a bacterial infection of humans caused by *Chlamydophila psittaci*.
 (e) "Vendor" means a person selling, trading, or transferring a bird to another person as a commercial activity.
 (3) A vendor acquiring, selling, trading, or transferring a psittacine bird shall maintain a record of transfer for at least one year which includes:
 (a) Date of transaction;
 (b) Name, address, and telephone number of the persons involved in the transaction;
 (c) Number and type, including the common name of the bird transferred.
 (4) A vendor transferring a psittacine bird to a member of the general public shall provide each buyer or recipient with written information about psittacosis and avian chlamydiosis including:
 (a) Signs of infection in a sick bird including nasal discharge, sneezing, coughing, ruffled feathers, lethargy, and diarrhea;
 (b) Symptoms of psittacosis in a human including chills, fever, headache, cough, and muscle aches;
 (c) A warning that nasal discharge and droppings of an infected or sick bird may cause illness in humans;
 (d) A warning that healthy appearing birds can shed the harmful bacteria that can cause psittacosis intermittently and that shedding can be activated by stress factors such as relocation, shipping, crowding, chilling, and breeding; and
 (e) A recommendation to consult a veterinarian or health care provider, as appropriate, if signs or symptoms occur.
 (5) To meet the requirements of subsection (4) of this section, vendors may use materials provided by the department and available at www.doh.wa.gov.
 (6) A vendor shall post a readable sign accessible to the general public with the information described in subsection (4) of this section.
 (7) A person exhibiting or displaying a psittacine bird in a place or area used or occupied by the public shall exhibit the bird in a manner preventing human exposure to the bird and bird discharges except:
 (a) In single-purpose pet shops and aviaries; and

(b) At bird shows if a room containing a bird is separated from other areas and activities, and the room entrance has a sign warning people about potential risk of psittacosis.

(8) The local health officer may initiate an epidemiologic investigation to control the transmission of *C. psittaci* to humans, which may include:

(a) Site visit to where the recently purchased infected bird is located and identification of the location where the bird was originally procured;

(b) Documenting the number and types of birds involved, the health status of potentially affected persons and birds, locations of facilities where birds were housed, relevant ventilation-related factors, treatment protocols, and examination of sales records; and

(c) Working with the bird vendor and vendor's veterinarian to test suspect birds using methods established in Appendix 1 of the *Compendium of Measures To Control Chlamydomydia Psittaci Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis)*, 2009. A copy of this publication is available for review at the department's web site at www.doh.wa.gov.

(9) When investigating a case of psittacosis, the local health officer may enforce requirements of this section on a nonsittacine bird if there is suspected exposure of the nonsittacine bird to an infected bird.

(10) Upon confirmation of avian chlamydiosis, a vendor shall cooperate with the local health officer and assume costs associated with actions required by the local health officer, which may include, but is not limited to, testing of potentially exposed humans; and quarantine, testing, appropriate antibiotic treatment, and destruction of birds.

(11) Any person receiving a psittacine bird from points outside Washington state shall:

(a) Refuse receipt of any bird originating from premises where avian chlamydiosis infection is suspected or known; and

(b) Refuse receipt of any bird from a premises quarantined for avian chlamydiosis.

**WSR 11-04-041
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket A-101466, General Order R-562—Filed January 25, 2011, 8:55 a.m., effective February 25, 2011]

In the matter of amending and adopting several rules in Title 480 WAC, relating to adoption-by-reference date revisions and other minor administrative changes.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 10-22-115 for an expedited rule making, filed with the code reviser on November 3, 2010. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's responses to the comments reflecting the commission's consideration of them.

5 To avoid unnecessary duplication in the record of this docket, the commission designates the discussion in this order, including Appendix A, as its concise explanatory statement. This document provides a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order amends the following sections of the Washington Administrative Code, revising references to federal rules and national standards included in adoption by reference sections in several chapters of commission rules:

Rule Changes			
Action	WAC No.	Rule Title	Changes
Chapter 480-15 WAC, Household goods carriers.			
Adopt	480-15-560	Equipment safety requirements.	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 375, Consumer Protection Regulations. • Part 379, Preservation of Records. • Part 380, Special Training Requirements. • Part 385, Safety Fitness Procedures. • Part 397, Transportation of Hazardous Materials.

Adopt	480-15-570	Driver safety requirements.	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. • Part 375, Consumer Protection Regulations. • Part 380, Special Training Requirements. • Part 385, Safety Fitness Procedures. • Part 397, Transportation of Hazardous Materials.
Amend	480-15-999	Adoption by reference.	Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing. • Part 383, Commercial Driver's License Standards, Requirements and Penalties. • Part 390, Motor Carrier Safety Regulations, General. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors. • Part 392, Driving of Commercial Motor Vehicles. • Part 393, Parts and Accessories Necessary for Safe Operation. • Part 395, Hours of Service of Drivers. • Part 396, Inspection, Repair, and Maintenance.
Chapter 480-30 WAC, Auto transportation companies.			
Amend	480-30-221	Vehicle and driver safety requirements.	Removes: <ul style="list-style-type: none"> • "and applies to Washington state intrastate operations" under adoption of Part 391.
Amend	480-30-999	Adoption by reference.	Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. • Part 382, Controlled Substance and Alcohol Use and Testing. • Part 383, Commercial Driver's License Standards, Requirements and Penalties. • Part 379, Preservation of Records. • Part 380, Special Training Requirements. • Part 385, Safety Fitness Procedures. • Part 390, Motor Carrier Safety Regulations, General. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors. • Part 392, Driving of Commercial Motor Vehicles. • Part 393, Parts and Accessories Necessary for Safe Operation. • Part 395, Hours and Service of Drivers. • Part 396, Inspection, Repair, and Maintenance. • Part 397, Transportation of Hazardous Materials.
Chapter 480-31 WAC, Private, nonprofit transportation providers.			
Adopt	480-31-100	Equipment—Safety.	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 379, Preservation of Records. • Part 380, Special Training Requirements. • Part 390, Motor Carrier Safety Regulations, General.

Adopt	480-31-110	Identification of motor vehicle equipment.	Removes the following verbiage from existing WAC: <ul style="list-style-type: none"> • "The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle Office of the Government Printing Office."
Adopt	480-31-130	Operation of motor vehicles.	Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. • Part 380, Special Training Requirements. • Part 385, Safety Fitness Procedures.
Amend	480-31-999	Adoption by reference.	Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria. Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing - see Note 8. • Part 383, Commercial Driver's License Standards, Requirements and Penalties. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors. • Part 392, Driving of Commercial Motor Vehicles. • Part 393, Parts and Accessories Necessary for Safe Operation. • Part 395, Hours of Service of Drivers. • Part 396, Inspection, Repair, and Maintenance. • Part 397, Transportation of Hazardous Materials.
Chapter 480-62 WAC, Railroad companies—Operations.			
Adopt	480-62-230	Traffic control devices.	Adopts, by reference, Manual on Uniform Traffic Control Devices (MUTC), Part 8.
Adopt	480-62-235	Flaggers.	Adopts, by reference, specific chapters of Manual on Uniform Traffic Control Devices (MUTC), as follows: <ul style="list-style-type: none"> • Chapter 6A, General. • Chapter 6B, Fundamental Principles. • Chapter 6D, Pedestrian and Worker Safety. • Chapter 6E, Flagger Control. • Chapter 6G.18, Work in the Vicinity of a Grade Crossing. • Chapter 8A.08, Temporary Traffic Control Zones.
Amend	480-62-999	Adoption by reference.	Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations: <ul style="list-style-type: none"> • Part 171, General Information, Regulations, and Definitions. • Part 173, Shippers General Requirements for Shipments and Packages. • Part 174, Carriage by Rail. • Part 178, Specifications for Packagings. • Part 179, Specifications for Tank Cars. • Part 209, Railroad Safety Enforcement Procedures. • Part 211, Rules of Practice. • Part 212, State Safety Participation Regulations. • Part 213, Track Safety Standards. • Part 214, Railroad Workplace. • Part 217, Railroad Operating. • Part 218, Railroad Operating Practices. • Part 219, Control of Alcohol and Drug Use.

			<ul style="list-style-type: none"> • Part 220, Railroad Communications. • Part 221, Rear-End Marking Device. • Part 225, Railroads Accidents/Incidents. • Part 228, Hours of Service of Railroad Employees. • Part 234, Grade Crossing Signal System Safety. • Part 239, Passenger Train Emergency Preparedness. • Part 240, Qualification and Certification of Locomotive Engineers. • Part 570.6 and 570.7, Vehicle in Use Inspection Standards. <p>Amends the effective date of adoption to June 30, 2010, for the following safety standards:</p> <ul style="list-style-type: none"> • ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits. • ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests.
Chapter 480-70 WAC, Solid waste collection companies.			
Adopt	480-70-201	Vehicle and driver safety requirements.	<p>Adopts, by reference, the following new parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. • Part 379, Preservation of Records. • Part 380, Special Training Requirements. • Part 385, Safety Fitness Procedures.
Amend	480-70-999	Adoption by reference.	<p>Amends the effective date of adoption to April 1, 2010, for the North American Standard Out-of-Service Criteria.</p> <p>Amends the effective date of adoption to June 30, 2010, for the following parts of Title 49 Code of Federal Regulations:</p> <ul style="list-style-type: none"> • Part 382, Controlled Substance and Alcohol Use and Testing. • Part 383, Commercial Driver's License Standards, Requirements and Penalties. • Part 390, Motor Carrier Safety Regulations, General. • Part 391, Qualifications of Drivers and Longer Combination Vehicle Driver Instructors. • Part 392, Driving of Commercial Motor Vehicles. • Part 393, Parts and Accessories Necessary for Safe Operation. • Part 395, Hours of Service of Drivers. • Part 396, Inspection, Repair, and Maintenance. • Part 397, Transportation of Hazardous Materials.
Chapter 480-73 WAC, Hazardous liquid pipeline companies.			
Amend	480-73-999	Adoption by reference.	<p>Adoption by reference dates changed as follows:</p> <p>Title 18 Code of Federal Regulations.</p> <p>April 1, 2010 - No change to current rule.</p>
Chapter 480-75 WAC, Hazardous liquid pipelines—Safety.			
Amend	480-75-999 (1)(a)	Adoption by reference.	<p>Adoption by reference dates changed as follows:</p> <p>Title 49 Code of Federal Regulations.</p> <p>October 1, 2010 - Parts 195 and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0 and 195.1, and 49 C.F.R. Sections 199.1 and 199.2.</p>
Amend	480-75-999(2)	Adoption by reference.	<p>Adoption by reference dates changed as follows:</p> <p>The American Society of Mechanical Engineers (ASME) B31.4, 2006 edition, October 20, 2006.</p>
Amend	480-75-999(3)	Adoption by reference.	<p>Adoption by reference dates changed as follows:</p> <p>The 2007 edition, July 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.</p>

Amend	480-75-999(4)	Adoption by reference.	Adoption by reference dates changed as follows: The commission adopts: American Petroleum Institute (API) standard 1104 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008).
Amend	480-75-999(5)	Adoption by reference.	Adoption by reference dates changed as follows: The commission adopts: <ul style="list-style-type: none"> • API RP standard 1117 Third Edition, July 2008, including errata December 2008.
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference.	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2010 - No significant changes.
Chapter 480-93 WAC, Gas companies—Safety.			
Amend	480-93-999(1)	Adoption by reference.	Adoption by reference dates changed as follows: Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office. (a) The commission adopts the version of the above regulations that were in effect on October 1, 2010, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1.
Amend	480-93-999(2)	Adoption by reference.	Adoption by reference dates changed as follows: (2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. (a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.
Amend	480-93-999(3)	Adoption by reference.	Adoption by reference dates changed as follows: (3) The American Petroleum Institute (API) standard 1104 (20th edition 2007, including errata/addendum July 2007 and errata 2 (2008)). (a) The commission adopts the 20th edition 2007, including errata/addendum July 2007 and errata 2 (2008) of this standard.
Chapter 480-100 WAC, Electric companies.			
Amend	480-100-999	Adoption by reference.	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations <ul style="list-style-type: none"> o April 1, 2010 - No significant changes. • National Electric Code (NFPA) <ul style="list-style-type: none"> o 2011 edition.
Chapter 480-108 WAC, Electric companies.			
Amend	480-108-999	Adoption by reference.	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • IEEE 1547: Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems. <ul style="list-style-type: none"> o 2003 version and reaffirmed in 2008 - No changes to current rule. • National Electric Code (NFPA) 2011 edition. • National Electric Safety Code (NESC) 2007 edition. • UL 1741: Inverters, Converters, Controllers, and Interconnection System Equipment for Use with Distributed Energy Resources 2010 edition.
Chapter 480-120 WAC, Telecommunications companies.			
Amend	480-120-999	Adoption by reference.	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications" - (ATIS 0100510) - as of December 29, 1999, and reaffirmed 2008 <ul style="list-style-type: none"> o No change to current rule - Revises Reference Number of Title.

			<ul style="list-style-type: none"> • National Electrical Safety Code <ul style="list-style-type: none"> o January 1, 2007 - No change to current rule. • Title 47 Code of Federal Regulations, as referenced in WAC 480-120-359 and 480-120-349 <ul style="list-style-type: none"> o October 1, 1998 - No change to current rule. • Title 47 Code of Federal Regulations, as referenced in WAC 480-120-202 and 480-120-146 <ul style="list-style-type: none"> o October 1, 2010 - Update to current C.F.R. version and to revise WAC reference.
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7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353 for expedited rule making.

8 NOTICE OF EXPEDITED RULE MAKING: The commission filed a notice of expedited rule making (CR-105) on November 3, 2010, at WSR 10-22-115. The notice informed interested persons that the commission was proposing rules under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.353, and to all persons affected by the adoption-by-reference rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission no later than January 18, 2011. The commission posted the relevant rule-making information on its Internet web site at www.utc.wa.gov/101466.

9 COMMENTERS (WRITTEN COMMENTS): The commission did not receive any comments on the proposed rules.

10 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR 10-22-115.

11 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-15-560, 480-15-570, 480-15-999, 480-30-221, 480-30-999, 480-31-100, 480-31-110, 480-31-130, 480-31-999, 480-62-230, 480-62-235, 480-62-999, 480-70-201, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, should be amended as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 21, 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.

ORDER

12 THE COMMISSION ORDERS:

13 (1) The commission amends WAC 480-15-560, 480-15-570, 480-15-999, 480-30-221, 480-30-999, 480-31-100, 480-31-110, 480-31-130, 480-31-999, 480-62-230, 480-62-235, 480-62-999, 480-70-201, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999 and 480-120-999 to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

14 (2) This order and the rules set out in Appendix A, after being recorded in the register of the Washington utilities and transportation commission shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, January 25, 2011.

Washington State Utilities and Transportation Commission

Jeffrey D. Goltz, Chairman
Patrick J. Oshie, Commissioner
Philip B. Jones, Commissioner

Appendix A

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-560 Equipment safety requirements.

(1) All carriers must comply with all of the following requirements:

- (a) Maintain all vehicles in a safe and sanitary condition.
- (b) Maintain vehicles free of defects likely to result in an accident or breakdown.

(c) Maintain vehicles consistent with the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(d) Make vehicles available for inspection by commission representatives at any time upon request.

(2) A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

- (a) All markings on the power unit must be:
 - (i) Clearly legible.
 - (ii) No less than three inches high.
 - (iii) In a color that contrasts with the background color.
 - (iv) Permanent. *Exception:* Carriers may use temporary markings on vehicles operated under a lease.

(b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.

(3) Carriers must comply with all of the following requirements:

(a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.

(b) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.

(F) Director: The commission.

(ii) 49 CFR Part 392: Driving of Commercial Motor Vehicles.

~~((A))~~ (iii) 49 CFR Part 379: Preservation of Records.

(iv) 49 CFR Part 385: Safety Fitness Procedures.

(v) 49 CFR Part 397: Transportation of Hazardous Materials.

(vi) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation.

~~((B))~~ (vii) 49 CFR Part 396: Inspection, Repair, and Maintenance.

~~((C))~~ (viii) 49 CFR Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. However, 49 CFR Part 375 does not apply to intrastate operations. 49 CFR Part 375 applies only to interstate operations.

(ix) 49 CFR Part 380: Special Training Requirements.

(c) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

~~((D))~~ (d) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-570 Driver safety requirements. (1) No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to all of the following requirements:

(a) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter.

(b) The *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(c) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.

(F) Director: The commission.

(ii) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing.

(iii) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties.

(iv) 49 CFR Part 391: Qualification of Drivers.

(v) 49 CFR Part 395: Hours of Service of Drivers.

(vi) 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

(vii) 49 CFR Part 385: Safety Fitness Procedures.

(viii) 49 CFR Part 397: Transportation of Hazardous Materials.

(ix) 49 CFR Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations.

(x) 49 CFR Part 380: Special Training Requirements.

(2) Operations that are exclusively intrastate commerce are not subject to the following provisions:

(a) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(b) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained

from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-533, Docket No. TC-020497, filed 6/8/06, effective 7/9/06)

WAC 480-30-221 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing licensing, vehicle safety, and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR), adopted by reference, that are shown in the following chart. Information about 49 CFR, including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 CFR Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
<u>Part 379 -</u>	<u>Preservation of Records</u>	<u>Entire Part 379 is adopted and applies to Washington intrastate operations.</u>
<u>Part 380 -</u>	<u>Special Training Requirements</u>	<u>Entire Part 380 is adopted and applies to Washington intrastate operations.</u>
<u>Part 385 -</u>	<u>Safety Fitness Procedures</u>	<u>Entire Part 385 is adopted and applies to Washington intrastate operations.</u>
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions: (1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they have the meanings assigned to them in WAC 480-30-036 (Motor vehicle and private vehicle) and WAC 480-30-211 (Commercial motor vehicle). (2) Whenever the term "director" is used in Title 49 CFR, it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted ((and applies to Washington intrastate operations)) , with the following exceptions:

49 CFR Part:		Notes:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively within Washington state. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition; and

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is prohibited by the hazardous materials rules in Title 49 CFR from being transported on passenger-carrying vehicles.

(5) All motor vehicles operated under the provisions of this chapter are at all times subject to inspection by the commission or its duly authorized representatives.

(6) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* including the version adopted and where to obtain copies is set out in WAC 480-30-999. A company must not operate any vehicle placed out-of-service until proper repairs have been completed.

(7) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until the conditions causing the driver to be placed out-of-service have been corrected.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2008~~) 2010.

(b) This publication is referenced in WAC 480-30-121 (Certificates, applications, charter and excursion) and WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~December 31, 2007~~) June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the (~~following~~

~~The~~) rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, as follows:

(1) Part 379, Preservation of Records;

(2) Part 380, Special Training Requirements;

(3) Part 392, ((6))Driving of Motor Vehicles((7));

(4) Part 393, ((6))Parts and Accessories Necessary for Safe Operation((7));

(5) Part 396, ((6))Inspection, Repair and Maintenance((7, and));

(6) Part 397, ((6))Transportation of Hazardous Materials; Driving and Parking rules((7));

(7) Part 390, Safety Regulations, General; except the terms "motor vehicle" and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they have the meanings assigned to "motor vehicle" in WAC 480-31-030. In addition, the term "commercial motor vehicle," where used in Title 49 CFR has the meaning assigned to "commercial motor vehicle" in WAC 480-31-030.

The commission adopts by reference the provisions of federal rules in effect on the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Order R-440, Docket No. TC 961102, filed 3/27/97, effective 4/27/97)

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

~~((The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.))~~

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-31-130 Operation of motor vehicles. (1) All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator

will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 (Hours of Service of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(4) The rules and regulation relating to workplace drug and alcohol testing programs adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(5) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 385 (Safety Fitness Procedures) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(6) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 380 (Special Training Requirements) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(7) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

~~((5))~~ (8) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

~~((6))~~ (9) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((7))~~ (10) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immedi-

ately correct any act of misconduct on the part of occupants of the vehicle.

~~((8))~~ (11) The commission adopts by reference the provisions of federal rules cited in this section in effect on the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~(2008)~~ 2010.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-230 Traffic control devices. (1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employees as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD), Part 8, Traffic Control for Railroad and Light Rail Transit Grade Crossings, as published by the United States Department of Transportation. In addition, railroads must maintain all crossings with proper traffic control devices as prescribed in the MUTCD, Part 8. The commission adopts, by reference, the MUTCD, Part 8, as described in WAC 480-62-999. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

~~(2) ((The rules governing traffic control devices are prescribed in the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC. Information about the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.~~

~~(3))~~ Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

~~((4))~~ (3) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

~~((5))~~ (4) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

~~((6))~~ (5) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-62-235 Flaggers. (1) The rules in this section apply whenever a railroad company engages in the maintenance, repair, or construction of a grade crossing or grade separated crossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 CFR, Part 234. In addition, 49 CFR Part 234.5 recommends that railroad companies follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 CFR Part 234.

(2) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up ~~((and used by individuals trained in and familiar))~~ in accordance with the provisions of ((and according to the guidelines in)) the Manual on Uniform Traffic Control Devices((,-Part VI)) (MUTCD). The commission adopts, by reference, specific portions of the MUTCD, as follows:

(a) Chapter 8A.08, Temporary Traffic Control Zones;

(b) Chapter 6A, General;

(c) Chapter 6B, Fundamental Principles;

(d) Chapter 6D, Pedestrian and Worker Safety;

(e) Chapter 6E, Flagger Control;

(f) Chapter 6G.18, Work in the Vicinity of a Grade Crossing.

(3) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in work zones. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(4) Standards for high-visibility safety apparel.

(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006, American

National Standard for High-Visibility Public Safety Vests, specifically, a garment containing at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material; and

- A high-visibility hard hat.

(b) While flagging at night, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006 over white coveralls, or other coveralls or trousers designed according to ANSI/ISEA 207-2006 standards; and

- A high-visibility hard hat that is marked with at least twelve square inches of reflectorized material providing three hundred sixty degrees of visibility.

(c) While flagging during inclement weather, yellow rain gear, white rain gear, or rain gear designed according to ANSI/ISEA 207-2006 may be substituted for white coveralls.

(5) Railroad companies must develop and use a method to ensure that whenever there is any potential hazard associated with motor vehicles, construction equipment, or on-track equipment, that flaggers have adequate warning of objects approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

- Mount a mirror on the flagger's hard hat;
- Use a motion detector with audible warning; or
- Use a spotter.

(6)(a) Railroad companies must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when job site conditions change significantly. The briefing must include applicable portions of the traffic control plan and any changes applicable during the flagger's shift. If not covered in the traffic control plan, the briefing must also include:

- The flagger's role and location at the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- Expected train and other on-track equipment movements;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job site at a roadway allowing speeds of forty-five mph or more and the job will last more than one day, the railroad company must keep on the site a current site-specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and

- Surveillance and inspection.

(7)(a) Where flaggers are used on roads allowing speeds of at least forty-five mph, the railroad company must provide an additional warning sign marked "BE PREPARED TO STOP."

(b) This sign is in addition to those required by Part VI of the Manual on Uniform Traffic Control Devices. It should be placed between the last two warning signs in the series or on the opposite side of the road when used on undivided roads.

(c) This additional sign does not increase the required advance warning area.

(d) The purpose of this additional sign is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(8) To protect flaggers, railroad companies must ensure that:

(a) Flagger workstations are illuminated at night and during inclement weather by floodlights. It is important to adequately illuminate the workstation without creating glare in the eyes of approaching drivers. The adequacy and proper placement of floodlights can best be determined by driving through and observing the workstation from each direction on the roadway.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs should either be taken down or covered.

(c) Flaggers are not assigned other duties while engaging in flagging activities.

(d) Flaggers do not use devices (e.g., cell phones, pagers, or radio headphones) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communication between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert.

(9) Unless an emergency makes it impossible, before performing any work, railroad companies must coordinate all repair, maintenance, and construction work with the governing authority responsible for the road on which the crossing exists.

(10) Information about Title 49 CFR, the Manual on Uniform Traffic Control Devices, and ANSI/ISEA 207-2006 regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 1, 2007))~~ June 30, 2010.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((December 31, 2007))~~ **June 30, 2010**.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices)~~((;))~~ and WAC 480-62-235 (Flaggers)~~((; and WAC 480-62-245 (Passenger carrying vehicles—Operation)))~~.

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

~~(3) ((Washington state department of transportation rules, cited as chapter 468-95 WAC, are published by the statute law committee.~~

~~(a) The commission adopts the version in effect on December 4, 2005.~~

~~(b) This publication is referenced in WAC 480-62-230 (Traffic control devices).~~

~~(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet web site for the office of the code reviser (sle.leg.wa.gov).~~

~~(4))~~ **ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on ~~((May 31, 2009))~~ **June 30, 2010**.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from Global Engineering Documents in Englewood, Colorado.

~~((;))~~ **(4) ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on ~~((August 9, 2006))~~ **June 30, 2010**.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests are available from Global Engineering Documents in Englewood, Colorado.

~~((;))~~ **Title 49 United States Code**, cited as 49 U.S.C., is published by the United States Government Printing Office.

~~(a) The commission adopts the version in effect on January 2, 2002.~~

~~(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).~~

~~(c) Copies of Title 49 United States Code are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.~~

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR) shown in the following chart, that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 CFR Part Adopted:		Portions Not Adopted:	
Part 40 -	<u>Procedures for Transportation Workplace Drug and Alcohol Testing Programs</u>	n/a	
Part 379 -	<u>Preservation of Records</u>	n/a	
Part 380 -	<u>Special Training Requirements</u>	n/a	
Part 382 -	Controlled Substance and Alcohol Use and Testing	n/a	
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	n/a	
Part 385 -	<u>Safety Fitness Procedures</u>	n/a	
Part 390 -	Safety Regulations, General	(1)	The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle).
		(2)	Whenever the term "director" is used in Title 49 CFR, it shall mean the commission.
Part 391 -	Qualification of Drivers	(1)	A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that

49 CFR Part Adopted:	Portions Not Adopted:
	<p>driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.</p> <p>(2) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.11(b)(1) (general qualifications – age). A driver operating exclusively within the state of Washington may drive a motor vehicle if he or she is at least eighteen years of age.</p>
Part 392 - Driving of Motor Vehicles	n/a
Part 393 - Parts and Accessories Necessary for Safe Operation	n/a
Part 395 - Hours of Service of Drivers	n/a
Part 396 - Inspection, Repair, and Maintenance	n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules	n/a

(2) Companies must:

- (a) Maintain all motor vehicles in a safe and sanitary condition;
- (b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and
- (c) Make vehicles available for inspection by commission representatives.

(3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are avail-

able for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2008~~) 2010.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2006.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~December 31, 2007~~) June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-73-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, (~~2008~~) 2010.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150

(Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 49 CFR Sections 195.0 and 195.1, and 49 CFR Sections 199.1 and 199.2, published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2009))~~ 2010.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers (ASME) B31.4**, ~~((2002))~~ 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The ~~((2004))~~ 2007 edition, ~~((including addenda through July 1, 2005))~~ July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2004 edition, including addenda through July 1, 2005, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** ~~((19th edition including errata October 31, 2001; and))~~ (20th edition 2007, including errata ~~((December 2008))~~ /addendum July 2007 and errata 2 (2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (19th edition 1999 including errata October 31, 2001; and 20th edition 2007,

including errata 2008) are available from, <http://www.api.org/>.

(5) The commission adopts **API RP standard 1117** Third Edition, July 2008, including errata December 2008.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Third Edition, July 2008, including errata December 2008 are available from API, <http://www.api.org/>.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regula-

tion or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, ~~((2009))~~ 2010, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CAR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the ~~((2004))~~ 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code ~~(, including addenda through July 1, 2005))~~.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2004 edition, including addenda through July 1, 2005) are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 ~~((19th edition 1999, including errata October 31, 2001; and))~~ 20th edition 2007, including errata addendum July 2007 and errata 2 (2008).

(a) The commission adopts the ~~((19th edition 1999, including errata October 31, 2001; and))~~ 20th edition 2007, including errata addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition 1999, including errata October 31, 2001; and 20th edition 2007, including errata 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the ~~((version published in 2005))~~ 2011 edition.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA in Quincy, Massachusetts.

(4) The **American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2008.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-557, filed 1/14/10, effective 2/14/10)

WAC 480-108-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library or as otherwise indicated. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the ~~((version published in 2005))~~ 2011 edition.

(b) This publication is referenced in WAC 480-108-020.

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <http://www.nfpa.org>.

(2) National Electric Safety Code (NESC).

(a) The commission adopts the version published in ~~((2002))~~ 2007.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of the National Electric Safety Code are available from the Institute of Electrical and Electronics Engineers at <http://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003 and reaffirmed in 2008.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(4) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published in 1992.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1994 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, and Controllers for Use in Independent Power Systems.

(a) The commission adopts the version published in ~~((2005))~~ 2010.

(b) This publication is referenced in WAC 480-108-020.

(c) UL Standard 1741 is available from Underwriters Laboratory at <http://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 CFR 1910.269.

(a) The commission adopts the version published in 1994.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(10) Washington Industrial Safety and Health Administration (WISHA) Standard, chapter 296-155 WAC.

(a) The commission adopts the version in effect on ~~((July 1, 2008))~~ September 1, 2010.

(b) This publication is referenced in WAC 480-108-020.

(c) The WISHA Standard is available from the Washington Department of Labor and Industries at P.O. Box 44000, Olympia, WA 98504-4000, or at internet address <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending Docket A-091124, General Order R-558, filed 3/19/10, effective 4/19/10)

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" (~~((ANSI T1.510-1999))~~ ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2008.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the version in effect on January 1, ~~((2002))~~ 2007.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 CFR, is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on October 1, 1998.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC except for WAC 480-120-359 and 480-120-349, the commission adopts the version of the relevant sections in effect on October 1, ~~((2009))~~ 2010.

(c) The 1998 version of CFR Title 47 is available on-line in pdf format via GPO Access and the National Archives and Records Administration at www.gpoaccess.gov/cfr/index.html.

(d) The ~~((2009))~~ 2010 version of CFR Title 47 is available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, 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: January 25, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-20-079, filed 9/29/10, effective 10/30/10)

WAC 181-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors—First peoples' language, culture and oral tribal traditions. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 181-78A-010 and 181-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university,

WSR 11-04-048

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed January 25, 2011, 11:34 a.m., effective February 25, 2011]

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

Purpose: Technical edits to WAC 181-85-033. Language in this section requires caveat for possible conflict in regulations. In WSR 10-20-079 a rule change did not include the necessary caveat.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-85-033].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 10-23-066 on November 12, 2010.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400,

school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

(5) Notwithstanding any provisions of this chapter to the contrary, teachers who achieve the professional certification through the external assessment per WAC 181-79A-206 will receive the equivalent of one hundred fifty continuing education credit hours.

(6) Notwithstanding any provisions of this chapter to the contrary, for designing and completing a professional growth plan under the provisions of WAC 181-85-034, participants shall receive the equivalent of no more than sixty continuing education credit hours over a period of two school years, as defined by this chapter.

(7) Notwithstanding any provision of this chapter to the contrary, individuals who receive in-service training or continuing education according to RCW 28A.415.020(6) in first peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

WSR 11-04-052
PERMANENT RULES
SECRETARY OF STATE

[Filed January 26, 2011, 7:54 a.m., effective February 26, 2011]

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

Purpose: To clarify filing procedures for forming and maintaining limited liability partnerships with the secretary of state's office.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-135-040, 434-135-050, 434-135-060, 434-135-080 and 434-135-120; and amending WAC 434-135-010, 434-135-090, 434-135-150, 434-135-160, 434-135-170, and 434-135-190.

Statutory Authority for Adoption: RCW 25.05.093.

Adopted under notice filed as WSR 11-01-026 on December 3, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 5.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 26, 2011.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-010 Purpose and authority. These rules are adopted under authority of chapter ~~((25.04 RCW, the Washington Limited Liability))~~ 25.05, the Revised Uniform Partnership Act.

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-090 Annual notice—Due date—Whom notified. Each limited liability partnership ~~((shall))~~ must file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division ~~((shall))~~ must notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the ~~((partnership at its principal office or, if its principal office is not in this state, to its))~~ partnership's registered ~~((agent in care of the registered office address, in either case,))~~ agent's address as listed on the records of the secretary of state ~~((and provide the annual notice form)).~~ If no registered agent has been appointed, notice is sent to the principal office. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-150 Initial registration—Form of content. ~~((+))~~ Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on either the form provided by the secretary of state ~~((The information that shall be provided is:~~

- ~~(a) The name of the limited liability partnership;~~
- ~~(b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;~~
- ~~(c) Number of partners of the limited liability partnership;~~
- ~~(d) Brief statement of the business in which the partnership engages;~~
- ~~(e) That the partnership thereby applies for status as a limited liability partnership; and~~

~~(f) Any other matters the partnership determines to include.~~

~~(2) Application shall be executed by a majority in interest of the partners or one or more authorized partners)) or in substantially the same format including the information required in RCW 25.05.500.~~

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-160 Annual notice—Form of content. Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. ~~((The information that shall be filed on the annual notice is as follows:~~

~~Section 1.~~

- ~~(a) Limited liability partnership name;~~
~~(b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;~~
~~(c) Unified business identification number;~~
~~(d) Internal account number;~~
~~(e) Date registered in Washington;~~

~~Section 2.~~

~~(a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;~~

~~(b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;~~

~~(c) Number of partners; and~~

~~Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.))~~

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-170 Amended notice—Form of content. (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. ~~((These changes may include the following:~~

- ~~(a) Change of limited liability partnership name;~~
~~(b) Change of principal office address;~~
~~(c) Change of registered agent or registered office address;~~
~~(d) Change in the number of partners;~~
~~(e) Change in the type of business the partnership engages; or~~

~~(f) The addition of any information the partnership determines to include.))~~

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners. ~~((The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.))~~

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-190 ((Filing)) Fees. For Washington registered domestic and foreign limited liability partnerships, fees are ~~((as follows:~~

~~(1) Application for registration, both domestic and foreign, one hundred seventy five dollars;~~

~~(2) Amended notice, both domestic and foreign, thirty dollars;~~

~~(3) Annual notice with required information, fifty dollars;~~

~~(4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty five dollars, plus the notice fee of fifty dollars;~~

~~(5) Resignation of registered agent, twenty dollars;~~

~~(6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;~~

~~(7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;~~

~~(8) Service of process, per defendant, fifty dollars;~~

~~(9) Reservation of name, thirty dollars; and~~

~~(10) Any other statement or form, ten dollars)) located in WAC 434-112-080, 434-112-085, and 434-112-090.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-135-040	Telephone services.
WAC 434-135-050	Filing requirements.
WAC 434-135-060	Execution of document.
WAC 434-135-080	Filed date.
WAC 434-135-120	Limited liability partnership name.

WSR 11-04-056

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed January 26, 2011, 1:16 p.m., effective February 26, 2011]

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

Purpose: Rule 10001 explains the department's adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act. The department amended Rule 10001 to:

- Update the information in the rule to more accurately reflect current adjudicative procedures for certificate of registration revocations.
- Eliminate the discussion of proceedings regarding wholesale and retail cigarette license revocation or suspension. Chapter 154, Laws of 2009 (SHB 1435), provides the Washington state liquor control board with the authority to approve, deny, suspend, or revoke retailer and wholesaler cigarette licenses.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings—Certificate of registration (tax registration endorsement) revocation.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060.

Adopted under notice filed as WSR 10-22-064 on October 29, 2010.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: January 26, 2011.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-07-070, filed 3/14/95, effective 4/14/95)

WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings(~~(—Wholesale and retail cigarette license revocation or suspension)~~)—Certificate of registration (tax registration endorsement) revocation.

~~((1) **Introduction.** The department conducts adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act (APA). These adjudicative proceedings include, but are not limited to, wholesale and retail cigarette license revocation or suspension of RCW 82.24.550, certificate of registration (tax registration endorsement) revocation of RCW 82.32.215. The department adopts in this section the brief adjudicative procedures as provided in the APA for wholesale and retail cigarette license revocation or suspension of RCW 82.24.550, and certificate of registration (tax registration endorsement) revocation of RCW 82.32.215. This section explains the procedure and process pertaining to the adopted brief adjudicative proceedings. This section does not apply to log export enforcement actions pursuant to chapter 240-15 WAC, orders to county officials issued pursuant to RCW 84.08.120 and 84.41.120, brief adjudicative proceedings converted to formal adjudicative proceeding under subsection (5) of this section, and other formal adjudicative proceedings which are explained in WAC 458-20-10002. This section also does not apply to the nonadjudicative proceedings as provided in RCW 82.32.160, 82.32.170 and WAC 458-20-100.~~

~~(2) **Adoption of brief adjudicative proceedings.** As provided in RCW 34.05.482 (1)(e), this section adopts RCW 34.05.482 through 34.05.494 and the brief adjudicative pro-~~

~~cedure for APA adjudicative proceedings which the department of revenue conducts for wholesale and retail cigarette license revocation or suspension of RCW 82.24.550, and certificate of registration (tax registration endorsement) revocation of RCW 82.32.215.~~

~~(3) **Brief adjudicative proceedings—procedure.** The following procedure shall apply to the department's brief adjudicative proceeding:~~

~~(a) **Notice of hearing.** The department shall set the time and place of the hearing. The date of the hearing may not be not less than seven days after written notice is served upon the person(s) to whom the proceedings apply. With the concurrence of the presiding officer and all persons involved in the proceedings, the hearing may be conducted by telephone and the recorded conversation shall be made a part of the record of the hearing. The notice shall include:~~

~~(i) The names and addresses of each person to whom the proceedings apply and, if known, the names and addresses of their representative(s);~~

~~(ii) The mailing address and the telephone number of the person or office designated to represent the department in the proceeding;~~

~~(iii) The official file or other reference number and the name of the proceeding;~~

~~(iv) The name, official title, mailing address and telephone number of the presiding officer, if known;~~

~~(v) A statement of the time, place and nature of the proceeding;~~

~~(vi) A statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(vii) A reference to the particular sections of the statutes and/or rules involved;~~

~~(viii) A short and plain statement of the matters asserted by the department; and~~

~~(ix) A statement that if a person to whom the proceedings apply fails to attend or participate in a hearing, the hearing may/will proceed and that adverse action may be taken against such person.~~

~~(x) When the department is notified or otherwise made aware that a limited-English-speaking person is a person to whom the proceedings apply, all notices, including the notice of hearing, continuance and dismissal, shall either be in the primary language of such person or shall include a notice in the primary language of the person which describes the significance of the notice and how the person may receive assistance in understanding and responding to the notice. In addition, the notice shall state that if a limited-English-speaking or hearing-impaired party or witness needs an interpreter, a qualified interpreter will be appointed at no cost to the person to whom the proceedings apply or witness. The notice shall include a form to be returned to the department for a person to whom the proceedings apply to indicate whether such person, or a witness, needs an interpreter and to identify the primary language or hearing-impaired status of the person.~~

~~(b) **Presiding officer:**~~

~~(i) When the proceeding is a certificate of registration (tax registration endorsement) revocation pursuant to RCW 82.32.215, the presiding officer shall be the assistant director of the department's compliance division or designee, or such~~

other person as the director of the department of revenue may designate:

(ii) When the proceeding is a wholesale and retail cigarette license revocation or suspension pursuant to RCW 82.24.550, the presiding officer shall be the assistant director of the department's special program's division or designee, or such other person as the director of the department of revenue may designate.

(iii) The presiding officer conducts the hearing and before taking action, the presiding officer shall give each person to whom the proceedings apply an opportunity to be informed of the department's view of the matter, and to explain the person's view of the matter.

(iv) The presiding officer shall have the authority granted by chapter 34.05 RCW including but not limited to:

(A) Determine the order of the hearing including the presentation of evidence; administer oaths and affirmations; issue subpoenas;

(B) Rule on procedural matters, objections and motions; rule on offers of proof and receive relevant evidence;

(C) Ask questions of the person to whom the proceedings apply or the person representing the department, or of the witnesses called by either, in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(D) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by both the person to whom the proceedings apply and the department;

(E) Take any appropriate action to maintain order during the hearing; permit or require oral argument, briefs, or discovery and determine the time limits for their submission;

(F) Take any other action necessary and authorized by applicable statute or rule;

(G) Waive any requirement of this section not specifically required by law unless either the person to whom the proceedings apply or the department shows that it would be prejudiced by such a waiver;

(H) Convert the proceedings, at any time in the proceeding, from a brief adjudicative proceeding to a formal proceeding pursuant to RCW 34.05.413 through 34.05.479 and WAC 458-20-10002.

(e) Appearance and practice at a brief adjudicative proceeding.

(i) The right to practice before the department in a brief adjudicative proceeding is limited to:

(A) Persons who are natural persons representing themselves;

(B) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;

(C) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;

(D) Public officials in their official capacity;

(E) Certified public accountants entitled to practice in the state of Washington;

(F) A duly authorized director, officer, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership or corporation;

(G) Partners, joint venturers or trustees representing their respective partnerships, joint ventures, or trusts; and

(H) Other persons designated by a person to whom the proceedings apply with the approval of the presiding officer.

(ii) In the event a proceeding is converted from a brief adjudicative proceeding to a formal proceeding, representation is limited to the provisions of law and RCW 34.05.428.

(d) Rules of evidence—discovery—record of the proceeding—filing and service of papers.

(i) All testimony of a person to whom the proceedings apply, the department and witnesses shall be made under oath or affirmation. Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the presiding officer in the English language, to the best of the interpreter's skill and judgment.

(ii) Evidence, including hearsay, is admissible if in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious and shall be guided in evidentiary rulings, where not inconsistent with this section, by RCW 34.05.452, WAC 10-08-140, and by the Washington Rules of Evidence.

(iii) Discovery (depositions, interrogatories, etc.) may be conducted only by order of the presiding officer and if ordered, RCW 34.05.446 applies to the proceeding.

(iv) All hearings shall be recorded by manual, electronic, or other type of recording device. The agency record shall consist of the documents regarding the matter that were considered or prepared by the presiding officer, or by the reviewing officer in any review, and the recording of the hearing. These records shall be maintained by the department as its official record.

(v) All notices and other pleadings or papers filed with the presiding officer or reviewing officer shall be served on each person to whom the proceeding apply, the department or their representatives/agents of record. Service shall be made personally; by first class, registered or certified mail; by telegraph; or electronic telefaesimile (fax) and same-day mailing of copies; or by commercial parcel delivery company. Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed. Service by telegraph shall be regarded as completed when deposited with a telegraph company with the charges prepaid. Service by electronic telefaesimile (fax) shall be regarded as completed upon the production by the telefaesimile device of confirmation of transmission. Service by commercial parcel delivery shall be regarded as being completed upon delivery

to the parcel delivery company charges prepaid. Service to a person to whom the proceedings apply and/or representative/agent, and, the department and/or presiding officer shall be to the address shown on the notice of subsection (2)(a) of this section. Service to the reviewing officer shall be to interpretation and appeals division at the address shown in subsection (4) of this section. Where proof of service is required, the proofs of service include:

(A) An acknowledgment of service;

(B) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names).

(C) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all or one or more of parties of record by a method of service as provided in this subsection (d)(v) of this section.

~~(e) Impaired persons — interpreters.~~ When an impaired person is a person to whom the proceedings apply, or a witness, the presiding officer shall, in absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceeding.

(i) An "impaired person" is any person involved in an adjudicative proceeding who is a hearing impaired person or a limited-English-speaking person.

(ii) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(iii) A "limited-English-speaking person" is a person who because of a non-English speaking cultural background cannot readily speak or understand the English language.

(iv) A "qualified interpreter" is one who is readily able to interpret spoken and translate written English to and for impaired persons into spoken English and who meets the requirements of (e)(ix) of this subsection. Provided, That for hearing impaired persons a qualified interpreter must be certified by the registry of interpreters for the deaf with a specialist certificate legal, master's comprehensive skills certificate, or comprehensive skills certificate.

(v) An "intermediary interpreter" is one who is readily able to interpret spoken and translate written English and who meets the requirements of (e)(ix) of this subsection, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.

(vi) When an impaired person is a person to whom the proceedings apply, or a witness in such adjudicative proceeding, the presiding officer shall, in the absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(A) The impaired person requests a waiver through the use of a qualified interpreter;

(B) The representative, if any, of the impaired person consents; and

(C) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(vii) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding.

(viii) Relatives of any participant in a proceeding and employees of the department shall not be appointed as interpreters in the proceeding without the consent of the presiding officer and the person(s) to whom the proceedings apply, in the case of an employee of the department, or the department in the case of a relative of the person(s) to whom the proceedings apply or of a witness for such person(s).

(ix) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience, the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. A person to whom the proceedings apply or their representative(s), or the department may question the interpreter as to his or her qualifications or impartiality.

(x) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person, the presiding officer shall appoint another qualified interpreter.

(xi) If the communication mode or language or a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

(xii) Mode of interpretation.

(A) Interpreters for limited-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(B) Interpreters for hearing-impaired persons shall use the simultaneous mode of interpretation unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the qualified interpreter considers to provide the most accurate and effective communication with the hearing-impaired person.

(C) When an impaired person is the person to whom the proceedings apply, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the person to whom the proceedings apply to the extent that the person has the same opportunity to understand all statements made during the proceedings as a nonimpaired party listening to uninterpreted statements would have.

(xiii) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined

as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(xiv) The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision at no cost to the party. The presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.

(xv) At the hearing, the interpreter for a limited English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or order mailed to the impaired party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.

(xvi) In any proceeding involving a hearing impaired person, the presiding officer may order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.

(xvii) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The department shall pay such interpreter fee and expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

(xviii) This subsection (e) shall apply to a review of the decision under subsection (4) of this section:

(f) Informal settlements.

(i) The department encourages informal settlement of issues which have resulted in a proceeding being commenced. At any time in the proceeding the person(s) to whom the proceeding applies and the department are encouraged to reach agreement. Settlement of a proceeding shall be concluded by:

(A) Stipulation of the person(s) to whom the proceedings apply and the department signed by each or their representative(s), and/or recited into the record of the proceedings. In the event the stipulation provides for a payment agreement, the order of the presiding officer may be a continuance of these proceedings and dismissal when all payments have been made, but in no case, may the order provide for the reconvening of the proceedings if the payment agreement is breached unless seven days notice of the reconvening is provided. Except as provided in this section, the presiding officer shall enter an order in conformity with the terms of the stipulation; or

(B) Withdrawal by the department in which case the presiding officer shall enter an order dismissing the proceedings.

(ii) In the case of revocation of certificate of registration (tax registration endorsement) under RCW 82.32.215, the presiding officer, or the reviewing officer, shall not hear or rule upon (other than the entry of an order as provided in (f)(i)(A) and (B) of this subsection) arguments, or motions, etc., for the settlement of the matter. Settlement of the controversy is totally between the person(s) to whom the proceedings apply and the department through its representative at the proceeding. Nothing in this section shall prevent a presiding officer or a reviewing officer from granting a continuance of a hearing, or such other motion as the presiding officer or reviewing officer deems appropriate for the purpose of settlement of the matter between the parties.

(g) Entry of orders.

(i) At the time any unfavorable action is taken, the presiding officer shall serve upon each person to whom the proceeding apply and the department a brief statement of the reasons for the decision. Within ten days of a decision, the presiding officer shall serve upon each person to whom the proceedings apply and the department a brief written statement of the reasons for the decision and the availability of the departmental review procedure as provided in this section.

(ii) The brief written statement provided the parties, which may include an order where a person to whom the proceedings apply fails to attend or participate in the hearing or other stage of the proceeding, is an initial order and if no review is requested as provided in subsection (4) of this section, the initial order shall become a final order.

(4) Review of initial orders from brief adjudicative proceeding. If a person to whom the proceedings apply wishes a review of the initial order, the brief written statement of the decision as provided in subsection (3)(g)(i) of this section, the person may request a review by the department by the filing of a petition for review, or the making of an oral request for review, with the department's interpretation and appeals division, within twenty-one days after the service of the initial order on the person to whom the proceedings apply. A request for review should state the reasons the review is sought. The address and telephone number of the interpretation and appeals division is:

Interpretation and Appeals Division
Department of Revenue
P.O. Box 47460
Olympia, Washington 98504-7460
Telephone Number (360) 753-2310
Fax (360) 664-2729

(a) The interpretation and appeals division shall appoint a reviewing officer who shall make such determination as may appear to be just and lawful. The reviewing officer shall give each person to whom the proceedings apply and the department an opportunity to explain each person's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding should be converted to a formal adjudicative proceeding. The review by the interpretation and appeals division shall be governed by the brief adjudicative procedures of chapter 34.05 RCW and this section, or subsection (5) of this section in the event a brief adjudicative hearing is converted to a formal adjudicative proceeding, and not by the processes and procedures of WAC 458-20-100.

(b) The agency record need not constitute the exclusive basis for the reviewing officer's decision. The reviewing officer shall have the authority of a presiding officer as provided in this section.

(c) The order of the reviewing officer shall be in writing and shall include a brief statement of the reasons for the decision and must be entered within twenty days of the initial order or the petition for review, whichever is later. The order shall include a description of any further administrative review available, or if none, a notice that judicial review may be available.

(d) Unless otherwise provided in the order of the reviewing officer, the order of the reviewing officer represents the final position of the department. A reconsideration of the order of a reviewing officer may be sought only if the right to a reconsideration is contained in the final order.

(5) Conversion of a brief adjudicative proceeding to a formal proceeding. The presiding officer, or reviewing officer, may at any time, on motion of a person to whom the proceedings apply, or the department, or his/her own motion, convert the brief adjudicative proceeding to a formal proceeding.

(a) The presiding/reviewing officer shall convert the proceeding when it is found that the use of the brief adjudicative proceeding violates any provision of law, when the protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, and when the issues and interests involved warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(b) When a proceeding is converted from a brief adjudication to a formal proceeding, the director of the department of revenue, upon notice to the person(s) to whom the proceedings apply and the department, may become the presiding officer, or may designate a replacement presiding officer to conduct the formal proceedings.

(c) In the conduct of the formal proceedings, WAC 458-20-10002 shall apply to the proceedings. The converted proceeding is itself the independent administrative review by the department of revenue as provided in RCW 82.32A.020(6).

(6) Court appeal. Court appeal from the final order of the department is available under Part V, chapter 34.05 RCW. However, court appeal may be available only if a review of the initial decision has been requested under subsection (4) of this section and all other administrative remedies have been exhausted. See RCW 34.05.534.

(7) Posting of a final order of revoking a certificate of registration (tax registration endorsement) — revocation not a substitute for other collection methods or processes available to the department. When an order revoking a certificate of registration (tax registration endorsement) is a final order of the department, the department shall post a copy of the order in a conspicuous place at the main entrance to the taxpayer's place of business and it shall remain posted until such time as the warrant amount has been paid.

(a) It is unlawful to engage in business after the revocation of a certificate of registration (tax registration endorsement). A person engaging in the business after a revocation may be subject to criminal sanctions as provided in RCW 82.32.290. RCW 82.32.290(2) provides that a person violat-

ing the prohibition against such engaging in business is guilty of a Class C felony in accordance with chapter 9A.20 RCW.

(b) Any certificate of registration (tax registration endorsement) revoked shall not be reinstated, nor a new certificate of registration issued until:

(i) The amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered; and

(ii) The taxpayer has deposited with the department of revenue as security for taxes, increases and penalties due or which may become due under such terms and conditions as the department of revenue may require, but the amount of the security may not be greater than one-half the estimated average annual liability of the taxpayer.

(c) The revocation of a certificate of registration (tax registration endorsement), including any time during the revocation process, shall not be a substitute for, or in any way curtail, other collection methods or processes available to the department.

(8) Computation of time. In computing any period of time prescribed by this regulation or by the presiding officer, the day of the act or event after which the designated period is to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.)

(1) Introduction. The department of revenue (department) has adopted the procedure for brief adjudicative proceedings provided in RCW 34.05.482 through 34.05.494, except for 34.05.491(5), for actions involving revocation of a certificate of registration (tax registration endorsement) pursuant to RCW 82.32.215. This section explains the procedure for these brief adjudicative proceedings. This section does not apply to the following:

- Adjudicative proceedings under WAC 458-20-10002, which addresses converted brief adjudicative proceedings and formal adjudicative proceedings relating to log export enforcements;

- Nonadjudicative proceedings under RCW 82.32.160 and 82.32.170, and WAC 458-20-100;

- Enforcement proceedings under RCW 82.24.550 and 82.26.220; and

- Brief adjudicative proceedings for matters relating to the revocation of reseller permits under WAC 458-20-102.

The department has not adopted RCW 34.05.491(5), which provides that a request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within twenty days after the request is submitted.

(2) Brief adjudicative proceedings - procedure. The following procedure applies to the department's brief adjudicative proceedings for actions involving revocation of a certificate of registration, unless the matter is converted to a formal proceeding as provided in subsection (8) of this section.

(a) Notice. The department will set the time and place of the hearing. Written notice shall be served upon the taxpayer(s) at least seven days before the date of the hearing.

Service is to be made pursuant to subsection (5)(a) of this section. The notice must include:

(i) The names and addresses of each taxpayer to whom the proceedings apply and, if known, the names and addresses of the taxpayer's representative(s), if any;

(ii) The mailing address and the telephone number of the person or office designated to represent the department in the proceeding;

(iii) The official file or other reference number and the name of the proceeding;

(iv) The name, official title, mailing address and telephone number of the presiding officer, if known;

(v) A statement of the time, place and nature of the proceeding;

(vi) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(vii) A reference to the particular sections of the statutes and/or rules involved;

(viii) A short and plain statement of the matters asserted by the department against the taxpayer and the potential action to be taken; and

(ix) A statement that if the taxpayer fails to attend or participate in a hearing, the hearing can proceed and that adverse action may be taken against the taxpayer.

(x) When the department is notified or otherwise made aware that a limited-English-speaking person is a person to whom the proceedings apply, all notices, including the notice of hearing, continuance and dismissal, must either be in the primary language of that person or must include a notice in the primary language of the person which describes the significance of the notice and how the person may receive assistance in understanding and responding to the notice. In addition, the notice must state that if a party or witness needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice must include a form to be returned to the department to indicate whether such person, or a witness, needs an interpreter and to identify the primary language or hearing impaired status of the person.

(b) Appearance and practice at a brief adjudicative proceeding. The right to practice before the department in a brief adjudicative proceeding is limited to:

(i) Persons who are natural persons representing themselves;

(ii) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;

(iii) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;

(iv) Public officials in their official capacity;

(v) Certified public accountants entitled to practice in the state of Washington;

(vi) A duly authorized director, officer, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation;

(vii) Partners, joint venturers or trustees representing their respective partnerships, joint ventures, or trusts; and

(viii) Other persons designated by a person to whom the proceedings apply with the approval of the presiding officer.

In the event a proceeding is converted from a brief adjudicative proceeding to a formal proceeding, representation is limited to the provisions of law and RCW 34.05.428.

(c) Hearings by telephone. With the concurrence of the presiding officer and all persons involved in the proceedings, a hearing may be conducted telephonically. The conversation will be recorded and will be made a part of the record of the hearing.

(d) Presiding officer.

(i) The presiding officer must be an assistant director of the department's compliance division, or such other person as the director of the department may designate.

(ii) The presiding officer shall conduct the proceeding in a just and fair manner and before taking action, the presiding officer shall provide the taxpayer an opportunity to be informed of the department's position on the pending matter.

(iii) The presiding officer has all authority granted under chapter 34.05 RCW.

(e) Entry of orders.

(i) When the presiding officer issues a decision, the presiding officer shall briefly state the basis and legal authority for the decision. Within ten days of issuing the decision, the presiding officer shall serve upon the parties, the initial order and information regarding any departmental administrative review that may be available.

(ii) The decision and the brief written statement of the basis and legal authority for it is an initial order. The initial order will become a final order if no review is requested as provided in subsection (3) of this section.

(3) Review of initial orders from brief adjudicative proceeding. The following procedure applies to the department's review of a brief adjudicative proceeding conducted pursuant to subsection (2) of this section, unless the matter is converted to a formal proceeding as provided in subsection (8) of this section.

(a) Request for review of the initial order. A party to a brief adjudicative proceeding under subsection (2) of this section may request review of the initial order by filing a written petition for review, or making an oral request for review, with the department's appeals division within twenty-one days after service of the initial order is received or deemed to be received by the party. The address and telephone number of the appeals division is:

Appeals Division
Department of Revenue
P.O. Box 47460
Olympia, Washington 98504-7460
Telephone Number - 360-570-6140
Fax - 360-664-2729

(i) When a petition of review of the initial order is made, the taxpayer must submit to the appeals division at the time the petition is filed any evidence or written material relevant to the matter that the party wishes the reviewing officer to consider. If the petition for review is made by oral request, the taxpayer must also submit any evidence or written material to the appeals division on the same day that the oral request is made.

(ii) The department may, on its own motion, conduct an administrative review of the initial order as provided for in RCW 34.05.491.

(b) **Reviewing officer.** The appeals division shall appoint a reviewing officer who shall make such determination as may appear to be just and lawful. The reviewing officer shall provide the taxpayer and the department an opportunity to explain their positions on the matter and shall make any inquiries necessary to ascertain whether the proceeding should be converted to a formal adjudicative proceeding. The review by the appeals division shall be governed by the brief adjudicative procedures of chapter 34.05 RCW and this section; or WAC 458-20-10002 in the event a brief adjudicative hearing is converted to a formal adjudicative proceeding, and not by the processes and procedures of WAC 458-20-100. The reviewing officer shall have the authority of a presiding officer as provided in this section.

(c) **Record review.** Review of an initial order is limited to the evidence considered by the presiding officer, the initial order, the recording of the initial proceeding, and any records and written evidence submitted by the parties to the reviewing officer. However, the agency record need not constitute the exclusive basis for the reviewing officer's decision.

(i) The reviewing officer may request additional evidence from either party at any time during its review of the initial order. Once the reviewing officer requests evidence from a party, that party has seven days after service of the request to supply the evidence to the reviewing officer, unless the reviewing officer, in his or her discretion, allows additional time to submit the evidence.

(ii) In addition to requesting additional evidence, the reviewing officer may review any records of the department necessary to confirm that the tax warrant upon which the initial order of revocation was based remains unpaid. In the event that the tax warrant has been satisfied subsequent to the entry of the initial order, but before the issuance of the final order, the reviewing officer shall reinstate the taxpayer's certificate of registration.

(iii) If the reviewing officer determines that oral testimony is needed, he/she may schedule a time for both parties to present oral testimony. Notice of the oral testimony must be given to the parties in the same manner as the notice provided in subsection (2)(a) of this section. Oral statements before the reviewing officer shall be by telephone, unless specifically scheduled by the reviewing officer in his or her discretion to be in person.

(iv) The department will have an opportunity to respond to the taxpayer's request for review and may also submit any other relevant evidence and written material to the reviewing officer. The department must submit its material within seven days of service of the material submitted by the party requesting review of the initial order. The department must also serve a copy of all evidence and written material provided to the reviewing officer to the taxpayer requesting review according to subsection (5) of this section. Proof of service is required under subsection (5)(h) of this section when the department submits material to the taxpayer under this subsection.

(d) **Failure to participate.** If a party requesting review of an initial order under this subsection fails to participate in

the proceeding or fails to provide documentation to the reviewing officer upon his or her request, the reviewing officer may uphold the initial order based upon the record.

(e) **The final orders.**

(i) The reviewing officer may issue two final orders. The first final order (the "final order") must include the decision of the reviewing officer and a brief statement of the basis and legal authority for the decision. This order may contain confidential taxpayer information under RCW 82.32.330, and, therefore, cannot be disclosed by the department, except to the taxpayer.

(ii) The reviewing officer may issue a second final order (the "posting order"). The posting order will be issued when the reviewing officer has ordered the revocation of the tax registration certificate. The posting order will state what certificate of registration is being revoked, the listing of the tax warrants involved, and what jurisdictions the tax warrants were filed in.

(iii) Unless specifically indicated otherwise, the term "final order" as used throughout this section shall refer to both the final order and the posting order.

(iv) The parties can expect that, absent continuances, the final order and posting order will be entered within twenty days of the petition for review.

(f) **Reconsideration.** Unless otherwise provided in the reviewing officer's order, the reviewing officer's order represents the final position of the department. A reconsideration of the reviewing officer's order may be sought only if the right to a reconsideration is contained in the final order.

(g) **Judicial review.** Judicial review of the final order of the department is available under Part V, chapter 34.05 RCW. However, judicial review may be available only if a review of the initial decision has been requested under this subsection and all other administrative remedies have been exhausted. See RCW 34.05.534.

(4) **Rules of evidence - record of the proceeding.**

(a) Evidence is admissible if in the judgment of the presiding or reviewing officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely on in conducting their affairs. The presiding and reviewing officer should apply RCW 34.05.452 when ruling on evidentiary issues in the proceeding.

(b) All oral testimony must be recorded manually, electronically, or by another type of recording device. The agency record must consist of the documents regarding the matters that were considered or prepared by the presiding officer, or by the reviewing officer in any review, and the recording of the hearing. These records must be maintained by the department as its official record.

(5) **Service.** All notices and other pleadings or papers filed with the presiding or reviewing officer must be served on the taxpayer, their representatives/agents of record, and the department.

(a) Service is made by one of the following methods:

- In person;
- By first-class, registered, or certified mail;
- By fax and same-day mailing of copies;
- By commercial parcel delivery company; or
- By electronic delivery pursuant to RCW 82.32.135.

(b) Service by mail is regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by electronic fax is regarded as completed upon the production by the fax machine of confirmation of transmission.

(d) Service by commercial parcel delivery is regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(e) Service by electronic delivery is regarded as completed on the date that the department electronically sends the information to the parties or electronically notifies the parties that the information is available to be accessed by them.

(f) Service to a taxpayer, their representative/agent of record, the department, and presiding officer must be to the address shown on the notice described in subsection (3)(a) of this section.

(g) Service to the reviewing officer must be to the appeals division at the address shown in subsection (3) of this section.

(h) Where proof of service is required, the proof of service must include:

- An acknowledgment of service;
- A certification, signed by the person who served the document(s), stating the date of service; that the person did serve the document(s) upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names); and that the service was accomplished by a method of service as provided in this subsection.

(6) Interpreters. When a party or witness requires an interpreter, chapters 2.42 and 2.43 RCW will apply. When those statutes are silent on an issue before the presiding or reviewing officer, the provisions regarding interpreters in WAC 10-08-150 apply.

(7) Informal settlements. The department encourages informal settlement of issues in proceedings under its jurisdiction. The presiding or reviewing officer may not order settlement of the proceedings. Settlement is at the discretion of the parties. Settlement of a proceeding may be concluded by:

(a) A stipulation signed by the taxpayer and the department, or their respective representatives, and/or recited into the record of the proceedings. If the stipulation provides for a payment agreement, the presiding or reviewing officer may order a continuance of the proceedings during the period of repayment and dismissal when all payments have been made. An order providing for the reconvening of the proceedings if the payment agreement is breached is allowed so long as the proceeding is not held less than seven days after notice of the reconvening is provided. Except as provided in this subsection, the presiding or reviewing officer must enter an order in conformity with the terms of the stipulation; or

(b) The entry of an order dismissing the proceedings if the department withdraws the revocation of the certificate of registration.

(8) Conversion of a brief adjudicative proceeding to a formal proceeding. The presiding or reviewing officer may at any time, on motion of the taxpayer, the department, or the officer's own motion, convert the brief adjudicative proceeding to a formal proceeding.

(a) The presiding or reviewing officer may convert the proceeding if the officer finds that use of the brief adjudicative proceeding:

- Violates any provision of law,
- The protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, or
- The issues and interests involved warrant the use of procedures governed by RCW 34.05.413 through 34.05.476 or 34.05.479.

(b) WAC 458-20-10002 applies to formal proceedings. In proceedings to revoke a taxpayer's certificate of registration, the converted proceeding is itself the independent administrative review by the department of revenue as provided in RCW 82.32A.020(6).

(9) Computation of time. In computing any period of time prescribed by this section, the day of the act or event after which the designated period is to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a state legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state legal holiday. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays will be excluded in the computation.

(10) Posting of a final order of revoking a tax registration endorsement - revocation not a substitute for other collection methods or processes available to the department. When an order revoking a tax registration endorsement is a final order of the department, the department shall post a copy of the posting order in a conspicuous place at the main entrance to the taxpayer's place of business and it must remain posted until such time as the warrant amount has been paid.

(a) It is unlawful to engage in business after the revocation of a tax registration endorsement. A person engaging in the business after a revocation may be subject to criminal sanctions as provided in RCW 82.32.290. RCW 82.32.290 (2) provides that a person violating the prohibition against such engaging in business is guilty of a Class C felony in accordance with chapter 9A.20 RCW.

(b) Any certificate of registration revoked shall not be reinstated, nor a new certificate of registration issued until:

(i) The amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered; and

(ii) The taxpayer has deposited with the department of revenue as security for taxes, increases and penalties due or which may become due under such terms and conditions as the department of revenue may require, but the amount of the security may not be greater than one-half the estimated average annual tax liability of the taxpayer.

(c) Revocation proceedings will not substitute for, or in any way curtail, other collection methods or processes available to the department.

WSR 11-04-067
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-07—Filed January 28, 2011, 6:36 a.m., effective February 28, 2011]

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

Purpose: This new rule establishes electronic licensing as the exclusive process for licensing transactions relating to certain licenses issued by the office of the insurance commissioner.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-17-650; and amending WAC 284-17-001, 284-17-005, 284-17-120, 284-17-122, 284-17-262, 284-17-278, 284-17-429, 284-17-435, 284-17-443, 284-17-445, 284-17-449, 284-17-473, 284-17-483, 284-17-490 and 284-17-530; and new sections WAC 284-17-055 and 284-17-065.

Statutory Authority for Adoption: RCW 48.15.015 and 48.17.005.

Adopted under notice filed as WSR 10-24-095 on December 1, 2010.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 284-17-005 (1)(b) language added: *This will be the e-mail address listed in the mailing address section of the commissioner's licensing database.* The commissioner's licensing database contains three areas for e-mail addresses.
- WAC 284-17-120(2) the word *application* was deleted because it is no longer required at this point.
- WAC 284-17-122 *insurance producer* was added to the heading for clarification.
- WAC 284-17-278(1) and 284-17-530 (4)(a) *sent via e-mail or electronic telefacsimile* was replaced with *electronically or via electronic means.*
- WAC 284-17-435 *within fifteen days* was removed because this is no longer a practice; the insurer or business entity receives an instant response.

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3535, e-mail kacys@oic.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 17, Repealed 1.

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 17, Repealed 1.

Date Adopted: January 28, 2011.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-001 Definitions. For purposes of this chapter, unless the context requires otherwise:

(1) "Affiliation" is a type of appointment whereby a business entity authorizes an individual insurance producer or surplus line broker to represent it when conducting insurance business.

(2) "Business entity" has the meaning set forth in RCW 48.17.010(2) and includes a sole proprietorship having associated licensees authorized to act on its behalf in the business or trade name of the sole proprietorship.

(3) "Days" means calendar days including Saturday and Sunday and holidays, unless otherwise specified.

(4) "Electronic submission" or "submitted electronically" means submission of a licensing process by an applicant, licensee, insurer, or education provider by means of the commissioner's web site or a third-party licensing provider.

(5) "File" means a record in any retrievable format, and unless otherwise specified, includes paper and electronic formats.

~~((5))~~ (6) "Home state" has the meaning set forth in RCW 48.17.010(3).

~~((6))~~ (7) "Insurer" has the meaning set forth in RCW 48.17.010(6).

~~((7))~~ (8) "Licensee" means a person licensed by the commissioner under Title 48 RCW to sell, solicit or negotiate insurance and includes adjusters and surplus line brokers.

~~((8))~~ (9) "Line of authority" means a license issued in one or more lines of insurance listed in RCW 48.17.170.

~~((9))~~ (10) "NAIC" means the National Association of Insurance Commissioners.

~~((10))~~ (11) "Third-party licensing provider" is designated on the commissioner's web site at: www.insurance.wa.gov.

(12) "Reinstatement" means the reissuance by the commissioner of a license that was not renewed more than sixty days but fewer than twelve months after its expiration date.

~~((11))~~ (13) "Resident" means a person who has elected to make Washington his or her home state, or, in the case of a business entity, has a place of business in this state.

~~((12))~~ (14) "Sending written notice" or "sending a copy of the written notice" means transmitting the required information in writing and, where required, on forms designated by the commissioner for that purpose, via first class mail, commercial parcel delivery company, telefacsimile, or electronic transmission, unless a specific method of transmission is specified.

~~((13))~~ (15) "Surety" means that limited line of authority of insurance or bond that covers obligations to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust.

~~((14))~~ (16) "Travel insurance" means that limited line of authority of insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability,

and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

((15)) (17) "Written" or "in writing" means any retrievable method of recording an agreement or document, and, unless otherwise specified, includes paper and electronic formats.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-005 Address of record. (1) The address of record used by the commissioner will be:

(a) For disciplinary orders, the last U.S. mailing address provided by the person or business entity to the commissioner;

(b) For all other matters, the last e-mail address provided by the person or business entity to the commissioner. This will be the e-mail address listed in the mailing address section of the commissioner's licensing date base.

(2) Licensees must advise the commissioner of any change of address within thirty days after a change of address. This includes any change in the person's residence, mailing, business or e-mail address. Failure to advise the commissioner of a change of address may subject a licensee to disciplinary action under RCW 48.17.530 and 48.17.560.

LICENSING PROCESSES

NEW SECTION

WAC 284-17-055 Electronic submission of licensing processes—Implementation dates. (1) Beginning May 1, 2011, all company appointments including new, renewal, and terminations must be submitted electronically.

(2) Beginning June 1, 2011, all license renewals, both individual and business entity, must be submitted electronically.

(3) Beginning July 1, 2011, all applications for licenses, including affiliations, must be submitted electronically.

(4) Beginning July 1, 2011, all processes determined by the commissioner to be exclusive on-line licensing processes must be completed electronically through the commissioner's web site or through a third-party licensing provider. A list of exclusive on-line licensing processes is available on the commissioner's web site at: www.insurance.wa.gov.

(5) The commissioner will no longer print or mail any document generated as part of a licensing process which the commissioner has determined to be an exclusive on-line licensing process.

NEW SECTION

WAC 284-17-065 Required e-mail address for licensing transactions. (1) Each applicant, individual or business entity licensee, insurance education provider, and insurer must provide the commissioner with a valid e-mail address. As provided in WAC 284-17-005 (1)(b), the e-mail address will be the official contact address for all communication regarding licensing processes.

(2) Each applicant, individual or business entity licensee, insurance education provider, and insurer must notify the commissioner of any change to their e-mail address within thirty days after the change.

(3) This section applies to an insurer when appointing, terminating, or renewing the appointment of a licensee.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-120 Resident insurance producer licensees—Examination required, procedures. Prior to the transaction of insurance, an applicant for a resident insurance producer's license must take and pass the required examination for each line of authority ((to be)) applied for, submit an application form with the required attachments and fees, and receive a license from the commissioner.

(1) Examinations.

(a) Any resident person applying to take an examination for a license listed in this section must submit a registration form and the applicable examination fee to an independent testing service designated by the commissioner.

(i) The examination fee is not refundable.

(ii) Registration forms and information about examinations may be obtained from the commissioner or from the independent testing service under contract with the commissioner to conduct licensing examinations in this state.

(iii) An examination registration form can be downloaded through the commissioner's web site and current information about registered testing services, fees, dates, and other information is available through the commissioner's web site at www.insurance.wa.gov.

(b) The examinations required for each line of authority are identified ((in the following table)) on the commissioner's web site at: www.insurance.wa.gov. The independent testing service will conduct these examinations at least once each month at predetermined locations.

((LINE OF AUTHORITY OR TYPE OF LICENSE	REQUIRED EXAMINATION(S)
Life	Life
Disability	Disability
Life and disability	Life and disability
Property	Property
Casualty	Casualty
Property and casualty	Property and casualty
Personal lines	Personal lines
Adjusters (independent or public)	Adjuster
Limited line credit insurance	Credit
Surety	Surety
Surplus line	Surplus line
Variable life and variable annuity products	Life))

(c) If an applicant fails to take a scheduled examination, and requests to take the exam at a later date, a new examina-

tion date must be scheduled and a new examination fee must be paid, unless repayment of the fee is waived by the commissioner because the commissioner agrees that a serious emergency prevented the applicant's attendance at the scheduled date.

(d) Examinations will be graded by the independent testing service and each applicant will be provided a score report.

(2) **Application for a license.** The application for a license must be accompanied by all of the following: The score report from the testing service, a completed insurance license application, one fingerprint card, and the applicable license ~~(-appointment)~~ and filing fees. Specific instructions for applying for a license may be found on the commissioner's web site at: www.insurance.wa.gov.

(3) **Approval by the commissioner.** The commissioner will review the application and if all requirements have been met will issue the license(s) ~~((applied for))~~.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-122 Applications for nonresident insurance producer licenses. ~~((+))~~ Applicants who are not residents of Washington may be licensed as nonresident insurance producers without taking the required Washington examinations specified in WAC 284-17-120 (1)(b) if:

~~((a))~~ (1) The applicant has and maintains in good standing a similar license in his or her home state for the applicable line(s) of authority defined in RCW 48.17.170; and

~~((b))~~ (2) The home state reciprocates and licenses Washington's insurance producers as nonresident insurance producers.

~~((2) Nonresident applicants whose home state requires submission of a fingerprint card for conducting background checks in connection with resident insurance producer (or equivalent) license, need not provide a fingerprint card to the commissioner.~~

~~(a) A list of states that the commissioner believes require a fingerprint card will be available on the commissioner's web site at www.insurance.wa.gov.~~

~~(b) If the home state of an applicant does not appear on that list and the applicant believes that list should include his or her home state, the applicant may provide information concerning the requirements of his or her home state for the commissioner's review. The commissioner will consider that information and determine whether the applicant's home state should be added to that list.)~~

AMENDATORY SECTION (Amending Matter No. R 2008-09, filed 11/24/08, effective 12/25/08)

WAC 284-17-262 Certification by insurer of completion of long-term care insurance education due date. Beginning January 1, 2009:

(1) Each insurer that has long-term care policies approved for sale in this state must certify annually that all of its insurance producers engaged in the sale, solicitation or negotiation of long-term care insurance coverage in this state have:

(a) Completed the eight-hour, one-time long-term care education and training course required by RCW 48.83.130

(2)(a)(i) prior to selling, soliciting, or negotiating the company's long-term care insurance coverage in this state; or

(b) Completed the required long-term care continuing education requirement imposed by RCW 48.83.130 (2)(b).

(2) The certification must be provided to the commissioner by the insurer annually on or before March 31st. The certification must be sent via e-mail to the licensing and education program manager in the commissioner's office. A form for this purpose is available on the commissioner's web site at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-278 Approval of a continuing insurance education course. (1) Requests for approval of a continuing insurance education course must be submitted electronically or via electronic media to the commissioner no fewer than twenty days prior to the first date the course is offered for credit. The request must include all of the following, as applicable:

(a) **Lecture (classroom) courses:**

(i) Completed course approval request form;

(ii) Content outline, including a list of topics to be covered and an estimate of the time to be spent on each topic;

(iii) Biography or resume of instructor(s); and

(iv) Date(s) that course will be offered.

(b) **Self-study courses:**

(i) Completed course approval request form;

(ii) Study material; and

(iii) Sample exams.

(2) Continuing insurance education courses eligible for approval to satisfy the continuing insurance education requirement include:

(a) Courses demonstrating a direct and specific application to insurance; and

(b) Courses presenting information relevant to insurance-related statutory and regulatory requirements.

(3) General education, sales, motivation, management, leadership, and automation courses are not eligible unless the insurance education provider demonstrates to the satisfaction of the commissioner that a substantial portion of the course relates to the business of insurance and is not solely focused on a particular insurer's products.

(4) Prelicensing insurance education courses are not eligible for approval for continuing insurance education credit.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-429 Appointments and affiliations of licensees. (1) An insurance producer may be appointed or affiliated ~~(-)~~

~~((a))~~ by submitting electronically the notice of appointment or affiliation ~~((electronically))~~ through a third-party online licensing provider or the commissioner's on-line services, available at www.insurance.wa.gov ~~((-or~~

~~(b) By submitting the notice of appointment or affiliation to the commissioner using the form provided by the commissioner for that purpose available on the commissioner's web site at www.insurance.wa.gov)).~~

(2) Insurance producers upon initial appointment by an insurer or upon initial affiliation by a business entity must be authorized to transact at least one line of authority within the authority of the insurer or the business entity.

(3) Initial appointments and affiliations are continuous. Each appointment or affiliation is effective until the first of the following occurs:

(a) The insurance producer's license is revoked, terminated, or nonrenewed;

(b) The appointment or affiliation renewal fee is not paid; or ~~((written))~~

(c) Notice of termination is ~~((received by))~~ electronically submitted to the commissioner~~((, whichever occurs first))~~.

(4) The insurer is obligated to ensure that its appointed insurance producers are licensed for the proper line of authority for which the insurance producer submits an application for insurance.

(5) Individual surplus line brokers may be affiliated with a business entity possessing a surplus line broker license in the manner set forth in subsection (1) of this section.

(6) Business entities are obligated to ensure that all affiliated insurance producers for the proper line of authority for which the insurance producer submits an application for insurance and that surplus line brokers are properly licensed.

(7) The applicable initial and renewal appointment and affiliation fees, as set forth in RCW 48.14.010, must be paid at the time of appointment, affiliation, or their renewals.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-435 Notification of appointments and affiliations. The commissioner will confirm the licensee's appointment or affiliation by sending an electronic message to the insurer or business entity ~~((within fifteen days))~~ after the commissioner receives the notice from an insurer or business entity. ~~((If an insurer or business entity is not registered with the commissioner's on-line services, notice will be sent to the address of record.))~~

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-443 Renewal ~~((fee for an))~~ of appointments or affiliations. (1) ~~((Insurer and business entities that are not registered with the commissioner's on-line services.~~

~~((a) At least forty five days prior to the renewal date, an appointment or affiliation list will be sent to the insurer or business entity identifying all of the licensees appointed by or affiliated with the insurer or business entity whose appointments or affiliations are due to expire.~~

~~((b) The insurer or business entity must verify that the list is accurate, make any changes, and return the list with the correct fees to the commissioner.~~

~~((c) The verified and corrected list and fees are due to the commissioner no later than the renewal date.~~

~~((2) Insurer and business entities that are registered with the commissioner's on-line services.~~

~~((a))~~ At least sixty days prior to the renewal date, an appointment or affiliation renewal ~~((fee))~~ notice will be sent to the insurer or business entity ~~((electronically))~~ via e-mail.

~~((b))~~ (2) The insurer or business entity may review the ~~((on-line))~~ list ~~((of appointees or affiliates))~~ on-line, make any changes, and must remit the correct fees via electronic submission to the commissioner.

~~((c))~~ (3) The on-line appointment or affiliation renewal and payment of fees must be completed no later than the renewal date.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-445 Termination of an appointment or affiliation by an insurer or business entity. (1) An insurer ~~((or business entity))~~ may terminate an appointment ~~((or affiliation))~~ of an insurance producer ~~((or surplus line broker))~~:

(a) Through the commissioner's web site ~~((if the insurer or business entity is registered for on-line services by sending written notice of termination to the insurance producer or surplus line broker with a copy to the commissioner.))~~; or

(b) Through a third-party on-line licensing provider. ~~((A form for that purpose is available on the commissioner's web site at www.insurance.wa.gov.))~~

(2) ~~((The effective date of the termination is the date of receipt by the commissioner.))~~ A business entity may terminate an affiliation of an insurance producer or surplus line broker through the commissioner's web site.

(3) The effective date of the termination is the date of receipt by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-449 Termination of an affiliation for cause. If a business entity or its authorized representative terminates the affiliation of an insurance producer or surplus line broker for cause, the commissioner must receive notice of that termination by ~~((mail or))~~ electronic ~~((facsimile))~~ submission within thirty days following the effective date of the termination.

(1) A form for this purpose is available on the commissioner's web site at: www.insurance.wa.gov.

(2) Upon the request of the commissioner, additional information, documents, records or other data pertaining to the for-cause termination or activity of a licensee's affiliation must be provided promptly to the commissioner.

(3) The reasons an insurance producer may be terminated for cause are set forth in RCW 48.17.530 and 48.17-595. The reasons a surplus line broker may be terminated for cause are set forth in RCW 48.15.140.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-473 Affiliation requirements. Individual licensees that represent a business entity or act on its behalf must be affiliated with the licensed business entity. A business entity must have at least one affiliated individual

licensee in order to transact insurance business. Each business entity must provide the commissioner with the names of all individual licensees authorized to represent the business entity and act on its behalf (~~(using the form provided by the commissioner for that purpose)~~) by electronic submission and (~~(paying)~~) pay the applicable fees (~~(or by using the on-line services available through the commissioner's web site at www.insurance.wa.gov)~~).

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-483 Termination of an appointment or affiliation by an insurance producer. (1) An insurance producer or surplus line broker may terminate its appointment or affiliation with an insurer or business entity by sending advance written notice to the insurer or business entity (~~(with)~~) and send a copy via e-mail to the commissioner.

(2) The notice must state that the insurance producer or surplus line broker will no longer transact insurance on behalf of the business entity, as the case may be.

(3) The effective date of the termination is the date of receipt by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-490 Late renewal or reinstatement. If a request for renewal of a license is received by the commissioner after its due date, the licensee must not transact insurance under the license until the renewal or reinstatement is completed.

(1) As a precondition to late renewal or reinstatement of a license, payment of the following late fees, as set forth in RCW 48.17.170 (6) and (7), is required:

Days Late	Surcharge
First 30 days late	50% of the license renewal fee
31-60 days late	100% of the license renewal fee
61 days to twelve months late	200% of the license renewal fee

(2) If no request for late renewal is received by the commissioner within sixty days after expiration of a license, the license and all associated appointments and affiliations will be terminated. All authority conferred by the license ends on its expiration date.

(3) If a license is expired for more than sixty days but less than twelve months, a licensee may request its reinstatement. A license is not eligible for reinstatement if the reinstatement application is received by the commissioner more than twelve months after its expiration date.

(4)(a) A licensee may request reinstatement of a license without retesting if no more than twelve months has passed since the expiration or cancellation date of the license, whichever is earlier. All of the following must accompany the request for reinstatement:

(i) A completed application for reinstatement;

(ii) Certificates for twenty-four credit hours of continuing insurance education, including three hours of ethics education, completed during the twenty-four months prior to the date of application for reinstatement, as set forth in WAC 284-17-224; and

(iii) The fee and surcharge applicable to the reinstatement, as set forth in subsection (1) of this section.

(b) After twelve months, the licensee must retake and pass all applicable preclicensing insurance education courses and the applicable license examinations. A new license application, including fingerprint card, and all required fees are also required. A new fingerprint card is not required if the licensee has other active licenses or held another license during the past year.

(5)(a) If a licensee cancels a license prior to its renewal date and later asks that it be reissued and the request to reissue is submitted prior to the license renewal date, the licensee must submit an application and must pay the applicable fee prior to the license renewal date.

(b) If a licensee cancels a license prior to its renewal date and a request to reissue the license is made after the license renewal date but before twelve months after the date the license was canceled, the request to reissue will be treated as though it were a late renewal or reinstatement and the late fee will be calculated from the cancellation date.

(c) If the request to reissue is made more than twelve months after the license renewal date, it cannot be reissued.

(d) The renewal date of any reissued license will be on the same renewal cycle as the original license.

(6) Information regarding renewal or reinstatement of a license and the ~~((necessary forms are))~~ electronic submission process is available at the commissioner's web site at: www.insurance.wa.gov.

(7) License renewals and reinstatements may be submitted by licensees that are registered with the commissioner's on-line services through the web site at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

WAC 284-17-530 Requirements applicable to all preclicensing insurance education providers. This section applies to all persons seeking to be approved by the commissioner to act as preclicensing insurance education providers.

(1) **Approval to act as preclicensing education providers.** Persons seeking to be approved as preclicensing insurance education providers must obtain the written approval of the commissioner prior to offering any preclicensing insurance education course for credit.

(a) Requests for approval must include all information, disclosures, statements and certifications required by the commissioner. An approved form for this purpose is available on the commissioner's web site at: www.insurance.wa.gov.

(b) The provider must comply with the standards for licensing and regulating this state's private vocational schools, but need not be actually licensed as a private vocational school.

(c) The commissioner may grant approval of the prelicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter.

(d) Approval of a prelicensing education provider is valid for a period of twelve months.

(2) Approval of the prelicensing insurance education provider's program director.

(a) The prelicensing insurance education provider must identify its proposed program director, must complete a background investigation of that person, must certify that the qualifications of the proposed program director meet or exceed the requirements of WAC 284-17-535 and must verify that the proposed program director is trustworthy.

(b) The commissioner's approval of the program director is valid for twelve months.

(c) The provider must certify on its annual renewal notice that the approved individual continues to act as its program director.

(d) The provider must apply for an amendment to its approval at least ten days before changing its program director, unless the change is required due to an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed program director meet the minimum scholastic and professional criteria required for approval.

(3) Approval of the provider's instructors.

(a) The provider must identify each proposed instructor, conduct a background investigation of each individual, certify that each proposed instructor's qualifications meet or exceed the requirements in WAC 284-17-537, and verify that each proposed instructor is trustworthy.

(b) Approval of each instructor is valid until the next renewal date of the prelicensing education provider.

(c) The provider must state on its annual renewal notice whether each individual continues to act as its instructor.

(d) The provider must apply to the commissioner for amended approval at least ten days before adding a new instructor, except if an instructor vacancy is created by an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed instructor meet the minimum scholastic and professional criteria required for approval.

(4) Approval of courses.

(a) Course materials must be submitted electronically or via electronic media to the commissioner prior to use.

(b) The provider must provide all of the following information to the commissioner with its request for course approval:

(i) The total tuition to be charged to students; and

(ii) The provider's referral and rebate policy.

(c) No course may be advertised until the provider has been finally approved by the commissioner in writing.

(5) Duties of approved providers. Throughout any period of approval to act as a prelicensing insurance education provider, the provider must:

(a) Retain all student enrollment and performance data, personnel records, and copies of course materials and student evaluations for each course and make them available to the commissioner upon request;

(b) Continually monitor its program director's supervision of instruction;

(c) Immediately remove the program director if that individual violates any law or rule related to insurance;

(d) Apply for amended approval to act as a provider at least ten days prior to a change of ownership, the executive officer, or of the program director. Amended approval, if granted, is valid only until the original provider approval expiration date;

(e) Report to the commissioner by the fifteenth day of each month the name of each student receiving a certificate of completion for each approved course offered during the previous calendar month;

(f) Permit the commissioner or the commissioner's designee to conduct unannounced audits of any approved course in order to monitor the provider's continuing compliance with WAC 284-17-530 through 284-17-580;

(g) Provide a true and complete copy of the provider's instructional plan for each approved course, upon request;

(h) Notify the commissioner if it intends to terminate its prelicensing education program at least thirty days prior to the date of termination;

(i) Notify the commissioner at least ten days in advance of its intent to change the tuition amount, the referral or rebate policy, or initiate a referral or rebate policy with a person other than a full-time employee of the provider.

(6) Provider advertising and name. A provider must not:

(a) Use license examination performance data for advertising or promotional purposes; or

(b) Use any name that implies or suggests that the provider is affiliated with either the commissioner or with the independent testing service that conducts the examination.

(7) Renewal requirements for all providers.

(a) At the time of renewal all providers must provide all of the following information:

(i) List of prelicensing education courses currently offered and the tuition for each and verify that the course curricula meet the requirements of WAC 284-17-550;

(ii) A description of the instruction method used for each course, lecture, proctored self-study, or home self-study;

(iii) List of all active instructors and verify that each has complied with the requirements of WAC 284-17-537;

(iv) Verify that the program director has complied with WAC 284-17-535; and

(v) Confirm the address and contact information for each business location.

(b) The commissioner may approve renewal of the prelicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter required for renewal, including the annual renewal requirements provided in WAC 284-17-547.

(c) Detailed information related to course standards is available on the commissioner's web site at: www.insurance.wa.gov.

(8) Required disclosures to students.

(a) The prelicensing insurance education provider must disclose to prospective students the total amount of tuition that will be charged for each proposed course.

(b) The provider must post in a conspicuous location at the preclicensing insurance education site a note containing all of the following:

(i) Procedures for applying for an insurance license, including all preexamination qualifications;

(ii) A notice of prohibited examination behavior; and

(iii) The tuition for each approved course.

(c) If the provider has a referral or rebate program, it must be fully disclosed to each student in writing.

(i) The disclosure must state the amount of the course tuition that will be paid to persons other than the provider's full-time employees as compensation for referring students to the provider; and

(ii) The full text of the policy must be posted, including the specific amount of tuition payable to persons other than full-time employees of the provider as compensation for referring students to the provider, and the names of any individuals to whom referral fees or rebates may be paid.

(9) Penalties.

(a) The commissioner may refuse to renew or immediately terminate a provider for the following reasons:

(i) Failure to notify the commissioner that a course will be terminated at least thirty days prior to the date of termination;

(ii) Failure to respond to an inquiry of the commissioner within the time limit specified in the inquiry.

(b) A provider is responsible for the conduct of its employees and may be subject to disciplinary action for failure of any employee to comply with the requirements of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-17-650 Transition rules—July 1, 2009.

**WSR 11-04-069
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 28, 2011, 3:01 p.m., effective February 28, 2011]

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

Purpose: This rule will amend the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2011. Classification base rates were amended in order to base the rates on updated loss and payroll experience and the proposed decision to increase premium rates an overall average twelve percent per hour worked.

The department's decision to increase rates twelve percent is intended to provide the lowest rates necessary to maintain solvency of the funds consistent with recognized insurance principles, and to attempt to limit fluctuations in the

rates. Premiums must keep up with medical cost and wage inflation. Washington law provides that rates should be adjusted to reflect the hazards of each industry.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-855 Experience modification, 296-17-875 Table I, 296-17-880 Table II, 296-17-885 Table III, 296-17-890 Table IV, 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry, 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications, 296-17-89503 Farm internship program industrial insurance, accident fund and medical aid fund by class, 296-17-89504 Horse racing industry industrial insurance, medical aid, and supplemental pension by class and 296-17-920 Assessment for supplemental pension fund; repealing WAC 296-17-86502 Medical aid experience modification limitations; and new WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

Statutory Authority for Adoption: RCW 51.16.035 (base rates), 51.32.073 (supplemental pension), 51.18.010 (retrospective rating), and 51.04.020(1) (general authority).

Adopted under notice filed as WSR 10-23-100 on November 16, 2010.

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 10, Repealed 1.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 10, Repealed 1.

Date Adopted: January 28, 2011.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$\text{EXPERIENCE MODIFICATION FACTOR} = \frac{(\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}) / \text{Expected Loss}}$$

Where

$$\begin{aligned} \text{Credible Actual Primary Loss} &= \text{Actual Primary Loss} \times \text{Primary Credibility} \\ &+ \text{Expected Primary Loss} \times (100\% - \text{Primary Credibility}) \end{aligned}$$

$$\begin{aligned} \text{Credible Actual Excess Loss} &= \text{Actual Excess Loss} \times \text{Excess Credibility} \\ &+ \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility}) \end{aligned}$$

The meaning and function of each term in the formula is specified below.

For each claim, the actual primary loss is the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of \$20,112 the actual primary loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{50,280}{(\text{Total loss} + 30,168)} \times \text{total loss}$$

For each claim, less than \$20,112 the full value of the claim shall be considered a primary loss.

For each claim, the excess actual loss is the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$((1,950)) 2,120 or the total cost of the claim. Here are some examples for these claims:

((Total Loss	Total Loss (after deduction)	Primary Loss	Excess Loss
200	-	-	-
2,000	50	50	-
20,000	18,050	18,050	-
200,000	198,050	43,634	154,416
2,000,000	220,638	44,232	176,406))

Total Loss	Type of Claim	Total Loss (after deduction)	Primary Loss	Excess Loss
200	Medical Only	0	0	0
2,500	Medical Only	380	380	0
2,500	Time Loss	2,500	2,500	0
25,000	Medical Only	22,880	21,686	1,194
25,000	Time Loss	25,000	22,785	2,215
100,000	PPD	100,000	38,627	61,373
2,000,000	TPD Pension	233,084	44,518	188,566

Note: The deduction, \$((1,950)) 2,120, is twice the average case incurred cost of these types of claims occurring during the

three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$((1,950)) 2,120 is applied.

For each employer, the primary credibility and the excess credibility determines the percentage weight given to the corresponding actual primary losses and the actual excess losses, included in the calculation of the experience modification, based on the volume of expected losses. Primary credibility and excess credibility values are set forth in Table II.

An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying the reported exposure in each classification during the year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

Expected losses in each classification shall be multiplied by the classification "Primary-Ratio" to obtain "expected primary losses" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. Primary-Ratios are also set forth in Table III.

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-875 Table I.

Primary Losses for Selected Claim Values Effective January 1, ((2010)) 2011

CLAIM VALUE	PRIMARY LOSS
5,000	5,000
10,000	10,000
15,000	15,000
20,112	20,112
29,834	25,000
44,627	30,000
69,102	35,000
100,000	38,627
117,385	40,000
200,000	43,690
((222,588))	((44,279))
233,084**	44,518

** Maximum claim value

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-880 Table II.

PRIMARY AND EXCESS CREDIBILITY VALUES

Effective January 1, (~~2010~~) 2011

Maximum Claim Value = \$((222,588)) 233,084

Average Death Value = \$((222,588)) 233,084

((Expected Losses	Primary- Credibility	Excess Credibility	((Expected Losses	Primary- Credibility	Excess Credibility
± - 7,397	12%	7%	34,624 - 35,966	51%	7%
7,398 - 7,896	13%	7%	35,967 - 37,435	52%	7%
7,897 - 8,402	14%	7%	37,436 - 39,075	53%	7%
8,403 - 8,912	15%	7%	39,076 - 39,242	54%	7%
8,913 - 9,428	16%	7%	39,243 - 40,964	54%	8%
9,429 - 9,952	17%	7%	40,965 - 43,270	55%	8%
9,953 - 10,481	18%	7%	43,271 - 65,487	56%	8%
10,482 - 11,018	19%	7%	65,488 - 72,180	57%	8%
11,019 - 11,562	20%	7%	72,181 - 103,099	57%	9%
11,563 - 12,113	21%	7%	103,100 - 106,190	57%	10%
12,114 - 12,673	22%	7%	106,191 - 134,208	58%	10%
12,674 - 13,240	23%	7%	134,209 - 146,892	58%	11%
13,241 - 13,815	24%	7%	146,893 - 165,512	59%	11%
13,816 - 14,401	25%	7%	165,513 - 187,594	59%	12%
14,402 - 14,995	26%	7%	187,595 - 197,005	60%	12%
14,996 - 15,597	27%	7%	197,006 - 228,297	60%	13%
15,598 - 16,212	28%	7%	228,298 - 228,696	61%	13%
16,213 - 16,836	29%	7%	228,697 - 260,585	61%	14%
16,837 - 17,473	30%	7%	260,586 - 268,999	61%	15%
17,474 - 18,122	31%	7%	269,000 - 292,674	62%	15%
18,123 - 18,783	32%	7%	292,675 - 309,701	62%	16%
18,784 - 19,458	33%	7%	309,702 - 324,963	63%	16%
19,459 - 20,147	34%	7%	324,964 - 350,404	63%	17%
20,148 - 20,851	35%	7%	350,405 - 357,455	64%	17%
20,852 - 21,572	36%	7%	357,456 - 390,153	64%	18%
21,573 - 22,311	37%	7%	390,154 - 391,105	64%	19%
22,312 - 23,070	38%	7%	391,106 - 423,059	65%	19%
23,071 - 23,848	39%	7%	423,060 - 431,807	65%	20%
23,849 - 24,650	40%	7%	431,808 - 456,173	66%	20%
24,651 - 25,475	41%	7%	456,174 - 472,510	66%	21%
25,476 - 26,328	42%	7%	472,511 - 489,497	67%	21%
26,329 - 27,211	43%	7%	489,498 - 513,213	67%	22%
27,212 - 28,126	44%	7%	513,214 - 523,036	68%	22%
28,127 - 29,079	45%	7%	523,037 - 553,914	68%	23%
29,080 - 30,073	46%	7%	553,915 - 556,788	69%	23%
30,074 - 31,115	47%	7%	556,789 - 590,759	69%	24%
31,116 - 32,214	48%	7%	590,760 - 594,616	69%	25%
32,215 - 33,379	49%	7%	594,617 - 624,947	70%	25%
33,380 - 34,623	50%	7%	624,948 - 635,319	70%	26%
			635,320 - 659,359	71%	26%
			659,360 - 676,022	71%	27%
			676,023 - 693,993	72%	27%
			693,994 - 716,723	72%	28%
			716,724 - 728,854	73%	28%
			728,855 - 757,427	73%	29%
			757,428 - 763,941	74%	29%

((Expected Losses		Primary- Credibility	Excess Credibility	((Expected Losses		Primary- Credibility	Excess Credibility
763,942 - 798,128	74%	30%	1,680,762 - 1,693,579	96%	54%		
798,129 - 799,260	75%	30%	1,693,580 - 1,722,362	97%	54%		
799,261 - 834,811	75%	31%	1,722,363 - 1,734,280	97%	55%		
834,812 - 838,831	75%	32%	1,734,281 - 1,764,260	98%	55%		
838,832 - 870,597	76%	32%	1,764,261 - 1,774,983	98%	56%		
870,598 - 879,532	76%	33%	1,774,984 - 1,806,460	99%	56%		
879,533 - 906,619	77%	33%	1,806,461 - 1,815,684	99%	57%		
906,620 - 920,236	77%	34%	1,815,685 - 1,848,964	100%	57%		
920,237 - 942,883	78%	34%	1,848,965 - 1,891,774	100%	58%		
942,884 - 960,938	78%	35%	1,891,775 - 1,934,894	100%	59%		
960,939 - 979,387	79%	35%	1,934,895 - 1,978,329	100%	60%		
979,388 - 1,001,640	79%	36%	1,978,330 - 2,022,081	100%	61%		
1,001,641 - 1,016,135	80%	36%	2,022,082 - 2,066,153	100%	62%		
1,016,136 - 1,042,341	80%	37%	2,066,154 - 2,110,549	100%	63%		
1,042,342 - 1,053,130	81%	37%	2,110,550 - 2,155,273	100%	64%		
1,053,131 - 1,083,044	81%	38%	2,155,274 - 2,200,329	100%	65%		
1,083,045 - 1,090,375	82%	38%	2,200,330 - 2,245,721	100%	66%		
1,090,376 - 1,123,747	82%	39%	2,245,722 - 2,291,452	100%	67%		
1,123,748 - 1,127,872	83%	39%	2,291,453 - 2,337,524	100%	68%		
1,127,873 - 1,164,450	83%	40%	2,337,525 - 2,383,944	100%	69%		
1,164,451 - 1,165,623	84%	40%	2,383,945 - 2,430,714	100%	70%		
1,165,624 - 1,203,630	84%	41%	2,430,715 - 2,477,839	100%	71%		
1,203,631 - 1,205,149	84%	42%	2,477,840 - 2,525,323	100%	72%		
1,205,150 - 1,241,896	85%	42%	2,525,324 - 2,573,168	100%	73%		
1,241,897 - 1,245,853	85%	43%	2,573,169 - 2,621,382	100%	74%		
1,245,854 - 1,280,427	86%	43%	2,621,383 - 2,669,965	100%	75%		
1,280,428 - 1,286,556	86%	44%	2,669,966 - 2,718,924	100%	76%		
1,286,557 - 1,319,220	87%	44%	2,718,925 - 2,768,263	100%	77%		
1,319,221 - 1,327,259	87%	45%	2,768,264 - 2,817,987	100%	78%		
1,327,260 - 1,358,283	88%	45%	2,817,988 - 2,868,099	100%	79%		
1,358,284 - 1,367,960	88%	46%	2,868,100 - 2,918,604	100%	80%		
1,367,961 - 1,397,616	89%	46%	2,918,605 - 2,969,509	100%	81%		
1,397,617 - 1,408,662	89%	47%	2,969,510 - 3,020,814	100%	82%		
1,408,663 - 1,437,222	90%	47%	3,020,815 - 3,072,528	100%	83%		
1,437,223 - 1,449,366	90%	48%	3,072,529 - 3,124,653	100%	84%		
1,449,367 - 1,477,104	91%	48%	3,124,654 - 3,177,197	100%	85%		
1,477,105 - 1,490,066	91%	49%	3,177,198 & over	100%	86%))		
1,490,067 - 1,517,265	92%	49%					
1,517,266 - 1,530,770	92%	50%					
1,530,771 - 1,557,709	93%	50%					
1,557,710 - 1,571,471	93%	51%					
1,571,472 - 1,598,437	94%	51%					
1,598,438 - 1,612,174	94%	52%					
1,612,175 - 1,639,454	95%	52%					
1,639,455 - 1,652,875	95%	53%					
1,652,876 - 1,680,761	96%	53%					
			<u>Expected Losses</u>	<u>Primary</u>	<u>Excess</u>		
			1 = 7,989	<u>Credibility</u>	<u>Credibility</u>		
			7,990 = 8,528	12%	7%		
			8,529 = 9,074	13%	7%		
			9,075 = 9,625	14%	7%		
			9,626 = 10,182	15%	7%		
			10,183 = 10,748	16%	7%		
				17%	7%		

<u>Expected Losses</u>		<u>Primary</u> <u>Credibility</u>	<u>Excess</u> <u>Credibility</u>	<u>Expected Losses</u>		<u>Primary</u> <u>Credibility</u>	<u>Excess</u> <u>Credibility</u>		
<u>10,749</u>	=	<u>11,320</u>	<u>18%</u>	<u>7%</u>	<u>178,754</u>	=	<u>202,602</u>	<u>59%</u>	<u>12%</u>
<u>11,321</u>	=	<u>11,900</u>	<u>19%</u>	<u>7%</u>	<u>202,603</u>	=	<u>212,765</u>	<u>60%</u>	<u>12%</u>
<u>11,901</u>	=	<u>12,487</u>	<u>20%</u>	<u>7%</u>	<u>212,766</u>	=	<u>246,561</u>	<u>60%</u>	<u>13%</u>
<u>12,488</u>	=	<u>13,082</u>	<u>21%</u>	<u>7%</u>	<u>246,562</u>	=	<u>246,992</u>	<u>61%</u>	<u>13%</u>
<u>13,083</u>	=	<u>13,687</u>	<u>22%</u>	<u>7%</u>	<u>246,993</u>	=	<u>281,432</u>	<u>61%</u>	<u>14%</u>
<u>13,688</u>	=	<u>14,299</u>	<u>23%</u>	<u>7%</u>	<u>281,433</u>	=	<u>290,519</u>	<u>61%</u>	<u>15%</u>
<u>14,300</u>	=	<u>14,920</u>	<u>24%</u>	<u>7%</u>	<u>290,520</u>	=	<u>316,088</u>	<u>62%</u>	<u>15%</u>
<u>14,921</u>	=	<u>15,553</u>	<u>25%</u>	<u>7%</u>	<u>316,089</u>	=	<u>334,477</u>	<u>62%</u>	<u>16%</u>
<u>15,554</u>	=	<u>16,195</u>	<u>26%</u>	<u>7%</u>	<u>334,478</u>	=	<u>350,960</u>	<u>63%</u>	<u>16%</u>
<u>16,196</u>	=	<u>16,845</u>	<u>27%</u>	<u>7%</u>	<u>350,961</u>	=	<u>378,436</u>	<u>63%</u>	<u>17%</u>
<u>16,846</u>	=	<u>17,509</u>	<u>28%</u>	<u>7%</u>	<u>378,437</u>	=	<u>386,051</u>	<u>64%</u>	<u>17%</u>
<u>17,510</u>	=	<u>18,183</u>	<u>29%</u>	<u>7%</u>	<u>386,052</u>	=	<u>421,365</u>	<u>64%</u>	<u>18%</u>
<u>18,184</u>	=	<u>18,871</u>	<u>30%</u>	<u>7%</u>	<u>421,366</u>	=	<u>422,393</u>	<u>64%</u>	<u>19%</u>
<u>18,872</u>	=	<u>19,572</u>	<u>31%</u>	<u>7%</u>	<u>422,394</u>	=	<u>456,904</u>	<u>65%</u>	<u>19%</u>
<u>19,573</u>	=	<u>20,286</u>	<u>32%</u>	<u>7%</u>	<u>456,905</u>	=	<u>466,352</u>	<u>65%</u>	<u>20%</u>
<u>20,287</u>	=	<u>21,015</u>	<u>33%</u>	<u>7%</u>	<u>466,353</u>	=	<u>492,667</u>	<u>66%</u>	<u>20%</u>
<u>21,016</u>	=	<u>21,759</u>	<u>34%</u>	<u>7%</u>	<u>492,668</u>	=	<u>510,311</u>	<u>66%</u>	<u>21%</u>
<u>21,760</u>	=	<u>22,519</u>	<u>35%</u>	<u>7%</u>	<u>510,312</u>	=	<u>528,657</u>	<u>67%</u>	<u>21%</u>
<u>22,520</u>	=	<u>23,298</u>	<u>36%</u>	<u>7%</u>	<u>528,658</u>	=	<u>554,270</u>	<u>67%</u>	<u>22%</u>
<u>23,299</u>	=	<u>24,096</u>	<u>37%</u>	<u>7%</u>	<u>554,271</u>	=	<u>564,879</u>	<u>68%</u>	<u>22%</u>
<u>24,097</u>	=	<u>24,916</u>	<u>38%</u>	<u>7%</u>	<u>564,880</u>	=	<u>598,227</u>	<u>68%</u>	<u>23%</u>
<u>24,917</u>	=	<u>25,756</u>	<u>39%</u>	<u>7%</u>	<u>598,228</u>	=	<u>601,331</u>	<u>69%</u>	<u>23%</u>
<u>25,757</u>	=	<u>26,622</u>	<u>40%</u>	<u>7%</u>	<u>601,332</u>	=	<u>638,020</u>	<u>69%</u>	<u>24%</u>
<u>26,623</u>	=	<u>27,513</u>	<u>41%</u>	<u>7%</u>	<u>638,021</u>	=	<u>642,185</u>	<u>69%</u>	<u>25%</u>
<u>27,514</u>	=	<u>28,434</u>	<u>42%</u>	<u>7%</u>	<u>642,186</u>	=	<u>674,943</u>	<u>70%</u>	<u>25%</u>
<u>28,435</u>	=	<u>29,388</u>	<u>43%</u>	<u>7%</u>	<u>674,944</u>	=	<u>686,145</u>	<u>70%</u>	<u>26%</u>
<u>29,389</u>	=	<u>30,376</u>	<u>44%</u>	<u>7%</u>	<u>686,146</u>	=	<u>712,108</u>	<u>71%</u>	<u>26%</u>
<u>30,377</u>	=	<u>31,405</u>	<u>45%</u>	<u>7%</u>	<u>712,109</u>	=	<u>730,104</u>	<u>71%</u>	<u>27%</u>
<u>31,406</u>	=	<u>32,479</u>	<u>46%</u>	<u>7%</u>	<u>730,105</u>	=	<u>749,513</u>	<u>72%</u>	<u>27%</u>
<u>32,480</u>	=	<u>33,604</u>	<u>47%</u>	<u>7%</u>	<u>749,514</u>	=	<u>774,061</u>	<u>72%</u>	<u>28%</u>
<u>33,605</u>	=	<u>34,791</u>	<u>48%</u>	<u>7%</u>	<u>774,062</u>	=	<u>787,162</u>	<u>73%</u>	<u>28%</u>
<u>34,792</u>	=	<u>36,049</u>	<u>49%</u>	<u>7%</u>	<u>787,163</u>	=	<u>818,021</u>	<u>73%</u>	<u>29%</u>
<u>36,050</u>	=	<u>37,393</u>	<u>50%</u>	<u>7%</u>	<u>818,022</u>	=	<u>825,056</u>	<u>74%</u>	<u>29%</u>
<u>37,394</u>	=	<u>38,843</u>	<u>51%</u>	<u>7%</u>	<u>825,057</u>	=	<u>861,978</u>	<u>74%</u>	<u>30%</u>
<u>38,844</u>	=	<u>40,430</u>	<u>52%</u>	<u>7%</u>	<u>861,979</u>	=	<u>863,201</u>	<u>75%</u>	<u>30%</u>
<u>40,431</u>	=	<u>42,201</u>	<u>53%</u>	<u>7%</u>	<u>863,202</u>	=	<u>901,596</u>	<u>75%</u>	<u>31%</u>
<u>42,202</u>	=	<u>42,381</u>	<u>54%</u>	<u>7%</u>	<u>901,597</u>	=	<u>905,938</u>	<u>75%</u>	<u>32%</u>
<u>42,382</u>	=	<u>44,241</u>	<u>54%</u>	<u>8%</u>	<u>905,939</u>	=	<u>940,245</u>	<u>76%</u>	<u>32%</u>
<u>44,242</u>	=	<u>46,732</u>	<u>55%</u>	<u>8%</u>	<u>940,246</u>	=	<u>949,895</u>	<u>76%</u>	<u>33%</u>
<u>46,733</u>	=	<u>70,726</u>	<u>56%</u>	<u>8%</u>	<u>949,896</u>	=	<u>979,149</u>	<u>77%</u>	<u>33%</u>
<u>70,727</u>	=	<u>77,954</u>	<u>57%</u>	<u>8%</u>	<u>979,150</u>	=	<u>993,855</u>	<u>77%</u>	<u>34%</u>
<u>77,955</u>	=	<u>111,347</u>	<u>57%</u>	<u>9%</u>	<u>993,856</u>	=	<u>1,018,314</u>	<u>78%</u>	<u>34%</u>
<u>111,348</u>	=	<u>114,685</u>	<u>57%</u>	<u>10%</u>	<u>1,018,315</u>	=	<u>1,037,813</u>	<u>78%</u>	<u>35%</u>
<u>114,686</u>	=	<u>144,945</u>	<u>58%</u>	<u>10%</u>	<u>1,037,814</u>	=	<u>1,057,738</u>	<u>79%</u>	<u>35%</u>
<u>144,946</u>	=	<u>158,643</u>	<u>58%</u>	<u>11%</u>	<u>1,057,739</u>	=	<u>1,081,771</u>	<u>79%</u>	<u>36%</u>
<u>158,644</u>	=	<u>178,753</u>	<u>59%</u>	<u>11%</u>	<u>1,081,772</u>	=	<u>1,097,426</u>	<u>80%</u>	<u>36%</u>

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>1,097,427</u>	=	<u>1,125,728</u>	<u>80%</u>	<u>37%</u>	<u>2,231,446</u>	=	<u>2,279,393</u>	<u>100%</u>	<u>63%</u>
<u>1,125,729</u>	=	<u>1,137,380</u>	<u>81%</u>	<u>37%</u>	<u>2,279,394</u>	=	<u>2,327,695</u>	<u>100%</u>	<u>64%</u>
<u>1,137,381</u>	=	<u>1,169,688</u>	<u>81%</u>	<u>38%</u>	<u>2,327,696</u>	=	<u>2,376,355</u>	<u>100%</u>	<u>65%</u>
<u>1,169,689</u>	=	<u>1,177,605</u>	<u>82%</u>	<u>38%</u>	<u>2,376,356</u>	=	<u>2,425,379</u>	<u>100%</u>	<u>66%</u>
<u>1,177,606</u>	=	<u>1,213,647</u>	<u>82%</u>	<u>39%</u>	<u>2,425,380</u>	=	<u>2,474,768</u>	<u>100%</u>	<u>67%</u>
<u>1,213,648</u>	=	<u>1,218,102</u>	<u>83%</u>	<u>39%</u>	<u>2,474,769</u>	=	<u>2,524,526</u>	<u>100%</u>	<u>68%</u>
<u>1,218,103</u>	=	<u>1,257,606</u>	<u>83%</u>	<u>40%</u>	<u>2,524,527</u>	=	<u>2,574,660</u>	<u>100%</u>	<u>69%</u>
<u>1,257,607</u>	=	<u>1,258,873</u>	<u>84%</u>	<u>40%</u>	<u>2,574,661</u>	=	<u>2,625,171</u>	<u>100%</u>	<u>70%</u>
<u>1,258,874</u>	=	<u>1,299,920</u>	<u>84%</u>	<u>41%</u>	<u>2,625,172</u>	=	<u>2,676,066</u>	<u>100%</u>	<u>71%</u>
<u>1,299,921</u>	=	<u>1,301,561</u>	<u>84%</u>	<u>42%</u>	<u>2,676,067</u>	=	<u>2,727,349</u>	<u>100%</u>	<u>72%</u>
<u>1,301,562</u>	=	<u>1,341,248</u>	<u>85%</u>	<u>42%</u>	<u>2,727,350</u>	=	<u>2,779,022</u>	<u>100%</u>	<u>73%</u>
<u>1,341,249</u>	=	<u>1,345,521</u>	<u>85%</u>	<u>43%</u>	<u>2,779,023</u>	=	<u>2,831,093</u>	<u>100%</u>	<u>74%</u>
<u>1,345,522</u>	=	<u>1,382,861</u>	<u>86%</u>	<u>43%</u>	<u>2,831,094</u>	=	<u>2,883,562</u>	<u>100%</u>	<u>75%</u>
<u>1,382,862</u>	=	<u>1,389,481</u>	<u>86%</u>	<u>44%</u>	<u>2,883,563</u>	=	<u>2,936,438</u>	<u>100%</u>	<u>76%</u>
<u>1,389,482</u>	=	<u>1,424,758</u>	<u>87%</u>	<u>44%</u>	<u>2,936,439</u>	=	<u>2,989,724</u>	<u>100%</u>	<u>77%</u>
<u>1,424,759</u>	=	<u>1,433,440</u>	<u>87%</u>	<u>45%</u>	<u>2,989,725</u>	=	<u>3,043,426</u>	<u>100%</u>	<u>78%</u>
<u>1,433,441</u>	=	<u>1,466,946</u>	<u>88%</u>	<u>45%</u>	<u>3,043,427</u>	=	<u>3,097,547</u>	<u>100%</u>	<u>79%</u>
<u>1,466,947</u>	=	<u>1,477,397</u>	<u>88%</u>	<u>46%</u>	<u>3,097,548</u>	=	<u>3,152,092</u>	<u>100%</u>	<u>80%</u>
<u>1,477,398</u>	=	<u>1,509,425</u>	<u>89%</u>	<u>46%</u>	<u>3,152,093</u>	=	<u>3,207,070</u>	<u>100%</u>	<u>81%</u>
<u>1,509,426</u>	=	<u>1,521,355</u>	<u>89%</u>	<u>47%</u>	<u>3,207,071</u>	=	<u>3,262,479</u>	<u>100%</u>	<u>82%</u>
<u>1,521,356</u>	=	<u>1,552,200</u>	<u>90%</u>	<u>47%</u>	<u>3,262,480</u>	=	<u>3,318,330</u>	<u>100%</u>	<u>83%</u>
<u>1,552,201</u>	=	<u>1,565,315</u>	<u>90%</u>	<u>48%</u>	<u>3,318,331</u>	=	<u>3,374,625</u>	<u>100%</u>	<u>84%</u>
<u>1,565,316</u>	=	<u>1,595,272</u>	<u>91%</u>	<u>48%</u>	<u>3,374,626</u>	=	<u>3,431,373</u>	<u>100%</u>	<u>85%</u>
<u>1,595,273</u>	=	<u>1,609,271</u>	<u>91%</u>	<u>49%</u>	<u>3,431,374</u>	=	<u>& over</u>	<u>100%</u>	<u>86%</u>
<u>1,609,272</u>	=	<u>1,638,646</u>	<u>92%</u>	<u>49%</u>					
<u>1,638,647</u>	=	<u>1,653,232</u>	<u>92%</u>	<u>50%</u>					
<u>1,653,233</u>	=	<u>1,682,326</u>	<u>93%</u>	<u>50%</u>					
<u>1,682,327</u>	=	<u>1,697,189</u>	<u>93%</u>	<u>51%</u>					
<u>1,697,190</u>	=	<u>1,726,312</u>	<u>94%</u>	<u>51%</u>					
<u>1,726,313</u>	=	<u>1,741,148</u>	<u>94%</u>	<u>52%</u>					
<u>1,741,149</u>	=	<u>1,770,610</u>	<u>95%</u>	<u>52%</u>					
<u>1,770,611</u>	=	<u>1,785,105</u>	<u>95%</u>	<u>53%</u>					
<u>1,785,106</u>	=	<u>1,815,222</u>	<u>96%</u>	<u>53%</u>					
<u>1,815,223</u>	=	<u>1,829,065</u>	<u>96%</u>	<u>54%</u>					
<u>1,829,066</u>	=	<u>1,860,151</u>	<u>97%</u>	<u>54%</u>					
<u>1,860,152</u>	=	<u>1,873,022</u>	<u>97%</u>	<u>55%</u>					
<u>1,873,023</u>	=	<u>1,905,401</u>	<u>98%</u>	<u>55%</u>					
<u>1,905,402</u>	=	<u>1,916,982</u>	<u>98%</u>	<u>56%</u>					
<u>1,916,983</u>	=	<u>1,950,977</u>	<u>99%</u>	<u>56%</u>					
<u>1,950,978</u>	=	<u>1,960,939</u>	<u>99%</u>	<u>57%</u>					
<u>1,960,940</u>	=	<u>1,996,881</u>	<u>100%</u>	<u>57%</u>					
<u>1,996,882</u>	=	<u>2,043,116</u>	<u>100%</u>	<u>58%</u>					
<u>2,043,117</u>	=	<u>2,089,686</u>	<u>100%</u>	<u>59%</u>					
<u>2,089,687</u>	=	<u>2,136,595</u>	<u>100%</u>	<u>60%</u>					
<u>2,136,596</u>	=	<u>2,183,848</u>	<u>100%</u>	<u>61%</u>					
<u>2,183,849</u>	=	<u>2,231,445</u>	<u>100%</u>	<u>62%</u>					

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-885 Table III.

**Expected Loss Rates and Primary Ratios
for Indicated Fiscal Year
Expected Loss Rates in Dollars Per Worker Hour
Effective January 1, (~~2010~~) 2011**

(Class	2006	2007	2008	Primary- Ratio
0101	1.1114	1.0759	0.9654	0.468
0103	1.5650	1.5168	1.3645	0.474
0104	0.8112	0.7861	0.7065	0.475
0105	1.1603	1.1243	1.0051	0.536
0107	1.1546	1.1158	1.0008	0.446
0108	0.8112	0.7861	0.7065	0.475
0112	0.6183	0.5990	0.5378	0.482
0201	2.2598	2.1766	1.9445	0.412
0202	2.7958	2.7091	2.4476	0.414
0210	1.0213	0.9855	0.8791	0.463
0212	1.1915	1.1512	1.0296	0.459
0214	1.2870	1.2420	1.1077	0.474
0217	0.9020	0.8723	0.7793	0.496
0219	1.0322	0.9998	0.8957	0.485

((Class	2006	2007	2008	Primary- Ratio	((Class	2006	2007	2008	Primary- Ratio
0301	0.6054	0.5875	0.5266	0.547	1701	0.8544	0.8282	0.7430	0.490
0302	1.7359	1.6757	1.4991	0.444	1702	1.7516	1.6925	1.5272	0.383
0303	1.5459	1.4927	1.3366	0.442	1703	0.7723	0.7427	0.6605	0.428
0306	0.8526	0.8237	0.7354	0.480	1704	0.8544	0.8282	0.7430	0.490
0307	0.8169	0.7906	0.7074	0.497	1801	0.4503	0.4386	0.4003	0.440
0308	0.5054	0.4913	0.4415	0.557	1802	0.6916	0.6714	0.6018	0.526
0403	1.5614	1.5117	1.3509	0.512	2002	0.7252	0.7049	0.6347	0.525
0502	1.1718	1.1319	1.0111	0.467	2004	0.8591	0.8341	0.7472	0.553
0504	1.5718	1.5270	1.3810	0.463	2007	0.5045	0.4905	0.4425	0.525
0507	2.6227	2.5479	2.3041	0.466	2008	0.3224	0.3137	0.2842	0.506
0508	1.6478	1.5919	1.4330	0.409	2009	0.3849	0.3748	0.3378	0.556
0509	1.7113	1.6581	1.5026	0.401	2101	0.6444	0.6266	0.5643	0.525
0510	1.5550	1.5088	1.3598	0.476	2102	0.5281	0.5135	0.4615	0.567
0511	1.4156	1.3669	1.2167	0.501	2104	0.3194	0.3126	0.2847	0.582
0512	1.3932	1.3500	1.2204	0.427	2105	0.5351	0.5190	0.4632	0.582
0513	0.6680	0.6462	0.5774	0.497	2106	0.4149	0.4036	0.3630	0.550
0514	1.7000	1.6434	1.4680	0.491	2201	0.2381	0.2317	0.2092	0.524
0516	1.3886	1.3451	1.2089	0.470	2202	0.6912	0.6706	0.6020	0.529
0517	1.8369	1.7838	1.6149	0.448	2203	0.4575	0.4447	0.3993	0.569
0518	1.2678	1.2266	1.1005	0.463	2204	0.2381	0.2317	0.2092	0.524
0519	1.7529	1.6999	1.5351	0.438	2401	0.5015	0.4829	0.4225	0.587
0521	0.5298	0.5129	0.4599	0.485	2903	0.6155	0.5987	0.5391	0.550
0601	0.5481	0.5306	0.4753	0.489	2904	0.6504	0.6327	0.5723	0.515
0602	0.6846	0.6603	0.5867	0.498	2905	0.5846	0.5682	0.5101	0.567
0603	0.9434	0.9131	0.8248	0.415	2906	0.3292	0.3203	0.2890	0.547
0604	0.9762	0.9500	0.8602	0.497	2907	0.5046	0.4898	0.4380	0.572
0606	0.5167	0.5008	0.4471	0.551	2908	0.9817	0.9529	0.8578	0.493
0607	0.5520	0.5339	0.4750	0.550	2909	0.3750	0.3652	0.3299	0.543
0608	0.3178	0.3084	0.2774	0.506	3101	0.7036	0.6819	0.6116	0.505
0701	1.7045	1.6400	1.4710	0.373	3102	0.2601	0.2526	0.2274	0.525
0803	0.4471	0.4335	0.3877	0.553	3103	0.5159	0.5011	0.4512	0.504
0901	1.2678	1.2266	1.1005	0.463	3104	0.5885	0.5706	0.5119	0.520
1002	0.9746	0.9462	0.8534	0.485	3105	0.6947	0.6759	0.6099	0.534
1003	0.7361	0.7150	0.6445	0.499	3303	0.4184	0.4059	0.3630	0.565
1004	0.5123	0.4949	0.4399	0.515	3304	0.4724	0.4602	0.4155	0.573
1005	7.6720	7.4154	6.6182	0.457	3309	0.3774	0.3668	0.3314	0.509
1007	0.3219	0.3110	0.2776	0.489	3402	0.5219	0.5067	0.4553	0.523
1101	0.7326	0.7100	0.6347	0.539	3403	0.1959	0.1905	0.1723	0.512
1102	1.3217	1.2784	1.1454	0.468	3404	0.4852	0.4716	0.4240	0.542
1103	1.1538	1.1196	1.0087	0.468	3405	0.2917	0.2836	0.2548	0.563
1104	0.5619	0.5462	0.4902	0.569	3406	0.2233	0.2170	0.1943	0.593
1105	0.7857	0.7610	0.6826	0.487	3407	0.7775	0.7523	0.6722	0.503
1106	0.3255	0.3181	0.2900	0.530	3408	0.1984	0.1919	0.1691	0.618
1108	0.5995	0.5814	0.5212	0.535	3409	0.1638	0.1587	0.1409	0.634
1109	1.4021	1.3606	1.2236	0.501	3410	0.2700	0.2624	0.2355	0.578
1301	0.5536	0.5328	0.4663	0.578	3411	0.4654	0.4509	0.4038	0.518
1303	0.2020	0.1956	0.1741	0.570	3412	0.5586	0.5404	0.4843	0.475
1304	0.0283	0.0274	0.0245	0.542	3414	0.5338	0.5175	0.4640	0.523
1305	0.4548	0.4407	0.3933	0.565	3415	0.7721	0.7518	0.6859	0.437
1401	0.4377	0.4281	0.3936	0.437	3501	1.0079	0.9780	0.8769	0.515
1404	0.7967	0.7724	0.6895	0.569	3503	0.2927	0.2865	0.2615	0.562
1405	0.6202	0.6000	0.5303	0.594	3506	0.8239	0.7957	0.7097	0.487
1407	0.4914	0.4787	0.4326	0.539	3509	0.4001	0.3888	0.3485	0.604
1501	0.5700	0.5511	0.4900	0.547	3510	0.3349	0.3251	0.2906	0.579
1507	0.5658	0.5478	0.4888	0.538	3511	0.6143	0.5977	0.5406	0.504

((Class	2006	2007	2008	Primary- Ratio	((Class	2006	2007	2008	Primary- Ratio
3512	0.3503	0.3416	0.3092	0.568	4909	0.0368	0.0367	0.0346	0.521
3513	0.4661	0.4564	0.4200	0.468	4910	0.4523	0.4398	0.3969	0.515
3602	0.1231	0.1196	0.1073	0.555	4911	0.0564	0.0548	0.0495	0.514
3603	0.4499	0.4377	0.3942	0.553	5001	6.2704	6.0760	5.4982	0.398
3604	0.7561	0.7406	0.6816	0.488	5002	0.5767	0.5580	0.4958	0.562
3605	0.5027	0.4867	0.4337	0.540	5003	1.9816	1.9178	1.7282	0.421
3701	0.2601	0.2526	0.2274	0.525	5004	0.7844	0.7649	0.6982	0.452
3702	0.4195	0.4071	0.3643	0.561	5005	0.5810	0.5634	0.5081	0.437
3708	0.5594	0.5413	0.4820	0.543	5006	1.3366	1.2943	1.1689	0.402
3802	0.1935	0.1881	0.1689	0.560	5101	0.8349	0.8084	0.7205	0.551
3808	0.3972	0.3851	0.3463	0.493	5103	0.7374	0.7183	0.6479	0.575
3901	0.1700	0.1658	0.1496	0.608	5106	0.7374	0.7183	0.6479	0.575
3902	0.4488	0.4372	0.3951	0.551	5108	0.8239	0.8014	0.7207	0.577
3903	1.0714	1.0470	0.9543	0.527	5109	0.4929	0.4778	0.4283	0.520
3905	0.1512	0.1476	0.1339	0.587	5201	0.3848	0.3731	0.3344	0.546
3906	0.4715	0.4588	0.4137	0.548	5204	0.8431	0.8189	0.7406	0.469
3909	0.2641	0.2574	0.2326	0.570	5206	0.3573	0.3467	0.3121	0.498
4002	1.1682	1.1292	1.0078	0.498	5207	0.1604	0.1566	0.1419	0.586
4101	0.3270	0.3175	0.2854	0.533	5208	0.7742	0.7522	0.6752	0.543
4103	0.4931	0.4795	0.4294	0.601	5209	0.6729	0.6542	0.5907	0.500
4107	0.1515	0.1473	0.1328	0.524	5300	0.1170	0.1133	0.1007	0.577
4108	0.1728	0.1677	0.1502	0.568	5301	0.0357	0.0346	0.0312	0.572
4109	0.1949	0.1896	0.1714	0.525	5302	0.0163	0.0159	0.0143	0.538
4201	0.6465	0.6226	0.5498	0.517	5305	0.0541	0.0526	0.0471	0.618
4301	0.6273	0.6113	0.5522	0.554	5306	0.0570	0.0556	0.0499	0.606
4302	0.6517	0.6320	0.5645	0.554	5307	0.5707	0.5513	0.4893	0.545
4304	0.9024	0.8800	0.7982	0.525	5308	0.0876	0.0855	0.0772	0.595
4305	1.1617	1.1197	0.9872	0.552	6103	0.0828	0.0808	0.0729	0.615
4401	0.3994	0.3904	0.3566	0.498	6104	0.3598	0.3498	0.3136	0.583
4402	0.8434	0.8175	0.7291	0.589	6105	0.3635	0.3523	0.3152	0.537
4404	0.5064	0.4929	0.4447	0.536	6107	0.1496	0.1466	0.1339	0.592
4501	0.1824	0.1781	0.1604	0.615	6108	0.4576	0.4459	0.4026	0.572
4502	0.0386	0.0377	0.0342	0.530	6109	0.1015	0.0985	0.0884	0.537
4504	0.1089	0.1064	0.0964	0.615	6110	0.5943	0.5775	0.5194	0.540
4601	0.7463	0.7244	0.6492	0.533	6120	0.2779	0.2695	0.2416	0.538
4802	0.3336	0.3257	0.2966	0.504	6121	0.3451	0.3347	0.3000	0.542
4803	0.3012	0.2944	0.2678	0.576	6201	0.2803	0.2727	0.2476	0.480
4804	0.4924	0.4794	0.4317	0.577	6202	0.5999	0.5844	0.5292	0.523
4805	0.2855	0.2780	0.2507	0.580	6203	0.1063	0.1039	0.0938	0.658
4806	0.0592	0.0577	0.0525	0.538	6204	0.1166	0.1137	0.1029	0.576
4808	0.4690	0.4582	0.4179	0.498	6205	0.2551	0.2480	0.2230	0.550
4809	0.3388	0.3308	0.3003	0.562	6206	0.2319	0.2255	0.2028	0.573
4810	0.1401	0.1370	0.1243	0.577	6207	1.1101	1.0905	1.0059	0.521
4811	0.3016	0.2950	0.2685	0.580	6208	0.2397	0.2342	0.2125	0.574
4812	0.3836	0.3732	0.3360	0.577	6209	0.3021	0.2948	0.2670	0.560
4813	0.1596	0.1558	0.1410	0.572	6301	0.1226	0.1186	0.1065	0.462
4900	0.1898	0.1839	0.1666	0.413	6302	0.2036	0.1980	0.1778	0.576
4901	0.0643	0.0625	0.0562	0.502	6303	0.0670	0.0650	0.0584	0.545
4902	0.1116	0.1081	0.0964	0.561	6304	0.3824	0.3734	0.3385	0.586
4903	0.1563	0.1512	0.1335	0.621	6305	0.1090	0.1062	0.0954	0.604
4904	0.0265	0.0259	0.0234	0.565	6306	0.2787	0.2710	0.2442	0.539
4905	0.3723	0.3639	0.3308	0.571	6308	0.0660	0.0642	0.0577	0.576
4906	0.0929	0.0900	0.0801	0.584	6309	0.2036	0.1980	0.1778	0.576
4907	0.0514	0.0502	0.0454	0.554	6402	0.2694	0.2617	0.2340	0.612
4908	0.0773	0.0765	0.0707	0.560	6403	0.1826	0.1781	0.1607	0.586

((Class	2006	2007	2008	Primary- Ratio	((Class	2006	2007	2008	Primary- Ratio
6404	0.2625	0.2558	0.2308	0.572	7110	0.3167	0.3067	0.2747	0.499
6405	0.5125	0.4972	0.4467	0.520	7111	0.3903	0.3776	0.3378	0.483
6406	0.1242	0.1211	0.1092	0.601	7112	0.6446	0.6276	0.5667	0.558
6407	0.2695	0.2623	0.2361	0.570	7113	0.3868	0.3768	0.3403	0.570
6408	0.3954	0.3838	0.3446	0.548	7114	0.4808	0.4686	0.4219	0.609
6409	0.6890	0.6669	0.5959	0.518	7115	0.5581	0.5441	0.4919	0.574
6410	0.2811	0.2736	0.2468	0.559	7116	0.6116	0.5948	0.5352	0.542
6501	0.1605	0.1558	0.1392	0.589	7117	1.6241	1.5771	1.4118	0.587
6502	0.0321	0.0312	0.0280	0.554	7118	1.4104	1.3725	1.2367	0.553
6503	0.0714	0.0691	0.0615	0.529	7119	1.3516	1.3087	1.1634	0.577
6504	0.3715	0.3626	0.3282	0.603	7120	5.8332	5.6693	5.1095	0.520
6505	0.1053	0.1034	0.0945	0.612	7121	5.4396	5.2875	4.7670	0.520
6506	0.1055	0.1029	0.0930	0.588	7122	0.5317	0.5175	0.4649	0.607
6509	0.3741	0.3648	0.3298	0.570	7200	1.2944	1.2467	1.0944	0.569
6510	0.4330	0.4197	0.3771	0.470	7201	1.4446	1.3944	1.2376	0.521
6511	0.3891	0.3787	0.3410	0.570	7202	0.0305	0.0295	0.0263	0.521
6512	0.1693	0.1644	0.1479	0.520	7203	0.1225	0.1207	0.1114	0.591
6601	0.1901	0.1851	0.1671	0.542	7204	0.0000	0.0000	0.0000	0.500
6602	0.5122	0.4986	0.4505	0.540	7205	0.0000	0.0000	0.0000	0.500
6603	0.3289	0.3191	0.2856	0.557	7301	0.4450	0.4341	0.3948	0.505
6604	0.0809	0.0787	0.0706	0.591	7302	0.9260	0.9037	0.8227	0.502
6605	0.3239	0.3165	0.2865	0.602	7307	0.4522	0.4409	0.3992	0.528
6607	0.1651	0.1606	0.1443	0.556	7308	0.3895	0.3803	0.3436	0.601
6608	0.4786	0.4616	0.4139	0.421	7309	0.2574	0.2514	0.2283	0.579
6620	3.1606	3.0426	2.6641	0.605	7400	1.4446	1.3944	1.2376	0.521))
6704	0.1452	0.1410	0.1262	0.576					
6705	0.8094	0.7911	0.7181	0.593					
6706	0.2975	0.2909	0.2660	0.525	Class	2007	2008	2009	Primary Ratio
6707	4.3172	4.2003	3.7312	0.696	0101	1.2660	1.2449	1.1135	0.435
6708	8.1890	8.1121	7.6401	0.450	0103	1.6890	1.6651	1.4961	0.436
6709	0.2640	0.2576	0.2331	0.577	0104	0.8893	0.8753	0.7831	0.445
6801	0.6067	0.5856	0.5174	0.573	0105	1.2802	1.2550	1.1076	0.507
6802	0.5553	0.5382	0.4786	0.593	0107	1.1648	1.1431	1.0196	0.434
6803	0.8073	0.7821	0.7115	0.363	0108	0.8893	0.8753	0.7831	0.445
6804	0.3334	0.3242	0.2915	0.572	0112	0.6543	0.6436	0.5749	0.456
6809	4.6501	4.5504	4.1372	0.567	0201	2.3864	2.3392	2.0939	0.380
6901	0.0177	0.0187	0.0193	0.706	0202	2.9958	2.9506	2.6555	0.401
6902	0.8990	0.8687	0.7809	0.421	0210	1.0720	1.0490	0.9279	0.447
6903	6.3402	6.1802	5.7143	0.328	0212	1.2626	1.2371	1.0977	0.438
6904	0.4649	0.4461	0.3857	0.622	0214	1.3743	1.3470	1.1967	0.443
6905	0.3917	0.3780	0.3331	0.607	0217	1.0020	0.9820	0.8697	0.469
6906	0.1657	0.1675	0.1635	0.687	0219	1.1932	1.1688	1.0330	0.468
6907	1.2442	1.2076	1.0824	0.544	0301	0.6903	0.6784	0.6015	0.513
6908	0.4209	0.4088	0.3670	0.540	0302	1.9604	1.9234	1.7181	0.413
6909	0.1192	0.1161	0.1044	0.585	0303	1.6063	1.5767	1.4089	0.416
7100	0.0307	0.0300	0.0274	0.485	0306	0.9385	0.9194	0.8149	0.459
7101	0.0219	0.0214	0.0197	0.457	0307	0.8598	0.8427	0.7457	0.479
7102	4.1538	4.0954	3.7945	0.571	0308	0.5536	0.5455	0.4849	0.526
7103	0.6336	0.6108	0.5370	0.586	0403	1.7083	1.6746	1.4812	0.480
7104	0.0308	0.0300	0.0269	0.611	0502	1.2560	1.2308	1.0923	0.442
7105	0.0295	0.0287	0.0256	0.608	0504	1.6248	1.6052	1.4465	0.439
7106	0.2298	0.2233	0.1994	0.618	0507	2.9030	2.8678	2.5882	0.429
7107	0.2292	0.2244	0.2048	0.568	0508	1.7556	1.7266	1.5546	0.385
7108	0.2007	0.1957	0.1768	0.582	0509	1.7392	1.7153	1.5526	0.386
7109	0.1441	0.1403	0.1262	0.604	0510	1.7410	1.7150	1.5374	0.445

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>	<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>
0511	1.4871	1.4543	1.2815	0.478	2104	0.3286	0.3257	0.2922	0.567
0512	1.4652	1.4434	1.2984	0.418	2105	0.5695	0.5586	0.4919	0.553
0513	0.7332	0.7178	0.6336	0.478	2106	0.4657	0.4585	0.4071	0.522
0514	1.7923	1.7560	1.5538	0.476	2201	0.2465	0.2432	0.2177	0.496
0516	1.5089	1.4847	1.3300	0.433	2202	0.7794	0.7653	0.6776	0.511
0517	2.0824	2.0557	1.8548	0.417	2203	0.5017	0.4931	0.4355	0.549
0518	1.3371	1.3122	1.1693	0.441	2204	0.2465	0.2432	0.2177	0.496
0519	1.7832	1.7562	1.5762	0.428	2401	0.5266	0.5112	0.4397	0.549
0521	0.5508	0.5414	0.4827	0.455	2903	0.6637	0.6536	0.5813	0.521
0601	0.5848	0.5731	0.5076	0.476	2904	0.7046	0.6945	0.6211	0.489
0602	0.7239	0.7065	0.6200	0.482	2905	0.6760	0.6641	0.5866	0.543
0603	0.9857	0.9700	0.8730	0.397	2906	0.3571	0.3524	0.3152	0.514
0604	1.0815	1.0675	0.9577	0.476	2907	0.5345	0.5252	0.4646	0.531
0606	0.5637	0.5518	0.4845	0.528	2908	1.0963	1.0789	0.9625	0.471
0607	0.6295	0.6161	0.5414	0.517	2909	0.4032	0.3976	0.3546	0.518
0608	0.3432	0.3376	0.3006	0.482	3101	0.7330	0.7198	0.6391	0.491
0701	1.7750	1.7416	1.5681	0.353	3102	0.2765	0.2723	0.2429	0.508
0803	0.4982	0.4890	0.4321	0.525	3103	0.5497	0.5409	0.4820	0.479
0901	1.3371	1.3122	1.1693	0.441	3104	0.6360	0.6251	0.5556	0.494
1002	0.9940	0.9807	0.8815	0.450	3105	0.7595	0.7490	0.6691	0.509
1003	0.8052	0.7934	0.7094	0.477	3303	0.4738	0.4642	0.4077	0.542
1004	0.5560	0.5435	0.4776	0.489	3304	0.5219	0.5146	0.4580	0.545
1005	8.2496	8.0838	7.1655	0.434	3309	0.3984	0.3929	0.3521	0.475
1007	0.3481	0.3407	0.3010	0.473	3402	0.5507	0.5417	0.4818	0.497
1101	0.7627	0.7481	0.6610	0.509	3403	0.2102	0.2074	0.1859	0.488
1102	1.4415	1.4142	1.2576	0.446	3404	0.5019	0.4940	0.4392	0.512
1103	1.2337	1.2143	1.0863	0.443	3405	0.3037	0.2989	0.2655	0.533
1104	0.6363	0.6249	0.5511	0.545	3406	0.2441	0.2398	0.2116	0.565
1105	0.8332	0.8175	0.7261	0.463	3407	0.8322	0.8164	0.7242	0.474
1106	0.3500	0.3466	0.3122	0.509	3408	0.2269	0.2209	0.1904	0.590
1108	0.6380	0.6265	0.5545	0.517	3409	0.1752	0.1712	0.1487	0.598
1109	1.4646	1.4407	1.2837	0.472	3410	0.2755	0.2711	0.2405	0.543
1301	0.5946	0.5777	0.4980	0.551	3411	0.5120	0.5025	0.4453	0.491
1303	0.2183	0.2135	0.1870	0.545	3412	0.6022	0.5907	0.5248	0.458
1304	0.0298	0.0293	0.0259	0.511	3414	0.6004	0.5898	0.5237	0.495
1305	0.5257	0.5145	0.4512	0.540	3415	0.8365	0.8291	0.7544	0.420
1401	0.4616	0.4594	0.4203	0.417	3501	1.0816	1.0625	0.9419	0.489
1404	0.9263	0.9066	0.7940	0.550	3503	0.3205	0.3179	0.2863	0.534
1405	0.7038	0.6869	0.5966	0.568	3506	0.8531	0.8343	0.7357	0.477
1407	0.5361	0.5286	0.4710	0.515	3509	0.4253	0.4177	0.3680	0.571
1501	0.6296	0.6148	0.5374	0.527	3510	0.3702	0.3630	0.3194	0.554
1507	0.6079	0.5956	0.5249	0.512	3511	0.6332	0.6253	0.5620	0.467
1701	0.8809	0.8661	0.7713	0.463	3512	0.3954	0.3897	0.3462	0.553
1702	1.7754	1.7476	1.5793	0.363	3513	0.5140	0.5114	0.4667	0.457
1703	0.8710	0.8508	0.7547	0.402	3602	0.1288	0.1265	0.1119	0.532
1704	0.8809	0.8661	0.7713	0.463	3603	0.4816	0.4741	0.4214	0.525
1801	0.4636	0.4596	0.4186	0.417	3604	0.7972	0.7945	0.7277	0.467
1802	0.7568	0.7446	0.6619	0.507	3605	0.5443	0.5330	0.4689	0.514
2002	0.8182	0.8059	0.7187	0.497	3701	0.2765	0.2723	0.2429	0.508
2004	0.8643	0.8485	0.7493	0.526	3702	0.4462	0.4378	0.3861	0.532
2007	0.5531	0.5455	0.4878	0.497	3708	0.5888	0.5770	0.5087	0.516
2008	0.3562	0.3517	0.3158	0.485	3802	0.2106	0.2072	0.1837	0.535
2009	0.4073	0.4008	0.3552	0.538	3808	0.4288	0.4214	0.3751	0.471
2101	0.7347	0.7228	0.6416	0.515	3901	0.1824	0.1798	0.1594	0.576
2102	0.5838	0.5745	0.5097	0.530	3902	0.4746	0.4684	0.4183	0.531

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>	<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>
3903	1.1545	1.1439	1.0314	0.502	5108	0.8758	0.8622	0.7651	0.545
3905	0.1591	0.1571	0.1401	0.564	5109	0.5483	0.5375	0.4750	0.500
3906	0.4890	0.4824	0.4308	0.514	5201	0.4114	0.4033	0.3561	0.523
3909	0.3038	0.2997	0.2673	0.536	5204	0.9140	0.9011	0.8092	0.450
4002	1.2574	1.2317	1.0899	0.473	5206	0.3974	0.3907	0.3481	0.488
4101	0.3558	0.3499	0.3107	0.509	5207	0.1647	0.1629	0.1458	0.549
4103	0.5661	0.5549	0.4868	0.569	5208	0.8146	0.8008	0.7094	0.520
4107	0.1614	0.1589	0.1416	0.504	5209	0.7119	0.7023	0.6295	0.478
4108	0.1952	0.1915	0.1685	0.548	5300	0.1268	0.1241	0.1088	0.538
4109	0.2080	0.2050	0.1832	0.503	5301	0.0379	0.0372	0.0328	0.549
4201	0.7100	0.6922	0.6057	0.488	5302	0.0169	0.0167	0.0147	0.510
4301	0.6812	0.6734	0.6032	0.520	5305	0.0606	0.0594	0.0522	0.591
4302	0.6994	0.6857	0.6036	0.528	5306	0.0572	0.0563	0.0498	0.573
4304	0.9374	0.9276	0.8340	0.495	5307	0.6315	0.6172	0.5413	0.518
4305	1.2500	1.2172	1.0578	0.522	5308	0.0988	0.0975	0.0867	0.578
4401	0.4302	0.4268	0.3865	0.480	6103	0.0891	0.0879	0.0782	0.589
4402	0.9040	0.8847	0.7749	0.556	6104	0.3954	0.3883	0.3426	0.557
4404	0.5634	0.5556	0.4957	0.512	6105	0.4067	0.3985	0.3517	0.511
4501	0.1983	0.1952	0.1727	0.586	6107	0.1655	0.1642	0.1476	0.570
4502	0.0414	0.0410	0.0366	0.507	6108	0.4995	0.4925	0.4380	0.545
4504	0.1281	0.1262	0.1115	0.595	6109	0.1110	0.1089	0.0965	0.516
4601	0.8045	0.7897	0.6983	0.506	6110	0.6452	0.6348	0.5634	0.519
4801	2.9958	2.9506	2.6555	0.401	6120	0.3033	0.2972	0.2620	0.520
4802	0.3556	0.3519	0.3169	0.490	6121	0.3681	0.3613	0.3196	0.514
4803	0.3132	0.3101	0.2776	0.560	6201	0.3063	0.3025	0.2722	0.469
4804	0.5148	0.5075	0.4514	0.547	6202	0.6426	0.6344	0.5680	0.500
4805	0.3139	0.3093	0.2743	0.554	6203	0.1167	0.1150	0.1017	0.630
4806	0.0646	0.0638	0.0573	0.515	6204	0.1308	0.1289	0.1145	0.560
4808	0.5085	0.5035	0.4536	0.480	6205	0.2761	0.2718	0.2413	0.530
4809	0.3503	0.3467	0.3113	0.531	6206	0.2513	0.2471	0.2190	0.543
4810	0.1471	0.1456	0.1305	0.546	6207	1.2356	1.2318	1.1242	0.499
4811	0.3394	0.3360	0.3011	0.556	6208	0.2649	0.2620	0.2342	0.553
4812	0.4054	0.3992	0.3548	0.545	6209	0.3312	0.3271	0.2921	0.536
4813	0.1772	0.1749	0.1560	0.550	6301	0.1318	0.1291	0.1145	0.460
4900	0.1758	0.1736	0.1570	0.400	6303	0.0774	0.0760	0.0674	0.517
4901	0.0660	0.0649	0.0579	0.481	6304	0.3981	0.3933	0.3511	0.561
4902	0.1223	0.1197	0.1052	0.539	6305	0.1182	0.1162	0.1024	0.577
4903	0.1676	0.1636	0.1419	0.589	6306	0.3022	0.2972	0.2641	0.515
4904	0.0278	0.0273	0.0244	0.546	6308	0.0724	0.0711	0.0627	0.550
4905	0.4054	0.4014	0.3601	0.542	6309	0.2227	0.2192	0.1943	0.544
4906	0.0990	0.0969	0.0847	0.560	6402	0.2977	0.2919	0.2561	0.587
4907	0.0562	0.0555	0.0496	0.534	6403	0.1934	0.1907	0.1694	0.565
4908	0.0874	0.0874	0.0796	0.548	6404	0.2851	0.2810	0.2500	0.542
4909	0.0406	0.0413	0.0388	0.526	6405	0.5396	0.5307	0.4724	0.495
4910	0.4852	0.4781	0.4263	0.496	6406	0.1374	0.1352	0.1196	0.580
4911	0.0613	0.0605	0.0539	0.493	6407	0.2963	0.2916	0.2584	0.549
5001	7.3796	7.2825	6.5926	0.377	6408	0.4450	0.4368	0.3862	0.526
5002	0.6259	0.6118	0.5355	0.534	6409	0.7265	0.7125	0.6307	0.491
5003	2.1501	2.1124	1.8921	0.405	6410	0.3093	0.3044	0.2704	0.538
5004	0.8100	0.8039	0.7318	0.425	6501	0.1672	0.1642	0.1445	0.556
5005	0.6818	0.6708	0.6007	0.421	6502	0.0328	0.0323	0.0287	0.531
5006	1.4000	1.3794	1.2445	0.381	6503	0.0759	0.0743	0.0655	0.507
5101	0.9268	0.9065	0.7957	0.517	6504	0.4089	0.4034	0.3586	0.581
5103	0.7860	0.7746	0.6892	0.540	6505	0.1196	0.1189	0.1069	0.599
5106	0.7860	0.7746	0.6892	0.540	6506	0.1166	0.1148	0.1019	0.564

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary Ratio</u>
6509	0.3967	0.3916	0.3490	0.547
6510	0.4628	0.4544	0.4040	0.457
6511	0.4121	0.4055	0.3594	0.538
6512	0.1684	0.1656	0.1474	0.494
6601	0.2080	0.2051	0.1830	0.513
6602	0.5686	0.5607	0.4999	0.522
6603	0.3516	0.3455	0.3057	0.531
6604	0.0862	0.0847	0.0750	0.561
6605	0.3779	0.3722	0.3293	0.581
6607	0.1785	0.1754	0.1550	0.533
6608	0.5059	0.4966	0.4453	0.396
6620	3.4169	3.3153	2.8477	0.572
6704	0.1493	0.1467	0.1298	0.544
6705	0.9066	0.8951	0.7965	0.575
6706	0.3141	0.3119	0.2826	0.496
6707	4.9587	4.8517	4.2034	0.664
6708	8.7875	8.8803	8.3466	0.435
6709	0.2866	0.2828	0.2517	0.547
6801	0.6741	0.6569	0.5712	0.546
6802	0.6279	0.6139	0.5355	0.569
6803	0.8328	0.8238	0.7529	0.342
6804	0.3618	0.3562	0.3164	0.540
6809	5.0493	4.9940	4.4681	0.546
6901	0.0191	0.0205	0.0210	0.715
6902	0.9391	0.9234	0.8290	0.403
6903	6.6199	6.6055	6.1538	0.311
6904	0.5390	0.5205	0.4413	0.584
6905	0.4294	0.4183	0.3618	0.581
6906	0.1821	0.1874	0.1799	0.662
6907	1.3578	1.3332	1.1786	0.522
6908	0.4561	0.4484	0.3978	0.510
6909	0.1239	0.1222	0.1086	0.550
7100	0.0328	0.0326	0.0296	0.463
7101	0.0231	0.0230	0.0210	0.441
7102	4.4906	4.4901	4.1042	0.545
7103	0.6907	0.6721	0.5813	0.553
7104	0.0335	0.0329	0.0289	0.580
7105	0.0319	0.0312	0.0275	0.574
7106	0.2617	0.2564	0.2242	0.591
7107	0.2519	0.2496	0.2244	0.546
7108	0.2184	0.2156	0.1918	0.552
7109	0.1614	0.1586	0.1399	0.578
7110	0.3391	0.3327	0.2951	0.475
7111	0.4388	0.4303	0.3823	0.454
7112	0.7112	0.7009	0.6239	0.538
7113	0.4206	0.4147	0.3691	0.538
7114	0.6036	0.5940	0.5241	0.594
7115	0.5815	0.5737	0.5112	0.544
7116	0.6495	0.6391	0.5673	0.511
7117	1.5262	1.5004	1.3282	0.544
7118	1.5250	1.5040	1.3417	0.515
7119	1.4744	1.4421	1.2613	0.548
7120	6.2839	6.1882	5.5174	0.496
7121	5.8696	5.7810	5.1555	0.495
7122	0.5496	0.5408	0.4783	0.571

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary Ratio</u>
7200	1.4295	1.3898	1.2011	0.539
7201	1.6002	1.5632	1.3713	0.494
7202	0.0309	0.0303	0.0269	0.482
7203	0.1322	0.1319	0.1201	0.570
7204	0.0000	0.0000	0.0000	0.500
7205	0.0000	0.0000	0.0000	0.500
7301	0.4468	0.4423	0.3992	0.483
7302	0.9842	0.9743	0.8786	0.482
7307	0.4810	0.4751	0.4254	0.501
7308	0.4646	0.4578	0.4054	0.579
7309	0.2828	0.2795	0.2497	0.556
7400	1.6002	1.5632	1.3713	0.494

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

<u>Class</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>Primary Ratio</u>
0540	0.0173	0.0169	0.0152	0.471
0541	0.0105	0.0101	0.0091	0.444
0550	0.0211	0.0205	0.0184	0.394
0551	0.0136	0.0132	0.0118	0.411

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary Ratio</u>
0540	0.0188	0.0185	0.0167	0.446
0541	0.0109	0.0107	0.0095	0.426
0550	0.0218	0.0214	0.0193	0.387
0551	0.0142	0.0138	0.0125	0.394

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents: Effective ~~(1/1/2010)~~ 1/1/2011

<u>((Expected Loss Range</u>	<u>Maximum Experience Modification</u>
0 - 6,698	0.90
6,699 - 8,180	0.89
8,181 - 9,061	0.88
9,062 - 9,877	0.87
9,878 - 10,737	0.86
10,738 - 11,638	0.85
11,639 - 12,432	0.84
12,433 - 13,237	0.83
13,238 - 14,075	0.82
14,076 - 14,947	0.81
14,948 - 15,854	0.80
15,855 - 16,794	0.79

(Expected Loss Range	Maximum Experience Modification			
		<u>31.892</u>	=	<u>33.384</u> <u>0.67</u>
		<u>33.385</u>	=	<u>34.914</u> <u>0.66</u>
		<u>34.915</u>	=	<u>36.489</u> <u>0.65</u>
<u>16,795</u>	-	<u>17,772</u>		<u>0.78</u> <u>0.64</u>
<u>17,773</u>	-	<u>18,783</u>		<u>0.77</u> <u>0.63</u>
<u>18,784</u>	-	<u>19,831</u>		<u>0.76</u> <u>0.62</u>
<u>19,832</u>	-	<u>20,914</u>		<u>0.75</u> <u>0.61</u>
<u>20,915</u>	-	<u>22,033</u>		<u>0.74</u> <u>0.60</u>
<u>22,034</u>	-	<u>23,189</u>		<u>0.73</u>
<u>23,190</u>	-	<u>24,383</u>		<u>0.72</u>
<u>24,384</u>	-	<u>25,613</u>		<u>0.71</u>
<u>25,614</u>	-	<u>26,881</u>		<u>0.70</u>
<u>26,882</u>	-	<u>28,187</u>		<u>0.69</u>
<u>28,188</u>	-	<u>29,529</u>		<u>0.68</u>
<u>29,530</u>	-	<u>30,911</u>		<u>0.67</u>
<u>30,912</u>	-	<u>32,328</u>		<u>0.66</u>
<u>32,329</u>	-	<u>33,786</u>		<u>0.65</u>
<u>33,787</u>	-	<u>36,057</u>		<u>0.64</u>
<u>36,058</u>	-	<u>39,146</u>		<u>0.63</u>
<u>39,147</u>	-	<u>42,717</u>		<u>0.62</u>
<u>42,718</u>	-	<u>49,659</u>		<u>0.61</u>
<u>49,660</u>	& Over			<u>0.60</u>)

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, ((2010)) 2011	
	Accident Fund	Medical Aid Fund
((0101	1.4171	0.8290
0103	1.9338	1.2162
0104	1.0096	0.6354
0105	1.3556	0.9833
0107	1.5715	0.7938
0108	1.0096	0.6354
0112	0.7694	0.4834
0201	3.3385	1.3070
0202	3.7335	2.0036
0210	1.3643	0.6803
0212	1.5700	0.8234
0214	1.7231	0.8805
0217	1.1270	0.6759
0219	1.2680	0.8069
0301	0.6707	0.5364
0302	2.3884	1.1450
0303	2.1114	1.0183
0306	1.1288	0.6136
0307	1.0347	0.6405
0308	0.5270	0.4717
0403	1.8851	1.2485
0502	1.5522	0.8223
0504	1.8623	1.2855
0507	3.1354	2.1578
0508	2.3390	1.0577
0509	2.3461	1.1925
0510	1.8754	1.2515
0511	1.8230	1.0339
0512	1.8524	1.0148
0513	0.8355	0.5102

Expected Loss Range	Maximum Experience Modification
<u>0</u> = <u>7,234</u>	<u>0.90</u>
<u>7,235</u> = <u>8,834</u>	<u>0.89</u>
<u>8,835</u> = <u>9,786</u>	<u>0.88</u>
<u>9,787</u> = <u>10,667</u>	<u>0.87</u>
<u>10,668</u> = <u>11,596</u>	<u>0.86</u>
<u>11,597</u> = <u>12,569</u>	<u>0.85</u>
<u>12,570</u> = <u>13,427</u>	<u>0.84</u>
<u>13,428</u> = <u>14,296</u>	<u>0.83</u>
<u>14,297</u> = <u>15,201</u>	<u>0.82</u>
<u>15,202</u> = <u>16,143</u>	<u>0.81</u>
<u>16,144</u> = <u>17,122</u>	<u>0.80</u>
<u>17,123</u> = <u>18,138</u>	<u>0.79</u>
<u>18,139</u> = <u>19,194</u>	<u>0.78</u>
<u>19,195</u> = <u>20,286</u>	<u>0.77</u>
<u>20,287</u> = <u>21,418</u>	<u>0.76</u>
<u>21,419</u> = <u>22,587</u>	<u>0.75</u>
<u>22,588</u> = <u>23,796</u>	<u>0.74</u>
<u>23,797</u> = <u>25,044</u>	<u>0.73</u>
<u>25,045</u> = <u>26,334</u>	<u>0.72</u>
<u>26,335</u> = <u>27,662</u>	<u>0.71</u>
<u>27,663</u> = <u>29,032</u>	<u>0.70</u>
<u>29,033</u> = <u>30,442</u>	<u>0.69</u>
<u>30,443</u> = <u>31,891</u>	<u>0.68</u>

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
0514	2.1954	1.2756	1802	0.8426	0.6411
0516	1.7452	1.0601	2002	0.7986	0.6569
0517	2.2429	1.4494	2004	0.9340	0.7782
0518	1.6739	0.9394	2007	0.5582	0.4592
0519	2.2514	1.3304	2008	0.3639	0.2948
0521	0.6528	0.4036	2009	0.4009	0.3796
0601	0.7014	0.4297	2101	0.7088	0.5904
0602	0.9119	0.4800	2102	0.5491	0.5042
0603	1.3023	0.6556	2104	0.2933	0.3622
0604	1.0991	0.8748	2105	0.5858	0.4942
0606	0.5892	0.4476	2106	0.4456	0.4007
0607	0.6405	0.4453	2201	0.2549	0.2160
0608	0.3793	0.2749	2202	0.7879	0.5985
0701	2.6692	0.8643	2203	0.4773	0.4394
0803	0.5012	0.3928	2204	0.2549	0.2160
0901	1.6739	0.9394	2401	0.6002	0.3776
1002	1.1556	0.8052	2903	0.6590	0.5855
1003	0.8526	0.6326	2904	0.7282	0.5975
1004	0.6353	0.3850	2905	0.6153	0.5586
1005	10.0027	5.4183	2906	0.3636	0.3214
1007	0.4178	0.2336	2907	0.5502	0.4716
1101	0.8323	0.6186	2908	1.1640	0.8225
1102	1.6845	0.9535	2909	0.4014	0.3672
1103	1.3856	0.9186	3101	0.8596	0.5807
1104	0.5841	0.5301	3102	0.3026	0.2349
1105	0.9692	0.6107	3103	0.5839	0.4394
1106	0.3297	0.3397	3104	0.6910	0.4946
1108	0.6918	0.5210	3105	0.7751	0.6618
1109	1.6232	1.1602	3303	0.4543	0.3759
1301	0.6755	0.4030	3304	0.4710	0.4735
1303	0.2296	0.1777	3309	0.4301	0.3308
1304	0.0325	0.0245	3402	0.6066	0.4628
1305	0.5022	0.3979	3403	0.2269	0.1753
1401	0.4683	0.4139	3404	0.5421	0.4520
1404	0.8551	0.6952	3405	0.3139	0.2830
1405	0.6934	0.5449	3406	0.2340	0.2224
1407	0.5018	0.4713	3407	0.9562	0.5987
1501	0.6745	0.4526	3408	0.2141	0.1754
1507	0.6612	0.4698	3409	0.1607	0.1541
1701	1.0210	0.6847	3410	0.2693	0.2555
1702	2.5362	1.0757	3411	0.5572	0.3813
1703	1.1360	0.4290	3412	0.7240	0.4160
1704	1.0210	0.6847	3414	0.6268	0.4499
1801	0.5465	0.3923	3415	0.9404	0.6604

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3501	1.1501	0.8573	4805	0.2827	0.2909
3503	0.2669	0.3257	4806	0.0602	0.0591
3506	1.1081	0.6052	4808	0.4878	0.4655
3509	0.3939	0.3892	4809	0.3266	0.3530
3510	0.3614	0.3151	4810	0.1324	0.1525
3511	0.7003	0.5643	4811	0.2869	0.3416
3512	0.3638	0.3723	4812	0.3979	0.3819
3513	0.4852	0.4738	4813	0.1530	0.1654
3602	0.1356	0.1148	4900	0.2575	0.1366
3603	0.4839	0.4354	4901	0.0782	0.0555
3604	0.7954	0.7977	4902	0.1288	0.0962
3605	0.5918	0.4192	4903	0.1730	0.1435
3701	0.3026	0.2349	4904	0.0279	0.0273
3702	0.4686	0.3837	4905	0.3406	0.3978
3708	0.6605	0.4568	4906	0.1024	0.0834
3802	0.2084	0.1845	4907	0.0545	0.0541
3808	0.4888	0.3266	4908	0.0806	0.1218
3901	0.1579	0.1826	4909	0.0382	0.0669
3902	0.4684	0.4432	4910	0.5009	0.4089
3903	1.0645	1.0981	4911	0.0634	0.0524
3905	0.1444	0.1662	5001	8.4242	4.3361
3906	0.4899	0.4481	5002	0.6681	0.4872
3909	0.2702	0.2707	5003	2.6380	1.3541
4002	1.4751	0.8685	5004	0.8890	0.6982
4101	0.3687	0.2912	5005	0.7338	0.4382
4103	0.5002	0.4946	5006	1.8037	0.9098
4107	0.1727	0.1409	5101	0.9643	0.7056
4108	0.1857	0.1589	5103	0.7549	0.7505
4109	0.2167	0.1816	5106	0.7549	0.7505
4201	0.8514	0.4386	5108	0.8738	0.8176
4301	0.6312	0.6235	5109	0.5952	0.4182
4302	0.7332	0.5802	5201	0.4450	0.3385
4304	0.9278	0.8790	5204	1.0081	0.6895
4305	1.4217	0.8551	5206	0.4385	0.2985
4401	0.4275	0.4082	5207	0.1522	0.1736
4402	0.8814	0.7486	5208	0.8554	0.7154
4404	0.5500	0.4857	5209	0.7818	0.6011
4501	0.1831	0.2083	5300	0.1327	0.1029
4502	0.0412	0.0392	5301	0.0393	0.0342
4504	0.1062	0.1284	5302	0.0180	0.0156
4601	0.8262	0.6540	5305	0.0544	0.0554
4802	0.3456	0.3288	5306	0.0569	0.0586
4803	0.2709	0.3226	5307	0.6843	0.4378
4804	0.5040	0.4945	5308	0.0910	0.0973

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
6103	0.0785	0.0929	6601	0.1992	0.1824
6104	0.3692	0.3480	6602	0.5314	0.4813
6105	0.4232	0.3039	6603	0.3655	0.2939
6107	0.1442	0.1821	6604	0.0828	0.0818
6108	0.4638	0.4655	6605	0.3174	0.3731
6109	0.1177	0.0910	6607	0.1711	0.1566
6110	0.6429	0.5387	6608	0.6901	0.2936
6120	0.3149	0.2402	6620	3.7083	2.4009
6121	0.3910	0.2994	6704	0.1546	0.1354
6201	0.3403	0.2493	6705	0.7293	0.8933
6202	0.6530	0.5826	6706	0.2918	0.3046
6203	0.0925	0.1277	6707	4.0650	5.0433
6204	0.1183	0.1208	6708	7.0901	10.5720
6205	0.2728	0.2393	6709	0.2563	0.2809
6206	0.2415	0.2228	6801	0.7462	0.4947
6207	1.0143	1.2759	6802	0.6026	0.5085
6208	0.2244	0.2592	6803	1.1557	0.5314
6209	0.3077	0.3166	6804	0.3567	0.3226
6301	0.1609	0.0880	6809	4.7521	5.4232
6303	0.0762	0.0610	6901	0.0000	0.0687
6304	0.3542	0.4100	6902	1.2346	0.5839
6305	0.1049	0.1123	6903	8.5839	4.8015
6306	0.3104	0.2629	6904	0.5686	0.3353
6308	0.0699	0.0643	6905	0.4538	0.3325
6309	0.2111	0.1985	6906	0.0000	0.3325
6402	0.2715	0.2652	6907	1.3582	1.0936
6403	0.1738	0.1925	6908	0.4740	0.3841
6404	0.2606	0.2635	6909	0.1230	0.1210
6405	0.6054	0.4414	7100	0.0332	0.0298
6406	0.1197	0.1319	7101	0.0256	0.0213
6407	0.2795	0.2637	7102	3.1418	5.3264
6408	0.4542	0.3596	7103	0.7334	0.4845
6409	0.8423	0.5516	7104	0.0317	0.0323
6410	0.3063	0.2770	7105	0.0298	0.0296
6501	0.1664	0.1496	7106	0.2208	0.2251
6502	0.0357	0.0308	7107	0.2138	0.2577
6503	0.0913	0.0569	7108	0.1890	0.2086
6504	0.3467	0.4042	7109	0.1393	0.1477
6505	0.0950	0.1352	7110	0.3825	0.2465
6506	0.1047	0.1099	7111	0.4967	0.2923
6509	0.3708	0.3856	7112	0.6743	0.6337
6510	0.5342	0.3342	7113	0.3770	0.3843
6511	0.3872	0.3769	7114	0.4426	0.5004
6512	0.1844	0.1476	7115	0.5418	0.5626

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
7116	<u>0.6358</u>	<u>0.5641</u>	<u>0509</u>	<u>2.9627</u>	<u>1.0077</u>
7117	<u>1.6923</u>	<u>1.5334</u>	<u>0510</u>	<u>2.5862</u>	<u>1.1644</u>
7118	<u>1.4536</u>	<u>1.3427</u>	<u>0511</u>	<u>2.3325</u>	<u>0.9043</u>
7119	<u>1.4657</u>	<u>1.1602</u>	<u>0512</u>	<u>2.3533</u>	<u>0.9083</u>
7120	<u>6.5297</u>	<u>5.2259</u>	<u>0513</u>	<u>1.1211</u>	<u>0.4589</u>
7121	<u>6.0861</u>	<u>4.8878</u>	<u>0514</u>	<u>2.7704</u>	<u>1.1316</u>
7122	<u>0.5045</u>	<u>0.5382</u>	<u>0516</u>	<u>2.3543</u>	<u>0.9553</u>
7200	<u>1.5557</u>	<u>0.9474</u>	<u>0517</u>	<u>3.1373</u>	<u>1.3718</u>
7201	<u>1.7720</u>	<u>1.0474</u>	<u>0518</u>	<u>2.1988</u>	<u>0.7991</u>
7202	<u>0.0377</u>	<u>0.0240</u>	<u>0519</u>	<u>2.7689</u>	<u>1.1423</u>
7203	<u>0.1054</u>	<u>0.1650</u>	<u>0521</u>	<u>0.8247</u>	<u>0.3570</u>
7204	<u>0.0000</u>	<u>0.0000</u>	<u>0601</u>	<u>0.9101</u>	<u>0.3730</u>
7205	<u>0.0000</u>	<u>0.0000</u>	<u>0602</u>	<u>1.1677</u>	<u>0.4150</u>
7301	<u>0.4802</u>	<u>0.4316</u>	<u>0603</u>	<u>1.6954</u>	<u>0.5583</u>
7302	<u>0.9712</u>	<u>0.8900</u>	<u>0604</u>	<u>1.4682</u>	<u>0.8126</u>
7307	<u>0.4627</u>	<u>0.4419</u>	<u>0606</u>	<u>0.7735</u>	<u>0.4001</u>
7308	<u>0.3701</u>	<u>0.4328</u>	<u>0607</u>	<u>0.8759</u>	<u>0.4264</u>
7309	<u>0.2372</u>	<u>0.2761</u>	<u>0608</u>	<u>0.4980</u>	<u>0.2435</u>
7400	<u>1.7720</u>	<u>1.0474))</u>	<u>0701</u>	<u>3.4669</u>	<u>0.7652</u>
<u>0101</u>	<u>1.9913</u>	<u>0.7878</u>	<u>0803</u>	<u>0.6659</u>	<u>0.3675</u>
<u>0103</u>	<u>2.5351</u>	<u>1.1235</u>	<u>0901</u>	<u>2.1988</u>	<u>0.7991</u>
<u>0104</u>	<u>1.3529</u>	<u>0.5826</u>	<u>1002</u>	<u>1.4477</u>	<u>0.6931</u>
<u>0105</u>	<u>1.8059</u>	<u>0.8927</u>	<u>1003</u>	<u>1.1163</u>	<u>0.5836</u>
<u>0107</u>	<u>1.9321</u>	<u>0.6800</u>	<u>1004</u>	<u>0.8347</u>	<u>0.3468</u>
<u>0108</u>	<u>1.3529</u>	<u>0.5826</u>	<u>1005</u>	<u>13.1041</u>	<u>4.8573</u>
<u>0112</u>	<u>0.9852</u>	<u>0.4337</u>	<u>1007</u>	<u>0.5492</u>	<u>0.2097</u>
<u>0201</u>	<u>4.4299</u>	<u>1.1360</u>	<u>1101</u>	<u>1.0534</u>	<u>0.5356</u>
<u>0202</u>	<u>4.9314</u>	<u>1.8028</u>	<u>1102</u>	<u>2.2602</u>	<u>0.8662</u>
<u>0210</u>	<u>1.7341</u>	<u>0.6051</u>	<u>1103</u>	<u>1.8269</u>	<u>0.8111</u>
<u>0212</u>	<u>2.0374</u>	<u>0.7248</u>	<u>1104</u>	<u>0.7945</u>	<u>0.4966</u>
<u>0214</u>	<u>2.2476</u>	<u>0.7960</u>	<u>1105</u>	<u>1.2720</u>	<u>0.5289</u>
<u>0217</u>	<u>1.5258</u>	<u>0.6260</u>	<u>1106</u>	<u>0.4243</u>	<u>0.3002</u>
<u>0219</u>	<u>1.8060</u>	<u>0.7492</u>	<u>1108</u>	<u>0.8776</u>	<u>0.4661</u>
<u>0301</u>	<u>0.9229</u>	<u>0.5091</u>	<u>1109</u>	<u>2.0698</u>	<u>1.0129</u>
<u>0302</u>	<u>3.3552</u>	<u>1.0702</u>	<u>1301</u>	<u>0.8501</u>	<u>0.3735</u>
<u>0303</u>	<u>2.7012</u>	<u>0.8922</u>	<u>1303</u>	<u>0.2959</u>	<u>0.1575</u>
<u>0306</u>	<u>1.5059</u>	<u>0.5633</u>	<u>1304</u>	<u>0.0414</u>	<u>0.0214</u>
<u>0307</u>	<u>1.3203</u>	<u>0.5543</u>	<u>1305</u>	<u>0.6984</u>	<u>0.3746</u>
<u>0308</u>	<u>0.6746</u>	<u>0.4431</u>	<u>1401</u>	<u>0.6005</u>	<u>0.3679</u>
<u>0403</u>	<u>2.5384</u>	<u>1.1181</u>	<u>1404</u>	<u>1.1704</u>	<u>0.6736</u>
<u>0502</u>	<u>2.0327</u>	<u>0.7345</u>	<u>1405</u>	<u>0.9214</u>	<u>0.5132</u>
<u>0504</u>	<u>2.2999</u>	<u>1.1556</u>	<u>1407</u>	<u>0.6510</u>	<u>0.4292</u>
<u>0507</u>	<u>4.2765</u>	<u>2.0017</u>	<u>1501</u>	<u>0.8992</u>	<u>0.4120</u>
<u>0508</u>	<u>3.1091</u>	<u>0.9358</u>	<u>1507</u>	<u>0.8529</u>	<u>0.4210</u>

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>1701</u>	<u>1.2719</u>	<u>0.5943</u>	<u>3410</u>	<u>0.3235</u>	<u>0.2241</u>
<u>1702</u>	<u>3.2097</u>	<u>0.9132</u>	<u>3411</u>	<u>0.7420</u>	<u>0.3484</u>
<u>1703</u>	<u>1.6080</u>	<u>0.3934</u>	<u>3412</u>	<u>0.9478</u>	<u>0.3729</u>
<u>1704</u>	<u>1.2719</u>	<u>0.5943</u>	<u>3414</u>	<u>0.8479</u>	<u>0.4229</u>
<u>1801</u>	<u>0.6892</u>	<u>0.3369</u>	<u>3415</u>	<u>1.2348</u>	<u>0.6070</u>
<u>1802</u>	<u>1.1057</u>	<u>0.5906</u>	<u>3501</u>	<u>1.4885</u>	<u>0.7634</u>
<u>2002</u>	<u>1.0874</u>	<u>0.6184</u>	<u>3503</u>	<u>0.3506</u>	<u>0.2955</u>
<u>2004</u>	<u>1.1303</u>	<u>0.6476</u>	<u>3506</u>	<u>1.3806</u>	<u>0.5172</u>
<u>2007</u>	<u>0.7360</u>	<u>0.4253</u>	<u>3509</u>	<u>0.4988</u>	<u>0.3438</u>
<u>2008</u>	<u>0.4834</u>	<u>0.2730</u>	<u>3510</u>	<u>0.4737</u>	<u>0.2871</u>
<u>2009</u>	<u>0.5040</u>	<u>0.3296</u>	<u>3511</u>	<u>0.8914</u>	<u>0.4757</u>
<u>2101</u>	<u>0.9474</u>	<u>0.5639</u>	<u>3512</u>	<u>0.4860</u>	<u>0.3371</u>
<u>2102</u>	<u>0.7349</u>	<u>0.4602</u>	<u>3513</u>	<u>0.6427</u>	<u>0.4365</u>
<u>2104</u>	<u>0.3455</u>	<u>0.3159</u>	<u>3602</u>	<u>0.1701</u>	<u>0.0990</u>
<u>2105</u>	<u>0.7380</u>	<u>0.4406</u>	<u>3603</u>	<u>0.6227</u>	<u>0.3812</u>
<u>2106</u>	<u>0.6018</u>	<u>0.3700</u>	<u>3604</u>	<u>1.0074</u>	<u>0.7053</u>
<u>2201</u>	<u>0.3165</u>	<u>0.1895</u>	<u>3605</u>	<u>0.7706</u>	<u>0.3759</u>
<u>2202</u>	<u>1.0588</u>	<u>0.5617</u>	<u>3701</u>	<u>0.3828</u>	<u>0.2103</u>
<u>2203</u>	<u>0.6146</u>	<u>0.4012</u>	<u>3702</u>	<u>0.5979</u>	<u>0.3340</u>
<u>2204</u>	<u>0.3165</u>	<u>0.1895</u>	<u>3708</u>	<u>0.8247</u>	<u>0.4088</u>
<u>2401</u>	<u>0.7634</u>	<u>0.3258</u>	<u>3802</u>	<u>0.2690</u>	<u>0.1670</u>
<u>2903</u>	<u>0.8534</u>	<u>0.5232</u>	<u>3808</u>	<u>0.6450</u>	<u>0.2869</u>
<u>2904</u>	<u>0.9650</u>	<u>0.5256</u>	<u>3901</u>	<u>0.2027</u>	<u>0.1609</u>
<u>2905</u>	<u>0.8463</u>	<u>0.5305</u>	<u>3902</u>	<u>0.5794</u>	<u>0.3970</u>
<u>2906</u>	<u>0.4727</u>	<u>0.2897</u>	<u>3903</u>	<u>1.3755</u>	<u>0.9846</u>
<u>2907</u>	<u>0.7022</u>	<u>0.4117</u>	<u>3905</u>	<u>0.1781</u>	<u>0.1443</u>
<u>2908</u>	<u>1.5599</u>	<u>0.7707</u>	<u>3906</u>	<u>0.6036</u>	<u>0.3939</u>
<u>2909</u>	<u>0.5186</u>	<u>0.3257</u>	<u>3909</u>	<u>0.3757</u>	<u>0.2539</u>
<u>3101</u>	<u>1.0666</u>	<u>0.5099</u>	<u>4002</u>	<u>1.9297</u>	<u>0.7811</u>
<u>3102</u>	<u>0.3828</u>	<u>0.2103</u>	<u>4101</u>	<u>0.4850</u>	<u>0.2625</u>
<u>3103</u>	<u>0.7510</u>	<u>0.3911</u>	<u>4103</u>	<u>0.6908</u>	<u>0.4482</u>
<u>3104</u>	<u>0.9005</u>	<u>0.4504</u>	<u>4107</u>	<u>0.2216</u>	<u>0.1219</u>
<u>3105</u>	<u>1.0063</u>	<u>0.5977</u>	<u>4108</u>	<u>0.2486</u>	<u>0.1483</u>
<u>3303</u>	<u>0.6155</u>	<u>0.3500</u>	<u>4109</u>	<u>0.2790</u>	<u>0.1610</u>
<u>3304</u>	<u>0.6206</u>	<u>0.4369</u>	<u>4201</u>	<u>1.1368</u>	<u>0.4010</u>
<u>3309</u>	<u>0.5616</u>	<u>0.2883</u>	<u>4301</u>	<u>0.8042</u>	<u>0.5812</u>
<u>3402</u>	<u>0.7696</u>	<u>0.4041</u>	<u>4302</u>	<u>0.9412</u>	<u>0.5135</u>
<u>3403</u>	<u>0.2959</u>	<u>0.1562</u>	<u>4304</u>	<u>1.1506</u>	<u>0.7729</u>
<u>3404</u>	<u>0.6782</u>	<u>0.3839</u>	<u>4305</u>	<u>1.8475</u>	<u>0.7679</u>
<u>3405</u>	<u>0.3876</u>	<u>0.2454</u>	<u>4401</u>	<u>0.5530</u>	<u>0.3660</u>
<u>3406</u>	<u>0.3000</u>	<u>0.2015</u>	<u>4402</u>	<u>1.1376</u>	<u>0.6595</u>
<u>3407</u>	<u>1.2442</u>	<u>0.5406</u>	<u>4404</u>	<u>0.7257</u>	<u>0.4496</u>
<u>3408</u>	<u>0.2879</u>	<u>0.1640</u>	<u>4501</u>	<u>0.2356</u>	<u>0.1804</u>
<u>3409</u>	<u>0.2046</u>	<u>0.1350</u>	<u>4502</u>	<u>0.0530</u>	<u>0.0342</u>

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>4504</u>	<u>0.1489</u>	<u>0.1163</u>	<u>5302</u>	<u>0.0232</u>	<u>0.0126</u>
<u>4601</u>	<u>1.0725</u>	<u>0.5809</u>	<u>5305</u>	<u>0.0721</u>	<u>0.0506</u>
<u>4802</u>	<u>0.4396</u>	<u>0.2937</u>	<u>5306</u>	<u>0.0682</u>	<u>0.0486</u>
<u>4803</u>	<u>0.3251</u>	<u>0.2871</u>	<u>5307</u>	<u>0.9034</u>	<u>0.4130</u>
<u>4804</u>	<u>0.6254</u>	<u>0.4329</u>	<u>5308</u>	<u>0.1178</u>	<u>0.0890</u>
<u>4805</u>	<u>0.3669</u>	<u>0.2637</u>	<u>6103</u>	<u>0.0970</u>	<u>0.0832</u>
<u>4806</u>	<u>0.0782</u>	<u>0.0538</u>	<u>6104</u>	<u>0.4796</u>	<u>0.3179</u>
<u>4808</u>	<u>0.6377</u>	<u>0.4155</u>	<u>6105</u>	<u>0.5779</u>	<u>0.2782</u>
<u>4809</u>	<u>0.4028</u>	<u>0.3064</u>	<u>6107</u>	<u>0.1881</u>	<u>0.1615</u>
<u>4810</u>	<u>0.1652</u>	<u>0.1335</u>	<u>6108</u>	<u>0.6024</u>	<u>0.4205</u>
<u>4811</u>	<u>0.3806</u>	<u>0.3139</u>	<u>6109</u>	<u>0.1541</u>	<u>0.0818</u>
<u>4812</u>	<u>0.5049</u>	<u>0.3338</u>	<u>6110</u>	<u>0.8319</u>	<u>0.4926</u>
<u>4813</u>	<u>0.2013</u>	<u>0.1534</u>	<u>6120</u>	<u>0.4159</u>	<u>0.2155</u>
<u>4900</u>	<u>0.2935</u>	<u>0.1084</u>	<u>6121</u>	<u>0.5077</u>	<u>0.2620</u>
<u>4901</u>	<u>0.0977</u>	<u>0.0462</u>	<u>6201</u>	<u>0.4482</u>	<u>0.2248</u>
<u>4902</u>	<u>0.1667</u>	<u>0.0879</u>	<u>6202</u>	<u>0.8486</u>	<u>0.5149</u>
<u>4903</u>	<u>0.2185</u>	<u>0.1273</u>	<u>6203</u>	<u>0.1190</u>	<u>0.1134</u>
<u>4904</u>	<u>0.0347</u>	<u>0.0233</u>	<u>6204</u>	<u>0.1573</u>	<u>0.1105</u>
<u>4905</u>	<u>0.4368</u>	<u>0.3645</u>	<u>6205</u>	<u>0.3494</u>	<u>0.2169</u>
<u>4906</u>	<u>0.1301</u>	<u>0.0736</u>	<u>6206</u>	<u>0.3156</u>	<u>0.1986</u>
<u>4907</u>	<u>0.0711</u>	<u>0.0481</u>	<u>6207</u>	<u>1.3533</u>	<u>1.1700</u>
<u>4908</u>	<u>0.1046</u>	<u>0.1027</u>	<u>6208</u>	<u>0.2892</u>	<u>0.2404</u>
<u>4909</u>	<u>0.0484</u>	<u>0.0588</u>	<u>6209</u>	<u>0.4011</u>	<u>0.2843</u>
<u>4910</u>	<u>0.6414</u>	<u>0.3677</u>	<u>6301</u>	<u>0.2110</u>	<u>0.0781</u>
<u>4911</u>	<u>0.0833</u>	<u>0.0468</u>	<u>6303</u>	<u>0.1055</u>	<u>0.0576</u>
<u>5001</u>	<u>12.2018</u>	<u>4.3539</u>	<u>6304</u>	<u>0.4359</u>	<u>0.3565</u>
<u>5002</u>	<u>0.8691</u>	<u>0.4365</u>	<u>6305</u>	<u>0.1360</u>	<u>0.0995</u>
<u>5003</u>	<u>3.5793</u>	<u>1.1976</u>	<u>6306</u>	<u>0.4104</u>	<u>0.2294</u>
<u>5004</u>	<u>1.1143</u>	<u>0.6147</u>	<u>6308</u>	<u>0.0923</u>	<u>0.0568</u>
<u>5005</u>	<u>1.0563</u>	<u>0.4251</u>	<u>6309</u>	<u>0.2755</u>	<u>0.1803</u>
<u>5006</u>	<u>2.3288</u>	<u>0.8032</u>	<u>6402</u>	<u>0.3511</u>	<u>0.2432</u>
<u>5101</u>	<u>1.3201</u>	<u>0.6259</u>	<u>6403</u>	<u>0.2139</u>	<u>0.1705</u>
<u>5103</u>	<u>0.9733</u>	<u>0.6476</u>	<u>6404</u>	<u>0.3375</u>	<u>0.2372</u>
<u>5106</u>	<u>0.9733</u>	<u>0.6476</u>	<u>6405</u>	<u>0.7690</u>	<u>0.3874</u>
<u>5108</u>	<u>1.1126</u>	<u>0.7164</u>	<u>6406</u>	<u>0.1560</u>	<u>0.1197</u>
<u>5109</u>	<u>0.8092</u>	<u>0.3732</u>	<u>6407</u>	<u>0.3642</u>	<u>0.2415</u>
<u>5201</u>	<u>0.5756</u>	<u>0.2947</u>	<u>6408</u>	<u>0.6186</u>	<u>0.3278</u>
<u>5204</u>	<u>1.3306</u>	<u>0.6267</u>	<u>6409</u>	<u>1.0728</u>	<u>0.4862</u>
<u>5206</u>	<u>0.5788</u>	<u>0.2774</u>	<u>6410</u>	<u>0.4050</u>	<u>0.2482</u>
<u>5207</u>	<u>0.1868</u>	<u>0.1474</u>	<u>6501</u>	<u>0.2056</u>	<u>0.1309</u>
<u>5208</u>	<u>1.0667</u>	<u>0.6243</u>	<u>6502</u>	<u>0.0430</u>	<u>0.0264</u>
<u>5209</u>	<u>0.9967</u>	<u>0.5315</u>	<u>6503</u>	<u>0.1168</u>	<u>0.0499</u>
<u>5300</u>	<u>0.1750</u>	<u>0.0907</u>	<u>6504</u>	<u>0.4511</u>	<u>0.3708</u>
<u>5301</u>	<u>0.0500</u>	<u>0.0293</u>	<u>6505</u>	<u>0.1253</u>	<u>0.1286</u>

Class	Base Rates Effective January 1, ((2010)) 2011	
	Accident Fund	Medical Aid Fund
<u>6506</u>	<u>0.1400</u>	<u>0.0983</u>
<u>6509</u>	<u>0.4618</u>	<u>0.3430</u>
<u>6510</u>	<u>0.6914</u>	<u>0.2977</u>
<u>6511</u>	<u>0.4964</u>	<u>0.3297</u>
<u>6512</u>	<u>0.2199</u>	<u>0.1241</u>
<u>6601</u>	<u>0.2611</u>	<u>0.1658</u>
<u>6602</u>	<u>0.6892</u>	<u>0.4561</u>
<u>6603</u>	<u>0.4616</u>	<u>0.2673</u>
<u>6604</u>	<u>0.1046</u>	<u>0.0723</u>
<u>6605</u>	<u>0.4466</u>	<u>0.3399</u>
<u>6607</u>	<u>0.2209</u>	<u>0.1396</u>
<u>6608</u>	<u>0.9037</u>	<u>0.2611</u>
<u>6620</u>	<u>4.8059</u>	<u>2.1491</u>
<u>6704</u>	<u>0.1886</u>	<u>0.1176</u>
<u>6705</u>	<u>0.9772</u>	<u>0.8269</u>
<u>6706</u>	<u>0.3719</u>	<u>0.2689</u>
<u>6707</u>	<u>5.3057</u>	<u>4.5925</u>
<u>6708</u>	<u>9.0627</u>	<u>9.6007</u>
<u>6709</u>	<u>0.3327</u>	<u>0.2475</u>
<u>6801</u>	<u>1.0011</u>	<u>0.4451</u>
<u>6802</u>	<u>0.8080</u>	<u>0.4691</u>
<u>6803</u>	<u>1.4912</u>	<u>0.4620</u>
<u>6804</u>	<u>0.4633</u>	<u>0.2922</u>
<u>6809</u>	<u>6.1440</u>	<u>4.6455</u>
<u>6901</u>	<u>0.0000</u>	<u>0.0556</u>
<u>6902</u>	<u>1.5697</u>	<u>0.5264</u>
<u>6903</u>	<u>11.1708</u>	<u>4.2851</u>
<u>6904</u>	<u>0.7841</u>	<u>0.3207</u>
<u>6905</u>	<u>0.5840</u>	<u>0.3035</u>
<u>6906</u>	<u>0.0000</u>	<u>0.3035</u>
<u>6907</u>	<u>1.7689</u>	<u>1.0013</u>
<u>6908</u>	<u>0.6193</u>	<u>0.3398</u>
<u>6909</u>	<u>0.1527</u>	<u>0.1049</u>
<u>7100</u>	<u>0.0430</u>	<u>0.0267</u>
<u>7101</u>	<u>0.0328</u>	<u>0.0187</u>
<u>7102</u>	<u>3.9953</u>	<u>4.7758</u>
<u>7103</u>	<u>0.9515</u>	<u>0.4477</u>
<u>7104</u>	<u>0.0413</u>	<u>0.0280</u>
<u>7105</u>	<u>0.0388</u>	<u>0.0257</u>
<u>7106</u>	<u>0.2962</u>	<u>0.2115</u>
<u>7107</u>	<u>0.2785</u>	<u>0.2329</u>
<u>7108</u>	<u>0.2421</u>	<u>0.1895</u>
<u>7109</u>	<u>0.1856</u>	<u>0.1356</u>
<u>7110</u>	<u>0.4979</u>	<u>0.2199</u>

Class	Base Rates Effective January 1, ((2010)) 2011	
	Accident Fund	Medical Aid Fund
<u>7111</u>	<u>0.6881</u>	<u>0.2689</u>
<u>7112</u>	<u>0.8836</u>	<u>0.5824</u>
<u>7113</u>	<u>0.4934</u>	<u>0.3486</u>
<u>7114</u>	<u>0.6384</u>	<u>0.5343</u>
<u>7115</u>	<u>0.6760</u>	<u>0.4897</u>
<u>7116</u>	<u>0.8163</u>	<u>0.4955</u>
<u>7117</u>	<u>1.9260</u>	<u>1.1988</u>
<u>7118</u>	<u>1.8834</u>	<u>1.2199</u>
<u>7119</u>	<u>1.8968</u>	<u>1.0593</u>
<u>7120</u>	<u>8.4798</u>	<u>4.6818</u>
<u>7121</u>	<u>7.9178</u>	<u>4.3832</u>
<u>7122</u>	<u>0.6200</u>	<u>0.4649</u>
<u>7200</u>	<u>2.0381</u>	<u>0.8820</u>
<u>7201</u>	<u>2.3671</u>	<u>0.9828</u>
<u>7202</u>	<u>0.0466</u>	<u>0.0204</u>
<u>7203</u>	<u>0.1338</u>	<u>0.1458</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7205</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7301</u>	<u>0.5904</u>	<u>0.3625</u>
<u>7302</u>	<u>1.2378</u>	<u>0.7953</u>
<u>7307</u>	<u>0.5858</u>	<u>0.3912</u>
<u>7308</u>	<u>0.5195</u>	<u>0.4157</u>
<u>7309</u>	<u>0.3086</u>	<u>0.2521</u>
<u>7400</u>	<u>2.3671</u>	<u>0.9828</u>

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Class	Base Rates Effective January 1, ((2010)) 2011		
	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((0540))	<u>0.0220</u>	<u>0.0132</u>	<u>0.0008</u>
<u>0541</u>	<u>0.0141</u>	<u>0.0071</u>	<u>0.0008</u>
<u>0550</u>	<u>0.0295</u>	<u>0.0137</u>	<u>0.0008</u>
<u>0551</u>	<u>0.0193</u>	<u>0.0084</u>	<u>0.0008</u>)
<u>0540</u>	<u>0.0285</u>	<u>0.0124</u>	<u>0.0009</u>
<u>0541</u>	<u>0.0180</u>	<u>0.0063</u>	<u>0.0009</u>
<u>0550</u>	<u>0.0366</u>	<u>0.0124</u>	<u>0.0009</u>
<u>0551</u>	<u>0.0246</u>	<u>0.0074</u>	<u>0.0009</u>

AMENDATORY SECTION (Amending WSR 10-17-028, filed 8/9/10, effective 9/9/10)

WAC 296-17-89503 Farm internship program industrial insurance, accident fund and medical aid fund by class.

Class	Base Rates Effective June 11, ((2010)) 2011	
	Accident Fund	Medical Aid Fund
((4814	.0960	.1384
4815	.2042	.3300
4816	.3345	.4912))
4814	<u>0.1246</u>	<u>0.1241</u>
4815	<u>0.2651</u>	<u>0.2960</u>
4816	<u>0.4342</u>	<u>0.4406</u>

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-89504 Horse racing industry industrial insurance, medical aid, and supplemental pension by class.

Class	Base Rates Effective January 1, ((2010)) 2011		
	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((6614	59*	65*	+
6615	357*	377*	+
6616	13*	11*	+
6617	111*	98*	+
6618	99*	50*	+
6622	69**	75**	+
6623	22**	17**	+))
6614	<u>83*</u>	<u>66*</u>	<u>1</u>
6615	<u>479*</u>	<u>340*</u>	<u>1</u>
6616	<u>18*</u>	<u>11*</u>	<u>1</u>
6617	<u>147*</u>	<u>87*</u>	<u>1</u>
6618	<u>99*</u>	<u>50*</u>	<u>1</u>
6622	<u>95**</u>	<u>74**</u>	<u>1</u>
6623	<u>30**</u>	<u>14**</u>	<u>1</u>

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.
 ** These rates are calculated on a per horse stall for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ((48.5)) 53.9 mils (\$((0.0485)) 0.0539) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the

employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-86502 Medical aid experience modification limitations.

NEW SECTION

WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

**RETROSPECTIVE RATING STANDARD
 PREMIUM SIZE RANGES
 Effective January 1, 2011**

Size Group Number	Standard Premium Range	
	From:	To:
1	\$ 5,610 -	\$ 6,559
2	6,560 -	7,419
3	7,420 -	8,349
4	8,350 -	9,359
5	9,360 -	10,429
6	10,430 -	11,569
7	11,570 -	12,799
8	12,800 -	14,099
9	14,100 -	15,479
10	15,480 -	16,929
11	16,930 -	18,489
12	18,490 -	20,129
13	20,130 -	21,879
14	21,880 -	23,729
15	23,730 -	25,679
16	25,680 -	27,759
17	27,760 -	29,949
18	29,950 -	32,279
19	32,280 -	34,729
20	34,730 -	37,339
21	37,340 -	40,109
22	40,110 -	43,049
23	43,050 -	46,169
24	46,170 -	49,489
25	49,490 -	53,009
26	53,010 -	56,759

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
27	56,760	60,749	73	12,200,000	31,209,999
28	60,750	64,999	74	31,210,000	and over
29	65,000	69,529			
30	69,530	74,359			
31	74,360	79,529			
32	79,530	85,069			
33	85,070	91,009			
34	91,010	97,379			
35	97,380	104,199			
36	104,200	111,599			
37	111,600	119,699			
38	119,700	128,199			
39	128,200	137,499			
40	137,500	147,499			
41	147,500	158,199			
42	158,200	169,799			
43	169,800	182,199			
44	182,200	195,799			
45	195,800	210,399			
46	210,400	226,299			
47	226,300	243,599			
48	243,600	262,499			
49	262,500	283,299			
50	283,300	305,999			
51	306,000	331,199			
52	331,200	359,199			
53	359,200	390,299			
54	390,300	424,999			
55	425,000	464,199			
56	464,200	508,599			
57	508,600	558,899			
58	558,900	616,899			
59	616,900	683,699			
60	683,700	761,699			
61	761,700	853,499			
62	853,500	962,999			
63	963,000	1,094,999			
64	1,095,000	1,257,999			
65	1,258,000	1,460,999			
66	1,461,000	1,723,999			
67	1,724,000	2,070,999			
68	2,071,000	2,554,999			
69	2,555,000	3,268,999			
70	3,269,000	4,446,999			
71	4,447,000	6,664,999			
72	6,665,000	12,199,999			

WSR 11-04-070
PERMANENT RULES
TRANSPORTATION COMMISSION
 [Filed January 28, 2011, 4:17 p.m., see below]

Effective Date of Rule: Contingent upon legislative action regarding toll rates and fees, these WAC rules take effect immediately upon the certification by the secretary of transportation that the new statewide tolling operations center and the photo toll system are fully operational.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The secretary of transportation must certify that the new statewide tolling operations center and photo toll system are fully operational.

Purpose: To adopt proposed amendments to the existing chapter 486-270 WAC, in consideration of public comments and commission review, that will establish toll rates and vehicle exemptions, requirements for vehicle exemptions and allowable use of funds for the Tacoma Narrows Bridge.

Citation of Existing Rules Affected by this Order: Amending WAC 468-270-010, 468-270-070, and 468-270-090.

Statutory Authority for Adoption: RCW 47.46.100 (1) and (2), 47.46.105(1), 47.56.030 (1)(b), 47.56.795(6), 47.56.165(4).

Adopted under notice filed as WSR 11-01-127 on January 25, 2011 [December 20, 2010].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 3, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 25, 2011.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-010 Who sets the toll rates and exemptions? The Washington state transportation commis-

sion determines and establishes toll rates and exemptions for state toll facilities in Washington ((pursuant to RCW 47.56.030; 47.46.100 (Tacoma Narrows Bridge); and RCW 47.56.403 (SR 167 HOT lanes))).

NEW SECTION

WAC 468-270-045 Which Tacoma Narrows Bridge costs may be paid with toll revenues? Costs that may be paid with toll revenues must directly relate to the Tacoma Narrows Bridge and may include costs related to debt service, operations, maintenance, insurance and management. The commission will review detailed financial information including quarterly reports on toll expenditures as provided by the department to determine the appropriate costs to be paid with toll revenues. Determinations will, at a minimum, be based upon the costs allowed under current law, including RCW 47.46.100, 47.46.110, 47.46.140, 47.56.165, and 47.56.245 which include:

- (1) Maintenance, operations, repairs, insurance, and management;
- (2) Debt service payments on bonds issued, financing, and costs associated with complying with all financial and other covenants made by the state in the bond proceedings; and
- (3) Obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities.

AMENDATORY SECTION (Amending WSR 09-13-038, filed 6/10/09, effective 7/11/09)

WAC 468-270-070 What ((will)) are the toll rates ((be for)) on the Tacoma Narrows Bridge? The toll charges for the Tacoma Narrows Bridge are shown in Table 1.

((Tacoma Narrows Bridge Proposed Toll Rates¹ for All Vehicles²

Vehicle Type	Axles	Cash	Electronic ³
Passenger vehicle/Motoreycle	2	\$4.00	\$2.75
Passenger vehicle with small trailer	3	\$6.00	\$4.15
Tractor trailer rig/Passenger vehicle with trailer	4	\$8.00	\$5.50
Tractor trailer with big trailer	5	\$10.00	\$6.90
Tractor trailer with bigger trailer (6 or more axles)	6	\$12.00	\$8.25

Note: ¹The toll rates are in effect until changed by the commission.

²The base toll rate per axle. It is only used to calculate multi-axle rates, which are calculated as a multiplier of the base toll rate (\$2.00 for cash and \$1.375 for electronic toll rates).

³The rate for the electronic tolls has been rounded up to the nearest five cents where appropriate.)

**Table 1
Tacoma Narrows Bridge Toll Rates**

Vehicle Axles	Good To Go! TM Pass	Cash	Pay By Mail
2	\$2.75	\$4.00	\$5.50
3	\$4.15	\$6.00	\$8.25
4	\$5.50	\$8.00	\$11.00
5	\$6.90	\$10.00	\$13.75
6 or more	\$8.25	\$12.00	\$16.50

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

WAC 468-270-090 What vehicles are exempt from paying tolls on the Tacoma Narrows Bridge? Except as provided herein, all vehicles crossing the Tacoma Narrows Bridge in an eastbound direction must pay the required toll. ((All vehicles that use the ETC lanes on the Tacoma Narrows Bridge must have a transponder and a valid "Good To Go!TM" account. Emergency vehicles not equipped with transponders must pay cash as a cash customer.)) Only qualified vehicles may be exempted from paying tolls. The registered owner and operator of the qualified vehicle must comply with the requirements of the department in order to maintain the exemption. The following vehicles shall qualify for exemptions:

(1) ((Only the following vehicles providing service directly to the Tacoma Narrows Bridge are exempt from paying tolls, but must be equipped with transponders:

(a) Washington state department of transportation (WSDOT)) Department maintenance vehicles directly involved in bridge and roadway maintenance on the Tacoma Narrows Bridge;

((b)) (2) Washington state patrol vehicles directly providing service to the SR 16 corridor in the vicinity of the Tacoma Narrows Bridge; ((c) Vehicles under the Tacoma Narrows Bridge design build contract that must cross the bridge as part of their construction duties to complete the requirements of the design build contract. This exemption status will expire on July 1, 2008, or upon completion of their construction duties, whichever comes first.

(2)) and

(3) Authorized emergency vehicles on bona fide emergencies ((as defined herein may apply for credit for their emergency trips and for the return trip from an emergency call.

(a) To be eligible for a credit, an authorized emergency vehicle must be equipped with a transponder and have an authorized prepaid account.

(b) Emergency vehicles that use the ETC lanes on a bona fide emergency may apply for a credit for each emergency trip. The credit must be applied for within six months of the trip date. The department will establish and oversee the procedure for emergency vehicle toll credits)).

NEW SECTION

WAC 468-270-095 What is required to claim an exemption on the Tacoma Narrows Bridge and the SR 520 Bridge? Unless otherwise provided in this chapter and described in chapter 468-305 WAC, in order to receive the exemption and to maintain eligibility for toll exemptions, the department may require that the registered owner of the qualified vehicle or an authorized representative of the owner:

- (1) Open and maintain in good standing a "Good To Go!TM" toll account;
- (2) Equip the vehicle with a pass;
- (3) Equip the vehicle with identification signage; and/or
- (4) Submit a certification that the vehicle meets the exemption requirements.

WSR 11-04-074**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Financial Services Administration)

[Filed January 31, 2011, 11:08 a.m., effective March 3, 2011]

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

Purpose: A. Rules to promote timeliness.

1. Prehearing conferences: The proposed rule revision makes a prehearing conference mandatory if a prehearing conference is requested by either party and clarifies the administrative law judge's (ALJ) responsibility to record the prehearing. Prehearing conferences can help expedite or settle cases.

2. Notice of hearings: The proposed rule revision requires the office of administrative hearings (OAH) to mail hearing notices not less than fourteen days before the hearing in most situations and requires rescheduling if requested by a party when adequate notice is not given. The proposed rule revision also requires OAH to send copies of requests for hearing to the department unless the request was received from the department. These changes support prehearing planning and opportunities for communication and settlement.

3. Late requests for review: The proposed rule revision changes the standard for granting review when a request is late from "good reason" to "good cause" to comport with the standard used elsewhere in the rules regarding the issues of lateness or failure to act.

4. Hearing record content: The proposed rule revision sets forth the required contents for administrative hearing files. Missing items can delay board of appeals (BOA) review.

B. Rules to make other process improvements.

5. Review standards: The proposed rule revision deletes review standards from the hearing rules to comport with applicable published case law and the Administrative Procedure Act.

6. What laws apply: The proposed rule revision clarifies that the ALJ should apply the substantive rules that were in effect when the department made its original decision, notwithstanding subsequent amendments, and the procedural

rules that were in effect on the date the procedure was followed.

7. The proposed rule revision clarifies when notice is required regarding assignment of ALJs and the grounds and procedures for a motion of prejudice.

8. The proposed rule revision deletes the ALJ's authority to dismiss or reverse department actions when the department does not attend a prehearing conference.

9. The proposed rule revision addresses the effect of the department's indexed final orders. The RCW permits an agency to cite a final order (such as a BOA review decision) as precedent if it is included in the agency's published index of significant decisions. The proposed rule revision informs parties of this authority.

10. Equitable estoppel: The proposed rule revision clarifies the circumstances under the law in which department statements or actions which were relied upon by the appellant may be used by the appellant to defend against a department action (such as collection of an overpayment). The proposed rule amendments are made so that the rule comports with applicable appellate case law.

11. Limited authority of ALJs: The proposed rule revision clarifies that under existing law, ALJs do not have the same equitable powers as a superior court judge.

12. The proposed rule revision clarifies when and how a hearing can be converted from one format to another (*i.e.* in-person versus telephonic).

13. The proposed rule revision makes corrections for grammar and other minor changes for clarification including correction of the BOA's address.

Citation of Existing Rules Affected by this Order: Amending WAC 388-02-0030, 388-02-0010, 388-02-0025, 388-02-0110, 388-02-0195, 388-02-0205, 388-02-0210, 388-02-0220, 388-02-0230, 388-02-0240, 388-02-0250, 388-02-0260, 388-02-0265, 388-02-0280, 388-02-0340, 388-02-0350, 388-02-0360, 388-02-0480, 388-02-0495, 388-02-0515, 388-02-0575, 388-02-0580, 388-02-0590, and 388-02-0600.

Statutory Authority for Adoption: RCW 34.05.020, 34.05.220.

Adopted under notice filed as WSR 10-19-141 on September 22, 2010.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 24, 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 7, Amended 24, Repealed 0.

Date Adopted: January 27, 2011.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-05 issue of the Register.

WSR 11-04-076
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 31, 2011, 11:37 a.m., effective March 3, 2011]

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

Purpose: A revision to RCW 28A.300.285 in the 2010 legislative session required the office of superintendent of public instruction to adopt rules regarding districts' notification of families and others regarding harassment, intimidation and bullying policies and procedures. The rule is designed to ensure that the required harassment, intimidation and bullying prevention policy and procedure are made available to the entire school community on an annual basis.

Statutory Authority for Adoption: RCW 28A.300.285.

Adopted under notice filed as WSR 10-23-094 on November 16, 2010.

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

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

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

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

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

Date Adopted: January 4, 2011.

Randy Dorn
Superintendent of
Public Instruction

NEW SECTION

WAC 392-400-226 School district rules defining harassment, intimidation and bullying prevention policies and procedures—Distribution of rules. A district's harassment, intimidation and bullying policy and procedure shall be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis. The district will publish, at a minimum, the following materials: Policy and procedure, an incident reporting form and current contact information for the district's harassment, intimidation and bullying compliance officer. If a school district chooses not to distribute such rules to all parents or

guardians, students, employees, and volunteers, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

WSR 11-04-080
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 1, 2011, 8:06 a.m., effective April 1, 2011]

Effective Date of Rule: April 1, 2011.

Purpose: The Federal Occupational Safety and Health Administration (OSHA) directed a change to the existing means of egress language in chapter 296-307 WAC, Safety standards for agriculture, and chapter 296-800 WAC, Safety and health core rules. The department updated the means of egress rule language to make it clear that the minimum ceiling height is seven feet six inches for an exit route. The language also made it clear that no projection from the ceiling can be less than six feet eight inches from the floor.

Citation of Existing Rules Affected by this Order: Amending WAC 296-307-35009 What are the design requirements for exit routes? Updated language to make it clear that an exit route must have a minimum ceiling height of seven feet six inches and that no projection from the ceiling is less than six feet eight inches from the floor.

Amending WAC 296-800-31010 Make sure that exit routes are large enough. Updated language to make it clear that an exit route must have a minimum ceiling height of seven feet six inches and that no projection from the ceiling is less than six feet eight inches from the floor.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 10-20-134 on October 5, 2010.

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

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

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

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

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

Date Adopted: February 1, 2011.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-35009 What are the design requirements for exit routes? You must ensure that each workplace meets each of the following requirements:

- (1) Each exit is a permanent part of the workplace.
- (2) Two exit routes, remote from one another, are available to provide alternate means for employees to safely leave the workplace during an emergency.
 - (a) A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicate that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where fewer than two exit routes are provided.
 - (b) More than two exit routes are available to allow employees to safely leave the workplace during an emergency where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace reasonably suggest that reliance on two exit routes could endanger employees.
 - (3) An exit has only those openings necessary to permit access to, or exit from, occupied areas of the workplace. An opening into an exit is protected by a self-closing fire door that remains closed. Each fire door, its frame, and hardware are listed or approved by a nationally recognized testing laboratory.
 - (4) Construction materials used to separate an exit have a 1-hour fire resistance rating if the exit connects three or fewer stories. Construction materials used to separate an exit have a 2-hour fire resistance rating if the exit connects 4 or more stories.
 - (5) Free and unobstructed access to each exit route is provided to ensure safe exit during an emergency.
 - (a) The exit route is free of material or equipment.
 - (b) Employees are not required to travel through a room that can be locked, such as a bathroom, or toward a dead end to reach an exit.
 - (c) Stairs or a ramp are used if the exit route is not substantially level.
 - (6) An exit leads directly outside or to a street, walkway, refuge area, or to an open space with access to the outside.
 - (a) The street, walkway, refuge area, or open space to which an exit leads is large enough to accommodate all building occupants likely to use that exit.
 - (b) A refuge area is:
 - (i) A space along an exit route protected from the effects of fire either by separation from other spaces within the building or by its location; or
 - (ii) A floor with at least two spaces separated by smoke-resistant partitions, in a building where each floor is protected by an automatic sprinkler system. An automatic sprinkler system complies with NFPA No. 13, Automatic Sprinkler Systems.
 - (c) Exit stairs that continue beyond the floor of exit discharge are interrupted by doors, partitions, or other effective means.
 - (7) Where a doorway or corner of a building is located near a railroad or trolley track so that an employee is liable to

walk upon the track in front of an approaching engine or cars, a standard safeguard must be installed with a warning sign.

(8) An exit door can be readily opened from the inside without keys, tools, or special knowledge. A device, such as a panic bar, that locks only from the outside is permitted. An exit door is free of any device or alarm that, if it fails, can restrict emergency use of an exit.

Note: An exit door may be locked or blocked from the inside in a mental, penal, or correctional institution, if supervisory personnel are continually on duty and a plan exists to remove occupants during an emergency.

(9) The opening device on all doors of walk-in refrigerated or freezer rooms must be the type, when locked from the outside with a lock, can be opened from inside.

(10) A side-hinged exit door is used to connect any room to an exit route. A door that connects any room to an exit route swings out if the room may be occupied by more than 50 persons or highly flammable or explosive materials may be used inside.

(11) Each exit route supports the maximum-permitted occupant load for each floor served by the exit route. The capacity of an exit does not decrease with the direction of exit travel.

(12) Minimum height and width requirements:

(a) ~~((The ceiling for an exit route is at least 7 feet 6 inches high and the exit route is at least 6 feet 8 inches high at all points.~~

~~((b)) Make sure the exit route has a minimum ceiling height of 7 feet 6 inches and that no projection from the ceiling is less than 6 feet 8 inches from the floor.~~

~~((b)) Objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, must not reduce the minimum height of the exit route to less than 6 feet 8 inches from the floor.~~

~~((c)) The width of an exit route is at least 28 inches wide at all points between handrails. An exit route is wider than 28 inches if necessary to accommodate the expected occupant load.~~

~~((c)) ((d)) Objects that project into the exit route do not reduce the minimum height and width of an exit route.~~

(13) An outdoor exit route is permitted if it meets the requirements for an indoor exit route and the following additional requirements.

(a) The exit has guardrails to protect exposed sides.

(b) The exit route is covered if accumulation of snow or ice is likely and is not removed regularly.

(c) The exit route is reasonably straight with smooth, solid, substantially level floors.

(d) The exit route has no dead ends longer than 20 feet.

AMENDATORY SECTION (Amending WSR 08-18-056, filed 9/2/08, effective 11/2/08)

WAC 296-800-31010 Make sure that exit routes are large enough. You must:

- Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.

- Make sure the capacity of an exit route does not decrease at any point.

- ((~~Make sure an exit route is at least 6 feet 8 inches high at all points.~~

- ~~Make sure projections from the ceiling do not reach a point less than 6 feet 8 inches from the floor.~~) Make sure the exit route has a minimum ceiling height of 7 feet 6 inches and that no projection from the ceiling is less than 6 feet 8 inches from the floor.

- Objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, must not reduce the minimum height of the exit route to less than 6 feet 8 inches from the floor.

- Make sure exit routes are at least 28 inches wide at all points between any handrails.

- If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

- Make sure objects that stick out into the exit route, such as cabinets on walls, do not reduce the minimum width of the exit route.