

WSR 18-11-136
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 23, 2018, 10:45 a.m.]

Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-05-079.

Title of Rule and Other Identifying Information: The department is proposing to amend sections in chapter 388-71 WAC, Home and community services and programs, specifically related to adult day health and adult day care.

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than July 11, 2018.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 10, 2018.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 26, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend sections in chapter 388-71 WAC to define person-centered care. Proposed updates include person-centered language, equal access to care and services, client choice in activities and staff, and maintaining dignity, respect, and privacy while attending adult day programs.

Reasons Supporting Proposal: See purpose statement above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.09.520.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Erika Parada, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2450.

A cost-benefit analysis is not required under RCW 34.05.328. Rules of DSHS relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: Rules of DSHS relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

May 17, 2018
Katherine I. Vasquez

AMENDATORY SECTION (Amending WSR 17-19-098, filed 9/19/17, effective 10/20/17)

WAC 388-71-0702 What is the purpose of adult day services? (1) WAC 388-71-0702 through 388-71-0776 contains the eligibility requirements for community options program entry system (COPEs) waiver, roads to community living (RCL), residential support waiver (RSW), or other agency approved funding for adult day care and adult day health services.

(2) These rules also contain the requirements that apply to adult day care and adult day health centers that contract with the department, area agency on aging, other department designee to provide COPEs (~~(waiver)~~), RSW, and RCL services to department clients, and adult day centers who are owned and operate on a private pay basis. Nothing in these rules may be construed as requiring the department, an area agency on aging, or other designee to contract with an adult day care or adult day health center.

(3) An adult day center is a community-based program designed to meet the needs of adults with impairments through individualized goal specific plans of care. This type of structured, comprehensive, nonresidential program provides a variety of health, social, and related support services in a protective setting. Adult day centers support families and caregivers with the following goals:

(a) Provide an opportunity for the client to live in his or her community;

(b) Provide the client with clinical and nonclinical services to meet unmet needs;

(c) Assist the client to maintain maximum independence in his or her activities of daily living (ADL); and

(d) Measure the client's progress through individualized interventions, as outlined in his or her negotiated care plan.

(4) An adult day center evaluates the client's needs and offers services with goal specific interventions to meet those needs and enhance his or her quality of life. The client attends on a scheduled and planned basis. The adult day center evaluates potential clients to determine if center is able to meet their identified needs. Nothing in this generic description may be construed to modify the specific services or eligibility requirements referenced in this chapter of adult day care and adult day health.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0704 What services are provided in adult day care? Adult day care is a supervised nonresidential program providing services as defined in WAC 388-106-0800. Services are appropriate for adults with medical or disabling conditions that do not require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of the client's authorizing practitioner. The adult day care center must offer and provide on-site the following services. These services must meet the level of care needed by the client as assessed by the department case manager for waiver funded clients and do not

exceed the scope of services that the adult day care center is able to provide.

- (1) Assistance with activities of daily living:
 - (a) Locomotion outside of room, locomotion in room, walks in room;
 - (b) Body care;
 - (c) Eating;
 - (d) Repositioning;
 - (e) Medication management that does not require a licensed nurse;
 - (f) Transfer;
 - (g) Toileting;
 - (h) Personal hygiene at a level that ensures client safety while in attendance at the program; and
 - (i) Bathing at a level that ensures client safety and comfort while in attendance at the program.
- (2) Social services on a consultation basis, which may include:
 - (a) Referrals to other providers for services not within the scope of COPES waiver or RCL reimbursed adult day care services;
 - (b) Caregiver support and education; or
 - (c) Assistance with coping skills.
- (3) Routine health monitoring with consultation from a registered nurse that a consulting nurse acting within the scope of practice can provide with or without an authorizing practitioner's order. Examples include:
 - (a) Obtaining baseline and routine monitoring information on client health status, such as vital signs, weight, and dietary needs;
 - (b) General health education such as providing information about nutrition, illnesses, and preventative care;
 - (c) Communicating changes in client health status to the client's caregiver;
 - (d) Annual and as needed updating of the client's medical record; or
 - (e) Assistance as needed with coordination of health services provided outside of the adult day care program.
- (4) General therapeutic activities that an unlicensed person can provide or that a licensed person can provide with or without an authorizing practitioner's order. These services are planned for and provided based on the client's abilities, interests, and goals, which are not limited by funding source. Examples include:
 - (a) Recreational activities;
 - (b) Diversionary activities;
 - (c) Relaxation therapy;
 - (d) Cognitive stimulation; or
 - (e) Group range of motion or conditioning exercises.
- (5) General health education that an unlicensed person can provide or that a licensed person can provide with or without an authorizing practitioner's order, including but not limited to topics such as:
 - (a) Nutrition;
 - (b) Stress management;
 - (c) Disease management skills; or
 - (d) Preventative care.
- (6) A nutritional meal and snacks every four hours, including a modified diet if needed and within the scope of the program, as provided under WAC 388-71-0770;

(7) Supervision and/or protection if needed for client safety;

(8) Assistance with arranging transportation to and from the program; and

(9) First aid and provisions for obtaining or providing care in an emergency. NOTE: If the client requires the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of an authorizing practitioner, consider adult day health services.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0710 What are the eligibility criteria for enrollment in adult day health? Clients are eligible for adult day health services if they meet the criteria outlined in WAC 388-106-0815 which references WAC 388-106-0300 (~~and~~), 388-106-0305, 388-106-0336(9), and 388-106-0337.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0714 What is considered rehabilitative therapy in adult day health? (1) Skilled rehabilitative therapy services are medically necessary services provided by or under the supervision of a licensed physical, occupational, or speech-language pathology or audiology therapist that the therapist acting within the scope of practice can provide or supervise directly or indirectly. Authorizing practitioner orders must be initially obtained and updated when a significant change occurs or at least (~~annually [annually]~~) annually when required by applicable state practice laws for licensed therapists.

(a) Persons that can provide rehabilitative care under the direction and supervision of a licensed therapist include occupational therapy aides, occupational therapy assistants, physical therapy aides, physical therapy assistants, and nurses within their respective scopes of practice. Adult day health program aides, specifically trained in rehabilitative techniques, may also provide care under the direction and supervision of a licensed therapist.

(b) Services, group or individual, must be related to an active written plan of care with time specific measurable treatment goals approved by the authorizing practitioner;

(c) Services, group or individual, must require the assessment, knowledge and skills of a licensed therapist; and

(d) Services, group or individual, must be provided with the reasonable expectation that the services will improve, restore, maintain function, or slow decline. Rehabilitative services are:

(i) Specific to a client diagnosis;

(ii) Individualized to the client with planned, measurable outcomes; and

(iii) Reevaluated every ninety days for effect on improvement of health status or slowing the decline.

(2) Skilled rehabilitative therapy is not a qualifying adult day health service merely because the therapy is ordered by an authorizing practitioner or is provided by a therapist or under the supervision of a therapist. If, by way of example, the therapy can be performed independently by the client or

at the client's direction by a person other than a licensed therapist, it is not a qualifying adult day health service.

Skilled rehabilitative therapy services must be medically necessary as defined under WAC 182-500-0070.

(3) Medically necessary physical therapy services may, but do not necessarily include:

(a) Assessing baseline mobility level, strength, range of motion, endurance, balance, and ability to transfer;

(b) One to one and group treatment to relieve pain, develop, restore, or maintain functioning, with individualized and measurable client treatment goals;

(c) Establishing a maintenance or restorative program with measurable treatment goals, and providing written and oral instruction to the client, caregivers, or program staff as needed to assist the client in implementing the program;

(d) Training the client or the client's caregivers in the use of supportive, adaptive equipment or assistive devices;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that the non-skilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of a physical therapist acting within the therapist's scope of practice.

(4) Medically necessary occupational therapy services may, but do not necessarily include:

(a) Administering a basic evaluation to determine baseline level of functioning, ability to transfer, range of motion, balance, strength, coordination, activities of daily living and cognitive-perceptual functioning;

(b) Teaching and training the client, caregivers, or program staff in the use of therapeutic, creative, and self-care activities to improve or maintain the client's capacity for self-care and independence, and to increase the range of motion, strength and coordination;

(c) One to one and group treatment to develop, restore, or maintain functioning with individualized and measurable client treatment goals;

(d) Training the client or the client's caregivers in the use of supportive, adaptive equipment or assistive devices;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that the non-skilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of an occupational therapist acting within the therapist's scope of practice.

(5) Medically necessary speech-language pathology or audiology services may, but do not necessarily include;

(a) Assessing baseline level of speech, swallowing, auditory, or communication disorders;

(b) Establishing a treatment program to improve speech, swallowing, auditory, or communication disorders;

(c) Providing speech therapy procedures that include auditory comprehension tasks, visual and/or reading comprehensive tasks, language intelligibility tasks, training involving the use of alternative communication devices, or swallowing treatment;

(d) Training the client or the client's caregivers in methods to assist the client in improving speech, communication, or swallowing disorders;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that non-skilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of a speech-language pathology or audiology therapist acting with the therapist's scope of practice.

(6) Medically necessary skilled rehabilitative therapy services, by way of example, do **not** include:

(a) Reminding or coaching the client in tasks that are not essential to the skilled therapy or intervention in the client's service plan;

(b) Monitoring of a medical condition that does not require frequent skilled therapist intervention or a change in authorizing practitioner treatment orders, or where there is no reasonable expectation that skilled services will maintain, improve, or slow the effect of a progressive disabling condition on the pain, health or functioning of a client;

(c) Massage therapy;

(d) Evaluation and management of the care plan when the complexity of the care to be provided by nonskilled persons does not require the skills of a licensed therapist for oversight;

(e) Continued training by therapy staff to teach self-care for newly diagnosed, acute, or episodic medical conditions when it is apparent that the training should have achieved its purpose or that the client is unwilling or unable to be trained;

(f) ADC services that can be provided by an adult day care center, such as routine health monitoring, general health education, or general therapeutic activities; or

(g) Group therapy or training where the ratio of licensed therapists and assisting program staff to clients is inadequate to ensure that:

(i) The group activity contributes to the individual client's planned therapy goals; and

(ii) The complexity of the individual client's need can be met.

(7) Skilled therapy services must be documented as provided under WAC 388-71-0746 and 182-502-0020.

AMENDATORY SECTION (Amending WSR 17-19-098, filed 9/19/17, effective 10/20/17)

WAC 388-71-0718 What is the adult day care center's responsibility in developing the client's negotiated care plan? (1) Upon the department's or authorized case manager's referral of a (~~community options program entry system~~) COPES(~~+~~), (~~roads to community living~~) RSW RCL(~~+~~), or other agency approved client to an ADC center, the ADC center must respond in writing to the department or authorized case manager within two working days, acknowledging receipt of the referral and the center's ability to process and evaluate the referred client.

(2) The case manager will provide the client's department service plan to the ADC center within five working days after the client or client's representative has signed it.

(3) The ADC center must schedule and conduct an intake and evaluation visit with the referred client or the client and his or her authorized representative to determine the client's (~~(willingness)~~) desire to attend the ADC center and evaluate the ADC center's ability to meet the client's assessed needs and specific goals as defined in the client's department service plan. The intake and evaluation must be based on an interview with the client or the client and his or her authorized representative.

(4) Within ten paid service days from the date the client started attending the ADC center, the ADC center must complete and provide a preliminary service plan to the client or the client and his or her representative and the client's case manager that outlines the client's strengths, deficits, and potential needs. The ADC center must determine whether it can meet the client's needs, how it will meet the client's needs, and whether it will accept the client into the program. The ADC center must not accept a client whose needs the center cannot meet. The ADC center must document in the client's file the date it accepted the client into the ADC program. If the client is not accepted into the ADC program, the preliminary service plan must include the reason(s) why the client was not accepted.

(5) Within thirty calendar days of the date the client was accepted into the ADC program, the ADC center must work with the client or the client and his or her authorized representative to develop and complete a negotiated care plan signed by the client or the client's authorized representative and the ADC center.

(6) The negotiated care plan must limit the frequency of services to the number of days authorized in the department authorized service plan. The negotiated care plan must include:

- (a) A list of the care and services the ADC center will provide the client;
- (b) Identification of who will provide the client's care and services;
- (c) When and how the ADC center will provide the care and services;
- (d) How the ADC center will manage the client's medications and how the client will receive his or her medications when attending the ADC center;
- (e) The client's activity preferences and how the ADC center will meet these preferences;
- (f) Other preferences and choices about issues important to the client, including, but not limited to:
 - (i) Food;
 - (ii) Daily routine;
 - (iii) Activities;
 - (iv) Services received and who will provide the services received;
 - (v) Individuals they interact with;
 - (vi) Grooming;
 - (~~(iv)~~) (vii) How the ADC center will accommodate the client's preferences and choices; and
 - (g) If needed, a plan to:
 - (i) Follow in case of a foreseeable crisis due to the client's assessed needs;
 - (ii) Reduce tension, agitation, and problem behaviors;

(ii) Respond to the client's special needs, including, but not limited to medical devices and related safety plans, and if medical devices are used, ADC center staff must ensure the medical device will not be used as a physical restraint for discipline or staff convenience and must also ensure clients are free from coercion while attending the ADC center;

(iv) Respond to the client's refusal of care or treatment, including when the ADC center should notify the client's physician or practitioner of the client's refusal; and

(v) Identify any communication barriers the client may have and how the ADC center will use the client's behaviors and nonverbal gestures to communicate with him or her.

(7) The ADC center must:

(a) Ensure medical devices will never be used as a physical restraint for discipline or staff convenience;

(b) Update the negotiated care plan annually and whenever there is a significant change in the client's condition and needs;

(c) Share the negotiated care plan with the client's case manager whenever it is updated, annually, and after a significant change;

(d) Ensure the client's case manager reviews the negotiated care plan to ensure all services are appropriate and all authorized care needs have been included;

(e) Keep the current negotiated care plan in the client's file; and

(f) Offer a copy of the negotiated care plan to the client or the client and his or her authorized representative.

(8) The ADC center must report changes in the client's condition or unanticipated absences more than three consecutive scheduled days of service to the client's case manager within one week.

(a) Unanticipated absences may include but are not limited to absences due to client illness or change in transportation access.

(b) The case manager may follow up with the client or the client and his or her representative and determine if any updates to the assessment, client's department service plan, or service authorizations are needed.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0720 What is the adult day health center's responsibility in working with the department or their designee to obtain, use and update the CARE assessment? (1) The department or an authorized case manager must perform a CARE assessment to determine a client's need for adult day health, per WAC 388-106-0065. Based on the assessment, the case manager determines whether the client should be referred for day health services or whether the client's needs can be met in other ways.

(2) If the client **has** a department or area agency on aging case manager, the adult day health center or other referral source must notify the case manager of the client's potential adult day health service need. The case manager must assess the client's need for skilled nursing or skilled rehabilitative therapy within the department's normal time frames for client reassessments.

(3) If the client **does not have** a department or area agency on aging case manager, the adult day health center or other referral source must notify the department of the referral and the client's potential adult day health service need, or refer the client to the department for intake. The department's assigned case manager must assess the client's need for adult day health services within the department's normal time frames for initial client eligibility assessments.

(4) The case manager may consult with the client's authorized practitioner, department or area agency on aging nursing services staff, or other pertinent collateral contacts, concerning the client's need for skilled nursing or rehabilitative therapy.

(5) If the department or area agency on aging case manager determines and documents a potential unmet need for day health services, the case manager works with the client and/or the client's representative to develop a service plan that documents the potential unmet needs and the anticipated number of days per week that the services are needed. The case manager refers the client to a department contracted adult day health center for evaluation and the development of a preliminary service plan.

(6) The department or area agency on aging case manager must reassess adult day health clients at least annually. Clients must also be reassessed if they have a break in service of more than thirty days. The adult day health center must inform the case manager of the break in service so payment authorization can be discontinued.

(7) COPES, RSW, and RCL recipients of adult day health services must be assessed by the department or an authorized case manager for initial or continued eligibility as follows:

(a) Annual reassessment for department clients; or

(b) A new client to the center who potentially could be eligible for state paid ADH services are to be referred to the local department offices for intake and assessment for eligibility.

(8) The department or area agency on aging case manager must review a client's continued eligibility for adult day health services every ninety days, coinciding with the quarterly review completed by the adult day health program. At the case manager's discretion, additional information will be gathered through face to face, collateral or other contact methods to determine continued eligibility. Services will be continued, adjusted, or terminated based upon the case manager's determination during the eligibility review.

AMENDATORY SECTION (Amending WSR 17-19-098, filed 9/19/17, effective 10/20/17)

WAC 388-71-0722 What is the adult day health center's responsibility in developing the client's negotiated care plan? (1) Upon the department's or authorized case manager's referral of a (~~community options program entry system (-)~~)COPES(~~(+)~~), (~~roads to community living (-)~~) RSW, RCL(~~(+)~~), or other agency approved client to an ADH center, the ADH center must respond in writing to the department or authorized case manager within two working days, acknowledging receipt of the referral and the center's ability to process and evaluate the referred client.

(2) The case manager must provide the client's department service plan to the ADH center within five working days after obtaining the client or client's authorized representative's signature on the service plan.

(3) The ADH center must schedule and conduct an intake and evaluation visit with the referred client or the client and his or her authorized representative to determine the client's (~~willingness~~) desire to attend the ADH center and evaluate the ADH center's ability to meet the client's needs as defined in the client's department service plan.

(4) Within ten paid service days from the date the client started attending the ADH center, the center must complete an intake and evaluation and provide a preliminary service plan to the client or the client and his or her authorized representative and the client's case manager.

(a) The ADH center's intake and evaluation must include multidisciplinary assessments based on interviews and evaluations of the client's strengths and limitations with the client or the client and his or her authorized representative.

(b) If the department service plan indicates a nursing or rehabilitative need during the intake and evaluation period, licensed professionals must conduct evaluations and assessments of the client's clinical or rehabilitative needs.

(c) The preliminary service plan must include:

(i) Client specific problems or needs as identified in the intake and evaluation;

(ii) The needs for which the client chooses not to accept services or refuse care or services;

(iii) What the center will do to ensure health and safety of the client related to the refusal of any care or service;

(iv) Client specific and agreed upon goals;

(v) Client preferences; and

(vi) How the center will meet the client's needs and preferences.

(d) Based on the ADH center intake and evaluation, the ADH center must determine whether it can meet the client's needs, how it will meet the client's needs, and whether it will accept the client into the ADH program.

(i) The ADH center must not accept a client whose needs the center cannot meet.

(ii) If the client is accepted into the ADH program, the ADH center must document the date of acceptance in the client file.

(iii) If the client is not accepted into the ADH program, the preliminary service plan must include the reason(s) why the client was not accepted.

(e) The ADH center must provide the client, or the client's authorized representative, and the client's case manager, a copy of the evaluation and preliminary service plan within ten paid days of service.

(5) The ADH center will be reimbursed under WAC 388-71-0724 for any service days provided from the state of the intake and evaluation, if the case manager has authorized services.

(6) Upon the department's or authorized case manager's approval of the ADH center's preliminary service plan, the ADH center must obtain and provide to the case manager any required practitioner's orders for skilled nursing, rehabilitative therapy services, and medical devices that pertain to those services and interventions the ADH center is providing

to the client under WAC 388-71-0712 through 388-71-0714. Orders from authorizing practitioners are not necessary for medical devices that are within the professional scope of practice of occupational or physical therapists working within the day center.

(a) The authorizing practitioner orders must:

(i) Include the frequency of authorized service;

(ii) Include use of and parameters for the authorized medical devices;

(iii) Include how often the client is to be seen by the authorizing practitioner;

(iv) Include the client's consent to follow up with the authorizing practitioner; and

(v) Be reviewed, updated, or revised when a significant change occurs, at least annually, or sooner if required by the prescriber.

(b) The case manager or nursing services staff may follow up with the practitioner, or other pertinent collateral contacts, concerning the client's need for skilled services.

(c) Services must not be authorized for payment without current practitioner orders.

(d) The authorizing practitioner must only authorize services, supports, and interventions that are within the practitioner's professional scope of practice.

(7) Within thirty calendar days of acceptance into the program, the ADH center's multidisciplinary team must work with either the client or the client and his or her authorized representative to develop and complete a negotiated care plan signed by the client or the client's authorized representative and the ADH center. The negotiated care plan may be developed initially in lieu of the preliminary service plan.

(8) The negotiated care plan must be consistent with the department-authorized service plan, include all authorized ADC and ADH services, limit the frequency of services to the number of days in the department authorized service plan, and must include:

(a) A list of the care and services the ADH center will provide the client;

(b) Time specific, measurable, and individualized client goals;

(c) Who will provide the client's care and services;

(d) When and how the ADH center will provide the care and services;

(e) How the ADH center will manage the client's medications, including how the client will receive his or her medications when attending the ADH center;

(f) The client's activity preferences and how the ADH center will meet these preferences;

(g) Other preferences and choices about issues important to the client including, but not limited to:

(i) Food;

(ii) Daily routine;

(iii) Activities;

(iv) Services received and who will provide the services received;

(v) Individuals they interact with;

(vi) Grooming; and

~~((iv))~~ (vii) How the ADH center will accommodate the preferences and choices;

(h) Individualized discharging or transition goals;

(i) If needed, a plan to:

(i) Address potential behavioral issues identified in the assessment, service plan, or through the intake and evaluation;

(ii) Follow in case of a foreseeable crisis due to a client's assessed needs;

(iii) Reduce tension, agitation, and problem behaviors;

(iv) Respond to the client's special needs, including, but not limited to medical devices and related safety plans, and if medical devices are used, ADH center staff must ensure the medical device will not be used as a physical restraint for discipline or staff convenience, while attending the ADH center;

(v) Respond to the client's refusal of care or treatment, including when the ADH center should notify the client's physician or practitioner of the client's refusal; and

(vi) Identify any communication barriers the client may have and how the ADH center will use the client's behaviors and nonverbal gestures to communicate with him or her.

(9) The ADH center must:

(a) Ensure medical devices will never be used as a physical restraint for discipline or staff convenience;

(b) Review and update each service in the negotiated care plan every ninety days or more often if the client's condition changes;

(c) Share the negotiated care plan with the client's case manager whenever it is updated, annually, or after significant change;

(d) Ensure the client's case manager reviews the negotiated care plan to ensure all services are appropriate and all authorized care needs have been included;

(e) Obtain the case manager's approval whenever it is updated, annually, or after a significant change;

(f) Keep the current negotiated care plan in the client's file, provide; and

(g) Offer a copy of the negotiated care plan to the client or the client and his or her authorized representative.

(10) The client's case manager must review the negotiated care plan to ensure all services are appropriate and all authorized care needs have been included.

(11) The ADH center must report changes in the client's condition or unanticipated absences of more than three consecutive scheduled days of service to the client's case manager within one week.

(a) Unanticipated absences may include, but are limited to absences due to client illness or a change in transportation access.

(b) The case manager may follow up with the client or the client and his or her authorized representative and determine if any updates to the assessment, client's department service plan, or service authorizations are needed.

AMENDATORY SECTION (Amending WSR 17-19-098, filed 9/19/17, effective 10/20/17)

WAC 388-71-0723 What is the adult day center's responsibility in the use of medical devices, restraints, and prevention of abuse? (1) Medical devices. When the adult day center staff use a medical device, it must not be used as a physical restraint for discipline or staff convenience.

(2) **Physical restraints.** When the adult day center staff provide services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client has a right to be free from physical restraints used for discipline or staff convenience.

(3) **Chemical restraints.** When the adult day center staff provide services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client is free from chemical restraints used for discipline or staff convenience.

(4) **Involuntary seclusion.** When the adult day center staff provides services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client's right to be free from involuntary seclusion or isolation used for discipline or staff convenience.

(5) **Prevention of abuse.** When the adult day center staff provides services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must:

(a) Ensure the client's right to be free from abandonment, verbal, sexual, physical, and mental abuse, personal exploitation, financial exploitation, neglect, coercion, and involuntary seclusion;

(b) Protect the client who is an alleged victim of abandonment, verbal, sexual, physical, and mental abuse, personal exploitation, financial exploitation, neglect, and involuntary seclusion; and

(c) Meet the requirements of chapter 74.34 RCW regarding mandatory reporting.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0724 How do I apply for an adult day program state contract? (1) The department, or an area agency on aging (or other department designee) as authorized by the department, must determine that the adult day care or day health center meets the applicable adult day care or day health requirements and any additional requirements for contracting with the area agency on aging, according to each AAA's procurement procedure, through a state contract.

(2) All ADH centers must also have a core provider agreement with the health care authority in order to bill for providing care and services to the COPEs ((~~o~~)), RSW, and RCL participants.

(3) If a center is contracting for both day care and day health, requirements of both adult day services must be met.

(4) A prospective provider desiring to provide adult day services shall be provided an application form from the department or the area agency on aging. A prospective provider convicted of abuse or neglect of a vulnerable adult is not eligible to provide adult day services in any capacity within the organization per chapter 74.34 RCW.

(5) The prospective provider will provide the area agency on aging with evidence of compliance with, or administrative procedures to comply with, the adult day service rules under this chapter.

(6) The area agency on aging will conduct a site inspection of the adult day center and review of the requirements for contracting.

(7) Within thirty days of completing the site visit, the area agency on aging will advise the prospective provider in writing of any deficiencies in meeting contracting requirements.

(8) The area agency on aging will verify correction of any deficiencies within thirty days of receiving notice from the prospective provider that deficiencies have been corrected, before contracting can take place.

(9) The area agency on aging will provide the department with a written recommendation as to whether or not the center meets contracting requirements.

(10) Minimum application information required to apply for contract(s) with the department, or an area agency on aging includes:

(a) Mission statement, business structure, bylaws, articles of organization or articles of incorporation if applicable and current business license;

(b) Names and addresses of the center's owners, officers, and directors as applicable;

(c) Organizational chart;

(d) Fiscal policies and procedures;

(e) A business plan to address the future financial needs of the center. This plan must include projected program growth, capital purchases, projected revenue, projected expenses, and plans for fund raising, if applicable. Also include an annual program operating budget including all anticipated revenue sources and expenditures and any fees generated;

(f) The most current financial statement prepared in accordance with generally accepted account principles (GAAP) or the latest audit report of the organization by a certified public accountant;

(g) Program policies and operating procedure manual;

(h) Personnel policies and job descriptions and qualifications of each paid staff position and volunteer position functioning as staff;

(i) Policies and procedures meeting the requirements of mandatory reporting procedures as described in chapter 74.34 RCW to adult protective services for vulnerable adults and local law enforcement for other participants;

(j) Floor plan of the facility;

(k) Local building inspection, fire department, and health department reports with food handler permits if applicable;

(l) Updated TB test results for each staff member according to WAC 388-71-0750;

(m) Sample client case file including all forms that will be used;

(n) Activities calendar with alternative choice activities, for the month prior to application, or a sample calendar if the day service provider is new((-);

(o) Role and function of the board of directors if applicable and advisory committee;

(p) Monthly menu or sample if center is new, which accommodates each resident's:

(i) Preferences;

(ii) Food allergies and sensitivities;

(iii) Caloric needs;

(iv) Cultural and ethnic background; and

(v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow;
and

(q) Certificates of insurance per WAC 388-71-0736.

~~((10))~~ (11) The area agency on aging or other department designee monitors the adult day center at least annually to determine continued compliance with adult day care and/or adult day health requirements and the requirements for contracting with the department or the area agency on aging.

(a) The area agency on aging will send a written notice to the provider indicating either compliance with contracting requirements or any deficiencies based on the annual monitoring visit and request a corrective action plan. The area agency on aging will determine the date by which the corrective action must be completed

(b) The area agency on aging will notify the department of the adult day center's compliance with contracting requirements or corrected deficiencies and approval of the corrective action plan for continued contracting.

~~((11))~~ (12) Adult day care services are reimbursed on an hourly basis up to four hours per day. Service provided four or more hours per day will be reimbursed at the daily rate.

~~((12))~~ (13) Adult day center reimbursements are adopted by rule with adjustments determined by the state legislature. Providers seeking current reimbursement rates can refer to the billing instructions.

~~((13))~~ (14) A one-time only initial intake evaluation provided by an adult day health center, including development of a negotiated care plan, is reimbursed at an established rate as may be adopted in rule. Rate adjustments are determined by the state legislature. Separate reimbursement is not available for subsequent evaluations.

~~((14))~~ (15) Transportation to and from the program site is not reimbursed under the adult day care rate. Transportation arrangements are made with locally available transportation companies or informal resources.

~~((15))~~ (16) Transportation to and from the program site is reimbursed under the adult day health daily rate. Adult day health is required to assist clients in arranging or providing transportation to and from the program sites.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0728 Can a client receive both adult day care and adult day health? (1) A COPEs, RSW, or RCL((-))eligible client may receive adult day care services on some days and adult day health services on different days if the service plan documents which level of service are to be provided on which days. However, ADC services must be provided on all days that adult day health skilled services are provided, and reimbursement is limited to the day health rate on days that day health services are provided.

(2) Clients receiving services from the department in an adult family home, assisted living, or other licensed community residential facility may not receive COPEs, RSW, or RCL((-))funded adult day care, but may receive COPEs

funded adult day health services when the skilled nursing or rehabilitative services are approved by the client's case manager as part of the client's service plan.

(3) A licensed assisted living facility providing department-approved day care under chapter 388-78A WAC is subject to any applicable provisions of that chapter and is also subject to the rules under this chapter if the facility contracts with an area agency on aging or the department to provide COPEs waiver or RCL funded adult day services.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0732 What are the client's hearing rights? (1) If the department or area agency on aging denies, terminates, or reduces a COPEs, RSW, or RCL individual client's adult day care or day health services, the client has the right to an administrative hearing as provided under chapter 388-02 WAC. If a client funded with Senior Citizen Services Act or respite care has a complaint, grievance or dispute, the resolution process is a hearing as outlined in the departments area agency on aging polity and procedure manual chapter 6. The area agency on aging would work with the client through this process.

(2) An adult day care or day health center has those hearing or dispute resolution rights that are afforded under RCW 43.20B.675 and the center's contract with the area agency on aging or the department. An adult day health center has any other applicable hearing or dispute resolution rights under WAC 182-502-0220.

(3) Adult day health centers are subject to all applicable provisions of chapter 182-502 WAC, and the department's aging and long term support administration may exercise the department's authority under that chapter to the same extent as the health care authority.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0736 What business and administrative documentation does the center need? (1) Adult day centers must have written documentation of the organizational structure and administration of the program.

(2) Organizational and administrative documentation must include but are not limited to:

(a) Core values and mission (~~(statement - [statement])~~) statement of the organization;

(b) Ethical standards of the center and professional standards of conduct;

(c) Short and long-range program goals;

(d) Definition of the target population, including number, age, and needs of participants;

(e) Geographical definition of the service area;

(f) Hours and days of operation (Centers or a combination of centers under single ownership must operate at least three days a week for four consecutive hours, with each center providing at least four hours of programming a day.);

- (g) Description of basic services and any optional services;
- (h) Description of service delivery
- (i) Business structure, articles of organization or bylaws, as applicable;
- (j) Current business license;
- (k) Names and addresses of the center's owners, officers, and directors, as applicable;
- (l) Certificates of insurance, including but not limited to property and general liability insurance; business auto if the center uses vehicles to transport clients; professional liability; workers' compensation; employers' liability if applicable; coverage for acts and omissions of employees and volunteers; and certificates of insurance for any subcontractors;
- (m) Minutes of last three meetings of the board of directors, if applicable, and the advisory committee;
- (n) Role and functions of an advisory committee, which must meet at least twice a year and which must be representative of the community and include family members of current or past clients and nonvoting staff representatives (When an adult day center is a subdivision of a multifunction organization, a committee or subcommittee of the governing body of the multifunction organization may serve as the advisory committee. A single purpose agency may utilize its governing board as an advisory committee.);
- (o) An organizational chart illustrating the lines of authority and communication channels of the center, which must be available to all staff and clients;
- (p) A calendar of programming (or sample calendar if the center is new), including alternative programming options;
- (q) A monthly menu ((~~o~~)) or sample menu if the center is new(~~o~~), which accommodates each resident's:
 - (i) Preferences;
 - (ii) Food allergies and sensitivities;
 - (iii) Caloric needs;
 - (iv) Cultural and ethnic background; and
 - (v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow;
- (r) Current building, health, food service and fire safety inspection reports, and food handler permits, as applicable; and
- (s) Quality improvement plans and results.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0746 What are the adult day center's client records requirements? (1) If the client's record is hand-written it must be legibly written in ink, dated, and signed by the recording person with his/her title. Identification of the author may be a signature, initials, or other unique identifier within the requirements of applicable licensing standards and center policy. All hand-written documentation must be legible to someone other than the author. If signature is a unique identifier, such as initials, there must be a key readily available for use by the department of their designee. The negotiated care plan must have the center's author's full name and title on the signature line.

(2) If the client's record is an automated electronic record then it must be within a secured client record system to ensure confidentiality for all records, in accordance with state and federal laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA). If electronic signature is a unique identifier then there must be a key readily available for use by the department or their designee. The negotiated care plan must have the center's author's full name and title on the signature line.

(3) Progress notes must be entered into the file chronologically and timely. Adult day health centers' professional interventions must be charted directly after providing the service. Adult day care centers must have progress summary notes at least monthly. Client dates and hours of attendance are to be kept daily.

(4) Consultation, care plan reviews and updating orders, hardcopy or electronic records, must be dated and initialed by the center's reviewer(s) or authorizing practitioner. The authorizing practitioner must update the skilled clinical orders at least annually or when a significant change occurs warranting a change in the skilled clinical intervention. The authorizing practitioner does not need to review the care plan but does need to update skilled clinical orders as outlined above.

(5) Documentation of medication use must include the name of the medication, dosage, frequency of administration, route of administration, site of injection if applicable, date and time and signature or initials of the person administering the medication, title, and date.

(6) If the client records are thinned or ((~~achieved~~)) archived, per your policy and procedure, all records must be readily available to the federal, state or their designee for monitoring purposes.

(7) Department-contracted adult day health centers must comply with all other applicable documentation requirements under WAC 182-502-0020.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0764 How will medications be provided in an adult day center? (1) The center must develop written medication policies that support and promote safe medication storage and administration for each participant and meet the requirements of chapters 69.41 RCW and 246-88 WAC and other applicable statutes. These policies must be explained and accessible to all staff, contractors, volunteers, and participants that have responsibility in this area.

(2) Participants who need to take medications while at the center, and who are able to self-medicate, must be encouraged and expected to bring and take their own medications as prescribed. Some participants may need assistance with their medications, and some may need to have their medications administered by qualified program staff.

(3) In order for the center staff to administer any prescribed medication, there must be a written authorization

from the participant's authorizing practitioner stating that the medication is to be administered at the program site.

(4) Staff must be trained to observe medication usage and effects, and to document and report any concerns or difficulties with medications.

(5) At a minimum, medication policies must include the following:

(a) How medications will be labeled and stored. Medications must be:

(i) Labeled according to your policy including prescribed and over the counter medications;

(ii) Kept in a locked storage area organized so client's medications are not mixed together; and

(iii) If refrigeration is necessary, medications should be in a locked box, if not in a separate refrigerator dedicated to medication refrigeration.

(b) Procedures for administration of medications, including:

(i) What program staff are allowed and able to administer medications and under what circumstances;

(ii) How nonprescription medications such as aspirin or laxatives are to be used; and

(iii) How the administration of medications will be entered in participant case records as described in WAC 388-71-0744.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0766 What are the adult day centers' facility requirements? (1) Selection of a location for a center must be based on information about potential participants in the service area and be made in consultation with other agencies, organizations, and institutions serving older individuals and those with functional impairments, as well as considering the availability of a suitable location.

(2) Centers must have available a current floor plan of the facility indicating usage of space with interior measurements, building inspection report from the local, city or county, building department, if applicable, fire department inspection report, and the local health department kitchen inspection report and permit if operating an on-site kitchen.

(3) When possible, the facility should be located at street level. If the facility is not located at street level, it is essential to have a ramp and/or elevators. All new adult day service centers contracted with the department after February 1, 2014 must have a ramp, at least a 1:12 slope, for emergency evacuation if the center has any step or stairs to be navigated during an emergency evacuation. An evacuation plan for relocation of participants to another building must also be in place in the event of an emergency. The center must post a floor plan of the center and indicate the evacuation route from each room to the outside meeting place.

~~((5))~~ (4) Each adult day center co-located in a facility housing other services must have its own separate identifiable space for main activity areas during operational hours. Certain space can be shared, such as the kitchen and therapy rooms.

~~((6))~~ (5) Each center must provide appropriate hardware on doors of storage rooms, closets, bathrooms, and

other rooms to prevent participants from being accidentally locked in.

~~((7))~~ (6) When possible, the location should be within a transit authority's core service area.

~~((8))~~ (7) The facility must have:

(a) Sufficient space to accommodate ~~((the))~~ a full range of ~~((program activities))~~ programs and ~~((services. The facility must))~~ activities necessary for participant needs;

(b) Be adaptable to accommodate variations of activities ~~((for group ((and/or)) and individual(()-and))~~ services ~~((The program must provide and));~~

(c) Maintain essential space ~~((necessary to provide))~~ when providing services ~~((and))~~ to protect the privacy and dignity of ~~((the participants receiving services. There must be))~~ each participant in a respectful manner;

(d) Sufficient ~~((private))~~ space ~~((to permit staff to work effectively and without interruption. There must be sufficient space))~~ available for private discussions; and

(e) Private and designated space allowing staff to work without interruption.

~~((9))~~ (8) The facility must provide at least sixty square feet of program space for multipurpose use for each day center participant. In determining adequate square footage, only those activity areas commonly used by participants are to be included. Hallways, dining and kitchen areas are to be included only if these areas are used by clients for activities other than meals. Reception or lobby areas, storage areas, offices, restrooms, passageways, treatment rooms, service areas, or specialized spaces used only for therapies are not to be included when calculating square footage.

~~((10))~~ (9) Storage space.

(a) There must be adequate storage space for program and operating supplies.

(b) Toxic substances, whether for activities or cleaning, must be stored in an area not accessible to participants. Substances must be clearly marked, the contents identified, and stored in original containers.

~~((11))~~ (10) Restrooms.

(a) The facility's restrooms must be located as near the activity area as possible, preferably no more than forty feet away. The facility must include at least one toilet for every ten participants. The facility must provide privacy for the participant when using the restroom facilities.

(b) Programs that have a large number of participants who require more scheduled toileting or assistance with toileting must have at least one toilet for every eight participants.

(c) The toilets shall be equipped for use by mobility-limited persons and easily accessible from all program areas. One toilet area should be designed to allow assistance from one or two staff. More accessible units may be required based upon the needs of the participants.

(d) Each restroom must contain an adequate supply of soap, toilet tissues, and paper towels.

(e) After month/day/year all newly contracted adult day service facilities or contracted adult day service provider opening another site must have at least one roll in shower for participant use. Showers are to be accessible to those who require bathing as an ADC service.

~~((12))~~ (11) Rest area.

(a) In addition to space for program activities, the facility must have a designated rest area ~~((and designated areas to permit))~~ which provides privacy and ~~((to isolate))~~ maintains dignity for participants who become ill ~~((or))~~, disruptive, or who may require rest. The designated space must not be used for discipline or staff convenience.

(b) The rest area must be located away from activity areas and near a restroom and the nurse's office. There must be at least one bed, couch, or recliner for every ten participants that can be used for resting or the isolation of a participant who is ill or suspected of coming down with a communicable disease.

(c) If beds are used, the mattresses and pillow must be protected, cleaned and disinfected after each participant use. The bed linens must be clean and changed after each use by different participants to prevent the spread of infection.

~~((13))~~ (12) Loading zones/parking/entrances/exits.

(a) A loading zone with sufficient space for getting in and out of a vehicle must be available for the safe arrival and departure of participants and the use of emergency personnel.

(b) There must be sufficient parking available to accommodate family caregivers, visitors, and staff.

(c) When necessary, arrangements must be made with local authorities to provide safety zones for those arriving by motor vehicle and adequate traffic signals for people entering and exiting the facility.

(d) Adequate lighting must be provided in all loading and parking zones, entrances, and exits.

(e) An adult day center must be visible and recognizable as a part of the community. The entrance to the facility must be clearly identified. The center must also be appealing and protective to participants and others.

(f) At least two well-identified exits must be accessible from the building.

~~((14))~~ (13) Atmosphere and design.

(a) The center's design must facilitate the participants' movement throughout the facility and encourage involvement in activities and services.

(b) The environment must reinforce orientation and awareness of the surroundings by providing cues and information about specific rooms, locations, and functions that help the participant to get his/her orientation to time and space.

(c) A facility must be architecturally designed in conformance with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act to accommodate individuals with a disability and meet any state and local barrier-free requirements.

(d) Illumination levels in all areas must be adequate, and careful attention must be given to avoiding glare. Attention must be paid to lighting in transitional areas, such as outside to inside and between different areas of the facility.

(e) Sound transmission must be controlled. Excessive noise, such as fan noise, must be avoided.

(f) Comfortable conditions must be maintained within a comfortable temperature range. Excessive drafts must be avoided uniformly throughout the facility.

(g) Sufficient furniture must be available for the entire population present. Furnishings must accommodate the needs

of participants and be attractive, comfortable, sturdy, clean and safe. Straight-backed chairs with arms must be used during activities and meals.

(h) A telephone must be available for participant use. Local calls are to be available at no cost to the participant.

~~((15))~~ (14) Safety and sanitation.

(a) The facility and grounds must be safe, clean, and accessible to all participants, and must be designed, constructed, and maintained in compliance with all applicable local, state, and federal health and safety regulations.

(b) Nonslip surfaces must be provided on stairs, ramps, and interior floors.

(c) Alarm/warning systems are necessary to ensure the safety of the participants in the facility in order to alert staff to potentially dangerous situations. This system needs to be activated when the center's staff have determined a participant/s have the potential safety issues with wandering. It is recommended that call bells be installed or placed in the rest areas, restroom stalls, and showers.

(d) An emergency evacuation plan with outside meeting location at a safe distance from the building must be strategically posted in each facility so that all participants, staff, and visitors can view it. If the center provides services to primarily non-English speaking clients the evacuation plan must also contain instructions in the primary language used by clients of the center. The center's emergency disaster plan must be readily available to all staff and reviewed routinely to ensure a safe and secure environment during a disaster.

(e) The facility must be free of hazards, such as high steps, steep grades, and exposed electrical cords. Steps and curbs must be painted and the edges of stairs marked appropriately to highlight them. All step, stairs, ramps, and bathrooms accessible to those with disabilities must be equipped with securely anchored handrails on both sides.

(f) Emergency first-aid kits and manuals must be visible and accessible to staff. Contents of the kits must be replenished after use and reviewed as needed.

(g) Maintenance and housekeeping must be carried out on a regular schedule and in conformity with generally accepted sanitation standards, without interfering with the program.

(h) If smoking is permitted, the center must follow chapter 70.160 RCW, Smoking in public places.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

WAC 388-71-0770 What are the adult day centers' food and nutrition service requirements? Centers must provide meal service to all participants as outlined in WAC 388-71-0704 and 388-71-0706

(1) All meals provided are to meet one-third of the minimum required daily allowance or dietary reference intake as determined by the Food and Nutrition Board of the Institute of Medicine.

(2) The center must ensure that food served meets nutritional needs, takes into consideration individual and ethnic preferences to the extent reasonably possible, caloric need, special dietary requirements, and any physical condition making food intake difficult.

(3) The center must provide a variety of foods and not repeat menus for a minimum of three weeks.

(4) Participant input must be gathered when planning meals.

(5) Menus must be posted at least one week in advance; indicate the month, year, date, day of the week(~~(, month and year)~~); and include ((all)) food and ((snacks)) snack choices served that contribute to nutritional requirements.

(6) Nutrient concentrates, supplements, and dysphagia-modified diets related to a choking or aspiration risk, are to be served only with the written approval of the participant's authorizing practitioner.

(7) Safe and sanitary handling, storage, preparation, and serving of food must be assured. If meals are prepared on the premises, kitchen appliances, food preparation area, and equipment must meet state and local requirements and pass inspections annually.

(8) All staff and volunteers handling or serving meals must have the appropriate food handler's permits, if applicable.

(9) In the event meals are prepared at a separate kitchen facility, the adult day center must ensure that persons preparing food have a food handler's permit and that the food is transported in airtight containers to prevent contamination.

(10) The center must ensure that the food is transported and served at the appropriate and safe temperature.

WSR 18-12-009
PROPOSED RULES
PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-08-006.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-19 WAC describing the paraeducator pilot.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations describing the paraeducator pilot as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018

David Brenna

Senior Policy Analyst

Chapter 179-19 WAC

PILOT

NEW SECTION

WAC 179-19-010 Authority. The authority for this chapter is RCW 28A.413.095 which authorizes the paraeducator board to administer a pilot program on the paraeducator standards of practice, the paraeducator certificates, and the courses described in this title.

NEW SECTION

WAC 179-19-020 Purpose. The purpose of this chapter is to set forth procedures for paraeducators and districts who participate in the pilot program.

NEW SECTION

WAC 179-19-030 Pilot participation. The paraeducator pilot program shall distribute grants to a diverse set of school districts that volunteer to pilot the state paraeducator standards of practice, the paraeducator certificates, and the courses described in this title. Paraeducators who participate in the pilot program:

(1) Who have received training in the fundamental course of study and/or have completed it, and have received and/or completed continuing education credit hours training in one or more of the approved paraeducator certificates, may utilize the continuing education credit hours earned to meet paraeducator requirements written in chapter 28A.413 RCW;

(2) Provided, that the paraeducator remains in accordance with filing requirements stated in WAC 179-01-020.

WSR 18-12-010
PROPOSED RULES
PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-091.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-05 WAC describing methods to attain paraeducator certificate.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations describing methods to attain paraeducator certificate as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018

David Brenna

Senior Policy Analyst

Chapter 179-05 WAC

METHODS TO ATTAIN PARAEDUCATOR CERTIFICATES

NEW SECTION

WAC 179-05-010 Authority. The authority for this chapter is RCW 28A.413.030 which authorizes the paraeducator board with the powers and duties to adopt rules for the effective and efficient implementation of chapter 28A.413 RCW.

NEW SECTION

WAC 179-05-020 Definitions. "Continuing education credit hours" as used in this title is defined in WAC 181-85-030.

WSR 18-12-011 PROPOSED RULES PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-08-001.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-13 WAC describing requirements for English language learner certificates.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 24, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the English language learner certificate as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 23, 2018

David Brenna

Senior Policy Analyst

Chapter 179-13 WAC

ENGLISH LANGUAGE LEARNER SUBJECT MATTER CERTIFICATE

NEW SECTION

WAC 179-13-010 Purpose. (1) The purpose of this chapter is to define a paraeducator's minimum requirements and process to attain, and the validity period for, the English language learner subject matter certificate;

(2) The English language learner subject matter certificate provides increased training to paraeducators to meet the

demands of English language learner instructional support; and

(3) Provided that the English language learner subject matter certificate is not a prerequisite for a paraeducator working in any program.

NEW SECTION

WAC 179-13-020 Minimum requirements. Prior to completing the English language learner subject matter certificate, the paraeducator must have completed the fundamental course of study.

NEW SECTION

WAC 179-13-030 Process. (1) To attain the paraeducator English language learner subject matter certificate, the paraeducator must complete twenty continuing education credit hours of training that meet the learning objectives of the course outline as described in WAC 179-13-060;

(2) Training for the certificate must include the training competencies that align with WAC 179-13-050; and

(3) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the English language learner subject matter certificate.

NEW SECTION

WAC 179-13-040 Validity period. The English language learner subject matter certificate expires after five years, and as follows:

(1) A certificate issued prior to June 30th of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was completed on June 30th of the same calendar year regardless of the date of issuance; and

(2) A certificate issued July 1st or later in the calendar year shall have the expiration date of the certificate calculated on the basis that such certificate was completed on June 30th of the next calendar year regardless of the date of issuance.

NEW SECTION

WAC 179-13-050 Knowledge and skill competencies for the English language learner standards of practice.

The knowledge and skill competencies describe the learning objectives paraeducators should exhibit when working with students. Competencies are associated with each of the standards written in WAC 179-07-030 and are in addition to the knowledge and skill competencies written in WAC 179-07-040:

- (1) Supporting instructional opportunities:
Knowledge competencies:
- (a) Awareness of the difference between social language and academic language;
 - (b) Awareness of the stages of second language acquisition;
 - (c) Awareness of Washington English language proficiency standards; and
 - (d) Awareness of Washington English language proficiency levels.

(2) Demonstrating professionalism and ethical practices:
Knowledge competencies:

(a) Awareness of the legal rights of English language learners;

(b) Awareness of how to build a culturally and linguistically inclusive learning environment; and

(c) Awareness of what constitutes effective communication with English language learner families and students and fosters respect among each other's cultural and linguistic diversity.

(3) Supporting a positive and safe learning environment:

(a) Knowledge competencies:

(i) Awareness of how to successfully support culturally and linguistically diverse students entering into the public school system; and

(ii) Awareness of students' unique strengths and what value they bring to the classroom.

(b) Skill competencies:

(i) Assist with strategies and techniques for facilitating the instruction of individuals with diverse language learning needs in a variety of settings as specified by certificated staff;

(ii) Assist in providing culturally and age appropriate feedback to students; and

(iii) Assist with supporting individual student needs by using appropriate strategies that are culturally responsive and address diverse student background.

(4) Communicating effectively and participating in the team process:

(a) Knowledge competencies:

Awareness of appropriate and culturally responsive communication strategies.

(b) Skill competencies:

(i) Ability to engage and communicate with certificated staff to build a culturally and linguistically inclusive learning environment;

(ii) Support effective communication with culturally and linguistically diverse students, families, communities, and team members in a professional and respectful manner; and

(iii) Ability to engage in appropriate culturally responsive strategies such as:

(A) Constructs of time;

(B) Verbal and nonverbal cues;

(C) Authority; and

(D) Relationship building.

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270:

(a) Knowledge competencies:

Awareness of cultural and linguistic diversities and a commitment to build on students' strength.

(b) Skill competencies:

Use culturally responsive communication skills (e.g., written, verbal, and nonverbal).

NEW SECTION

WAC 179-13-060 Course outline for the English language learner subject matter certificate. Providers and facilitators must follow the current course outline as published by the professional educator standards board when delivering training for the English language learner subject matter certificate.

WSR 18-12-012
PROPOSED RULES
PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-08-005.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-17 WAC describing requirements for the advanced paraeducator certificate.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the advanced paraeducator certificate as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018
David Brenna
Senior Policy Analyst

Chapter 179-17 WAC

ADVANCED PARAEDUCATOR CERTIFICATE

NEW SECTION

WAC 179-17-010 Purpose. (1) The purpose of this chapter is to define a paraeducator's minimum requirements and process to attain, and the validity period for, the advanced paraeducator certificate;

(2) The advanced paraeducator certificate provides further training to paraeducators interested in expanding the duties of their role; and

(3) Provided that the advanced paraeducator certificate is not a prerequisite for a paraeducator working in any program.

NEW SECTION

WAC 179-17-020 Definitions. "Advanced paraeducator certificate" means a credential earned by a paraeducator who may have the following duties:

- (1) Assisting in highly impacted classrooms;
- (2) Assisting in specialized instructional support and instructional technology applications;
- (3) Mentoring and coaching other paraeducators; and
- (4) Acting as a short-term emergency substitute teacher only after the school district has consulted with the paraeducator and applied for the emergency substitute certificate as required in chapter 181-79A WAC.

NEW SECTION

WAC 179-17-030 Minimum requirements. Prior to completing continuing education credit hours for the advanced paraeducator certificate, the paraeducator must meet requirements and apply for the general paraeducator certificate.

NEW SECTION

WAC 179-17-040 Process. (1) To attain the advanced paraeducator certificate, the paraeducator must complete seventy-five continuing education credit hours of training in topics related to the duties of an advanced paraeducator; and

(2) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the advanced paraeducator certificate.

NEW SECTION

WAC 179-17-050 Validity period. The advanced paraeducator certificate expires after five years, and as follows:

- (1) A certificate issued prior to June 30th of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was completed on June 30th of the same calendar year regardless of the date of issuance; and
- (2) A certificate issued July 1st or later in the calendar year shall have the expiration date of the certificate calculated on the basis that such certificate was completed on June 30th of the next calendar year regardless of the date of issuance.

NEW SECTION

WAC 179-17-060 Knowledge and skill competencies for the advanced paraeducator standards of practice. The knowledge and skill competencies describe the learning objectives paraeducators should exhibit when working with students. Competencies are associated with each of the standards written in WAC 179-07-030 and are in addition to the knowledge and skill competencies written in WAC 179-07-040:

- (1) Supporting instructional opportunities:
 - (a) Knowledge competencies:

- (i) Expanded knowledge of reading, writing, and math skills;
- (ii) Expanded knowledge of computer applications to support K-12;
- (iii) Staying current on the knowledge of district standards, curriculum, instruction and assessment;
- (iv) Awareness of district policies and initiatives;
- (v) Expanded knowledge of one's own cultural identity and how it influences perceptions, values, and practices;
- (vi) Expanded knowledge of recording and supporting student data in order to accurately maintain databases as directed by certificated/licensed staff; and
- (vii) Knowledge of effective mentoring and coaching strategies and practices.
 - (b) Skill competencies:
 - (i) Seeks opportunities to learn about perceptions, values and practices of culture and races different from their own;
 - (ii) Demonstrate advanced ability to assist in implementing district/school/classroom instructional outcomes as directed by certificated/licensed staff;
 - (iii) Demonstrate advanced ability to utilize technology to support educational and safety outcomes as directed by certificated/licensed staff;
 - (iv) Demonstrate advanced ability to assist in administration of assessments and monitoring student progress as directed by certificated/licensed staff;
 - (v) Ability to assess effectiveness of mentoring program with each mentee and adapt for the mentee's strengths and weaknesses; and
 - (vi) Ability to pursue feedback from mentee's team in order to develop and provide ongoing support of educational outcomes.
- (2) Demonstrating professionalism and ethical practices:
 - (a) Knowledge competencies:
 - (i) Knowledge of the distinctions in the roles and responsibilities of teachers, paraeducators, advanced paraeducators, administrators, families, and other team members;
 - (ii) Knowledge of state and federal special education laws and laws that apply to English language learners, educational staff associate, Americans with Disabilities Act, Section 504, and Every Student Succeeds Act;
 - (iii) Knowledge of district use of observational tools to promote connection-making between instructional practices and student data; and
 - (iv) Knowledge of ongoing reflective inquiry to improve, inform, and refine instructional practice.
 - (b) Skill competencies:
 - (i) Ability to observe and gather data to provide specific, timely, actionable and nonevaluative feedback to build reflective capacity in mentees;
 - (ii) Ability to foster a growth mindset to engage mentees in continuous improvement; and
 - (iii) Ability to guide mentees in setting measurable goals that are timely and appropriate.
- (3) Supporting a positive and safe learning environment:
 - (a) Knowledge competencies:
 - (i) Expanded knowledge of child and adolescent development (academic progress, ages, stages of development, and stages of language acquisition);

- (ii) Expanded knowledge in strategies to create an equitable learning environment which fosters unique strengths and abilities of students being served;
- (iii) Knowledge of creating a school culture that fosters leadership, growth, and integration of all colleagues including an understanding of each role and appropriate supports to ensure student success; and
- (iv) Knowledge of differing approaches to positive and safe learning environments and how to support those established by certificated/licensed staff and administrators.
 - (b) Skill competencies:
 - Identifies student developmental stages and collaborates with certificated staff on strategies to address concerns and risk factors as determined by the instructional team.
- (4) Communicating effectively and participating in the team process:
 - (a) Knowledge competencies:
 - (i) Awareness of interpersonal communication skills (pausing, paraphrasing, and skilled questioning);
 - (ii) Awareness of team building and collaboration strategies;
 - (iii) Knowledge of strategies to give and receive constructive feedback;
 - (iv) Aware of skills to facilitate conflict resolution; and
 - (v) Knowledge of how to build trusting relationships and open communication with colleagues.
 - (b) Skill competencies:
 - (i) Uses communication skills (e.g., paraphrasing, pausing, questioning) to support learning;
 - (ii) Uses strategies to build trusting, respectful, and confidential relationships through open, honest, and authentic communication with colleagues; and
 - (iii) Approaches difficult conversations in a proactive, supportive, and genuine manner.
- (5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270:
 - (a) Knowledge competencies:
 - (i) Proficient in strategies to support and maintain a culturally inclusive learning environment;
 - (ii) Understanding of how a person's own cultural identity and biases can have possible impacts on the learning environment; and
 - (iii) Broaden understanding of student cultural histories and contexts, as well as family norms and values in different cultures.
 - (b) Skill competencies:
 - (i) Proficient implementation of educational material which represents and supports various cultures and abilities of students being served as directed by certificated/licensed staff;
 - (ii) Ability to provide research-based resources and reflective practices to assist mentee in developing and providing an inclusive learning environment; and
 - (iii) Ability to help others identify their own biases utilizing research-based practices.

NEW SECTION

WAC 179-17-070 Suggested courses for the advanced paraeducator certificate. Suggested courses published by the professional educator standards board.

**WSR 18-12-013
PROPOSED RULES
PARAEDUCATOR BOARD**

[Filed May 24, 2018, 9:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-093.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-11 WAC describing requirements for the general paraeducator certificate.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the general paraeducator certificate as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018
David Brenna
Senior Policy Analyst

Chapter 179-11 WAC**GENERAL PARAEDUCATOR CERTIFICATE**NEW SECTION

WAC 179-11-010 Purpose. (1) The purpose of this chapter is to define a paraeducator's minimum requirements and process to attain, and the validity period for, the general paraeducator certificate.

(2) The general paraeducator certificate is the minimum credential a paraeducator may earn to obtain the knowledge and skill needed to support and assist teachers with their programs and administrative duties.

NEW SECTION

WAC 179-11-020 Definitions. The additional ten days of training to attain the general paraeducator certificate will consist of seventy continuing education credit hours.

NEW SECTION

WAC 179-11-030 Minimum requirements. Prior to completing the general paraeducator certificate, the paraeducator must have completed the fundamental course of study.

NEW SECTION

WAC 179-11-040 Process. (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) The paraeducator must complete the general paraeducator certificate in three years after completing the fundamental course of study, as follows:

(a) If the fundamental course of study is completed prior to June 30th of a calendar year, then it shall have a completion date calculated on the basis that it was completed on June 30th of the same calendar year regardless of the date of completion; and

(b) If the fundamental course of study is completed July 1st or later in the calendar year, then it shall have a completion date calculated on the basis that it was completed on June 30th of the next calendar year regardless of the date of completion.

(3) To attain the paraeducator general certificate, the paraeducator must complete training that meets in-service education approval standards as written in chapter 181-85 WAC.

(4) A paraeducator who holds the English language learner subject matter certificate and/or special education subject matter certificate may deduct twenty continuing education credit hours per subject matter certificate from the hours required to meet the general paraeducator certificate.

(5) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the general paraeducator certificate.

NEW SECTION

WAC 179-11-050 Validity period. Once issued to the paraeducator, the general paraeducator certificate does not expire.

**WSR 18-12-014
PROPOSED RULES
PARAEDUCATOR BOARD**

[Filed May 24, 2018, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-089.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-03 WAC describing minimum employment standards for paraeducators.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for minimum employment requirements for paraeducators as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018
David Brenna
Senior Policy Analyst

Chapter 179-03 WAC**PARAEDUCATOR MINIMUM EMPLOYMENT REQUIREMENTS**NEW SECTION

WAC 179-03-010 Authority. The authority for this chapter is RCW 28A.413.030 which authorizes the paraeducator board with the powers and duties to adopt rules for the effective and efficient implementation of RCW 28A.413.040.

NEW SECTION

WAC 179-03-020 Paraeducator minimum employment requirements. (1)(a) A person working as a paraeducator for the employing school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for the employing school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. A paraeducator must:

(a) Be at least eighteen years of age and hold a high school diploma or its equivalent, as described in WAC 179-03-022; and

(b) In addition, a paraeducator must meet one or more of the following:

(i) Have received a qualifying score on the education testing service paraeducator assessment as published by the professional educator standards board; or

(ii) Hold an associate degree or higher from an accredited college or university; or

(iii) Have earned seventy-two quarter credits or forty-eight semester credits at the one hundred level or higher at an accredited college or university; or

(iv) Have completed an apprenticeship as a paraeducator, in a program registered with the Washington state apprenticeship and training council.

NEW SECTION

WAC 179-03-022 Requirement for a high school diploma or its equivalent. The requirement in WAC 179-03-020 for a paraeducator to hold a high school diploma or its equivalent may be met with any one or more of the following:

(1)(a) High school diploma, or copy of high school diploma; or

(b) High school transcript, or copy of transcript, which documents a high school diploma; or

(c) If the diploma or transcript has been lost or destroyed, or the institution holding the records no longer exists, a statement from an official of the school where the high school diploma was issued, or a statement from an official of the institution holding the records, indicating completion of the diploma by the individual; or

(2) Documentation of achievement of the minimum proficiency level on the general educational development (GED) test or award of certificate of educational competence as described in chapter 131-48 WAC; or

(3) College or university transcript, or copy of transcript, which documents:

(a) A high school diploma; or

(b) Achievement of the minimum proficiency level on the GED test or award of certificate of educational competence as described in chapter 131-48 WAC; or

(4) Associate degree or higher from an accredited college or university; or

(5) Equivalency for course work, diplomas, degrees, and programs completed in countries outside the United States: Individuals who have completed course work, diplomas, degrees, and programs in a country other than the United States may provide one or more of the following:

(a) A transcript, or copy of a transcript, from an accredited United States college or university indicating that the college or university has accepted the course work, diplomas, degrees, or programs as equivalent to a high school diploma, associate degree, or higher; or

(b) A statement of degree equivalency for a high school diploma, associate degree, or higher from an international credentials' evaluation agency approved by the professional educator standards board; or

(c) A statement from an official of the school, college, or university where the high school diploma, associate degree, or higher was completed, indicating completion of the diploma, program, or degree, and approval of the program by an agency governing education in that country; or

(6) A transcript, or copy of a transcript, from an accredited college or university documenting seventy-two quarter or forty-eight semester credits at the one hundred level or higher will be accepted as an equivalent to a high school diploma; or

(7) Home-based instruction: On a case-by-case basis, a district may, at its own discretion, choose to accept a certification of completion of a program of home-based instruction as described in WAC 180-96-053.

WSR 18-12-015

PROPOSED RULES

PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-005.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-07 WAC describing requirements for the standards of practice for paraeducators.

Hearing Location(s): On July 24, 2018 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

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Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the standards of practice for paraeducators as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018

David Brenna

Senior Policy Analyst

Chapter 179-07 WAC

PARAEDUCATOR STANDARDS OF PRACTICE

NEW SECTION

WAC 179-07-010 Authority. The authority for this chapter is RCW 28A.413.030 which authorizes the paraeducator board with the powers and duties to adopt paraeducator standards of practice as described in RCW 28A.413.050.

NEW SECTION

WAC 179-07-020 Purpose. The purpose of this chapter is to establish the paraeducator statewide standards of practice which shall be the basis of the professional development created for the paraeducator certificate program described in this title.

NEW SECTION

WAC 179-07-030 Standards of practice. Washington state paraeducator standards of practice include the following:

- (1) Supporting instructional opportunities;
- (2) Demonstrating professionalism and ethical practices;
- (3) Supporting a positive and safe learning environment;
- (4) Communicating effectively and participating in the team process; and

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

NEW SECTION

WAC 179-07-040 Knowledge and skill competencies for the standards of practice. The knowledge and skill competencies describe the standards of practice that paraeducators should exhibit when working with students. Competencies are associated with each standard.

(1) Supporting instructional opportunities:

(a) Knowledge competencies:

(i) Proficiency in basic reading, writing, and math skills;

(ii) Knowledge of basic computer applications (e.g., word processing, presentation, and spreadsheet applications), data collection, assessments and software applications to support K-12 education; and

(iii) Knowledge of one's own cultural identity and how it influences perceptions, values, and practices.

(b) Skill competencies:

(i) Demonstrate ability to assist in reviewing, preparing, delivering, and reinforcing district/school/classroom instructional outcomes (e.g., tutoring, individual and small group instruction) as directed by certificated/licensed staff;

(ii) Demonstrate ability to assist in recording and maintaining data as directed by certificated/licensed staff;

(iii) Demonstrate ability to assist in administration of assessments and monitoring student progress as directed by certificated/licensed staff; and

(iv) Demonstrate ability to utilize technology to support educational and safety outcomes as directed by certificated/licensed staff.

(2) Demonstrating professionalism and ethical practices:

(a) Knowledge competencies:

(i) Knowledge of the code of professional conduct for education and applicable district policies and procedures;

(ii) Knowledge of the distinctions in the roles and responsibilities of teachers, paraeducators, administrators, families, and other team members;

(iii) Knowledge of the need to protect civil and human rights pertaining to all students, families, and staff; and

(iv) Knowledge of the importance and purpose of confidentiality of student information.

(b) Skill competencies:

(i) Adhere to code of professional conduct and applicable district policies and procedures;

(ii) Pursue and participate in staff professional development and learning opportunities;

(iii) Adhere to and follow district's mission, policies, procedures, and personnel practices; and

(iv) Adhere to confidentiality as consistent with all applicable laws, regulations, policies, and procedures.

(3) Supporting a positive and safe learning environment:

(a) Knowledge competencies:

(i) Knowledge of child and adolescent developmental milestones/stages and potential early warning indicators (e.g., attendance, behavior, and academic progress);

(ii) Knowledge of strategies to create an equitable learning environment which fosters unique strengths and abilities of students being served; and

(iii) Knowledge of behavioral support systems/strategies that create inclusive and safe learning environments.

(b) Skill competencies:

(i) Demonstrate ability to assist students at appropriate developmental stages and report student concerns or risk factors to certificated staff or supervisor;

(ii) Demonstrate ability to implement behavior support systems/strategies as directed by certificated staff or supervisor;

(iii) Adhere to district prescribed health, safety, and emergency policies and school guidelines; and

(iv) Demonstrate ability to follow and assist in monitoring career and technical education (CTE) program/class safety procedures as directed by district and/or instructor.

(4) Communicating effectively and participating in the team process:

(a) Knowledge competencies:

(i) Knowledge of how multiple communication methods contribute to collaborative team work;

(ii) Knowledge of collaborative team strategies and decision making;

(iii) Knowledge of the need to respect individual differences among all students, families, and staff; and

(iv) Knowledge of the importance of giving and receiving feedback regarding student learning and/or personal performance.

(b) Skill competencies:

(i) Demonstrate ability to utilize various communication methods, problem solving skills, and collaboration strategies with staff, students, families and community;

(ii) Demonstrate ability to initiate and provide relevant feedback regarding job duties, performance tasks, and student learning outcomes; and

(iii) Demonstrate ability to apply feedback regarding student learning outcomes and/or personal performance.

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270:

(a) Knowledge competencies:

(i) Knowledge of and respect for different ethnic, cultural, abilities, and linguistic backgrounds of students, families, staff, and community being served;

(ii) Knowledge of strategies to support and maintain a culturally inclusive learning environment; and

(iii) Knowledge of student cultural histories and contexts, as well as family norms and values in different cultures.

(b) Skill competencies:

(i) Demonstrate ability to assist in implementing educational material which represents and supports various cultures and abilities of students being served as directed by certificated/licensed staff; and

(ii) Demonstrate ability to foster a culturally inclusive environment as directed by certificated/licensed staff or supervisor.

WSR 18-12-016
PROPOSED RULES
PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-092.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-09 WAC describing requirements for the fundamental course of study for paraeducators.

Hearing Location(s): On July 24, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the fundamental course of study for paraeducators as required in HB [ESHB] 1115, 2017.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018

David Brenna

Senior Policy Analyst

Chapter 179-09 WAC

FUNDAMENTAL COURSE OF STUDY

NEW SECTION

WAC 179-09-010 Authority. The authority for this chapter is RCW 28A.413.060 which authorizes the paraeducator board to define the fundamental course of study on the state standards of practice, as defined in chapter 179-07 WAC.

NEW SECTION

WAC 179-09-020 Purpose. The purpose of this chapter is to define the foundational training paraeducators must receive before the paraeducator begins to work with students and their families, or at minimum by the deadlines provided in RCW 28A.413.060.

NEW SECTION

WAC 179-09-030 Definitions. The four-day fundamental course of study will consist of twenty-eight continuing education credit hours of training.

NEW SECTION

WAC 179-09-040 Fundamental course of study. (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a fundamental course of study on the state standards of practice, as defined by the board in WAC 179-09-050 of this chapter, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (3) of this section.

(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

(ii) For paraeducators hired after September 1st:

(A) For districts with ten thousand or more students, within four months of the date of hire; and

(B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

(5) The fundamental course of study must include the training competencies that align with the standards of practice in chapter 179-07 WAC.

(6) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the fundamental course of study.

NEW SECTION

WAC 179-09-050 Course outline for the fundamental course of study. Providers and facilitators must follow the current course outline as published by the professional educator standards board when delivering the fundamental course of study.

WSR 18-12-017
PROPOSED RULES
PARAEDUCATOR BOARD

[Filed May 24, 2018, 9:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-004.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-21 WAC describing the paraeducator career ladder.

Hearing Location(s): On July 24, 2018 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations describing the paraeducator career ladder as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018
 David Brenna
 Senior Policy Analyst

Chapter 179-21 WAC**CAREER LADDER**NEW SECTION

WAC 179-21-010 Authority. The authority for this chapter is RCW 28A.413.030 which authorizes the paraeducator board to make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibility.

NEW SECTION

WAC 179-21-020 Purpose. The purpose of this chapter is to indicate the opportunities available for paraeducator career advancement that are overseen by the paraeducator board, and any associated rules adopted by the board.

NEW SECTION

WAC 179-21-030 Pipeline for paraeducators conditional loan scholarship. The state laws establishing this program include RCW 28A.660.042 and 28A.660.050.

NEW SECTION

WAC 179-21-040 Alternative route to teaching block grants. The state law establishing this program is RCW 28A.660.050.

NEW SECTION

WAC 179-21-050 Recruiting Washington teachers program. The state law establishing this program is RCW 28A.415.370.

WSR 18-12-036
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed May 29, 2018, 1:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-21-046.

Title of Rule and Other Identifying Information: Chapter 246-814 WAC, Access to dental care for children, the department of health (department) proposes rule revisions that will clarify and modernize standards regarding the provision of dental cleaning and sealants to at-risk children in school-based and school-linked settings by dental hygienists and assistants.

Hearing Location(s): On July 13, 2018, at 1:00 p.m., at the Department of Health, Town Center Two, Room 158, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: August 13, 2018.

Submit Written Comments to: Bruce Bronoske, Jr., Washington State Department of Health, P.O. Box 47852,

Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4901, by July 13, 2018.

Assistance for Persons with Disabilities: Contact Bruce Bronoske, Jr., phone 360-236-4843, fax 360-236-4901, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov, by July 6, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes will update and clarify the types of sites where sealant/varnish care is provided by dental hygienists and dental assistants to increase access to dental care for at-risk, rural, and low-income children in Washington. These sites include school-based settings and clinical settings associated with a school. The changes will bring the present language up-to-date with current dental hygiene techniques and will delete obsolete or unnecessary language.

Reasons Supporting Proposal: The department opened chapter 246-814 WAC to revise the rules so they are clear, concise, and reflect current dental hygiene practices. This revision is part of [a] five year rule review conducted consistent with RCW 43.70.041. Specifically, the department is proposing changes to rules that regulate the department sealant/varnish guidelines which will increase access to dental cleanings and sealants for at-risk children in school-based and school-linked settings through the Access to Dental Care for Children Act.

Statutory Authority for Adoption: RCW 18.29.210, 43.70.650.

Statute Being Implemented: RCW 18.29.220 and 18.32.-226.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bruce Bronoske, Jr., 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4843.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

May 29, 2018

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 02-21-128, filed 10/23/02, effective 11/23/02)

WAC 246-814-010 Purpose. The purpose of this chapter is to implement RCW 18.29.220 and 18.32.226. These laws are intended to improve access to dental care for low-income, rural, and other at-risk children by enhancing the authority of dental hygienists and dental assistants to provide dental sealant and fluoride varnish treatments in school-based and school-linked programs. The department (~~(of health)~~) encourages partnerships within geographical regions and among participants in the oral health care community in implementing this law.

NEW SECTION

WAC 246-814-015 Definitions. The definitions of this section apply throughout this chapter unless the context clearly indicates otherwise:

- (1) "Department" means the Washington state department of health.
- (2) "School-based program" means a program that is conducted entirely in the school setting.
- (3) "School-linked program" means a program that may be conducted in both the school and clinical settings associated with the school.

AMENDATORY SECTION (Amending WSR 02-21-128, filed 10/23/02, effective 11/23/02)

WAC 246-814-020 Practices authorized. (1) **Dental hygienists.** Solely for purposes of providing services under this chapter, dental hygienists holding endorsements under this chapter may assess by determining the need for (i.e., the absence of gross carious lesions and sealants) and acceptability of dental sealant (~~(and/or)~~) or fluoride varnish treatment for children in school-based and school-linked programs (~~(and)~~). Dental hygienists may apply dental sealants and fluoride varnish treatments and may remove deposits and stains from the surfaces of teeth, without the supervision of a licensed dentist. This determination does not include or involve diagnosing conditions or constitute a dental examination.

(2) **Dental assistants.** A dental assistant is currently defined (~~(by the Dental Quality Assurance Commission in WAC 246-817-510 as an unlicensed person working under the close supervision of a licensed dentist)~~) in RCW 18.260.-010 as a person who is registered by the dental quality assurance commission to provide supportive services to a licensed dentist to the extent provided in chapter 18.260 RCW and under the close supervision of a dentist. Solely for purposes of this chapter, authorized dental assistants may apply dental sealants and fluoride varnish treatments to children in school-based and school-linked programs under the *general* supervision of a Washington state licensed dentist, as described in this chapter.

(a) *Close supervision* requires the (~~(licensed)~~) supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist (~~(must be)~~) is continuously on-site and

physically present in the treatment facility when the treatment is provided.

(b) *General supervision* requires the (~~licensed~~) supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist does not have to be in the treatment facility when the treatment is provided.

(3) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with local public health jurisdictions and local oral health coalitions prior to providing services under this chapter, consistent with RCW 18.29.220 and 18.32.226.

AMENDATORY SECTION (Amending WSR 02-21-128, filed 10/23/02, effective 11/23/02)

WAC 246-814-030 Application process and documentation of training required to qualify for endorsement.

(1) The department (~~of health~~) has issued endorsements to all dental hygienists holding valid licenses on or before April 19, 2001, the effective date of RCW 18.29.220.

(2) Dental hygienists licensed after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.29.220 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;
- (c) Information of having a valid Washington state dental hygiene license for reference; and
- (d) Proof of the completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(3) Dental assistants employed by a Washington state licensed dentist on or before April 19, 2001, are not required to obtain an endorsement but may voluntarily do so without having to meet the additional requirements in RCW 18.32.-226.

(4) Dental assistants employed by a Washington state licensed dentist for two hundred hours after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.32.226 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;
- (c) Proof of two hundred hours of employment as a dental assistant by a Washington state licensed dentist that has included theoretical and clinical training in the application of dental sealants and fluoride varnish treatments, verified by a declaration provided by the licensed dentist who provided the training; and

(d) Proof of completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(5) Dental assistants and their supervising dentists, as well as dental hygienists should use the Washington state department of health sealant/fluoride varnish guidelines described in WAC 246-814-040 and other protocols that may

be in place for the geographic region when coordinating with local public health jurisdictions. (~~To assist the local public health jurisdictions and the practitioners in coordinating these services, a "letter of understanding" is recommended and would provide a means to address mutual concerns. It may include, but is not limited to:~~

- (a) ~~Data collection requirements;~~
- (b) ~~Delineation of responsibilities of the treatment providers and the local public health jurisdictions;~~
- (c) ~~Quality assurance mechanisms; and~~
- (d) ~~Communication with schools being served.)~~

(6) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with (~~the~~) established local oral health coalitions by participating in oral health coalition meetings that may be held in the geographical region.

AMENDATORY SECTION (Amending WSR 02-21-128, filed 10/23/02, effective 11/23/02)

WAC 246-814-040 Training and the provision of services.

(1) The "Washington state department of health sealant/fluoride varnish program guidelines" (sealant/fluoride varnish program guidelines) have been developed, maintained and distributed by the department (~~of health~~) in partnership with the oral health community and health care practitioners. To obtain copies of the (~~"guidelines"~~) sealant/fluoride varnish program guidelines contact the department (~~of health~~).

(2) The (~~Washington state department of health~~) sealant/fluoride varnish program guidelines are designed to assist the local public health jurisdictions and oral health care communities in the planning, implementation, and evaluation of school-based dental sealant and fluoride varnish programs. Every school-based dental sealant and fluoride varnish program should design their program to provide, at minimum, for the following:

- (a) Assessing and targeting the population.
- (b) Establishing community capacity and infrastructure.
- (c) Determining staffing needs and training.
- (d) Securing equipment and supplies.
- (e) Developing policies, procedures and data collection forms.
- (f) Scheduling schools/sites.
- (g) Preparing sites for implementation.
- (h) Providing services.
- (i) Evaluating the process and outcomes.

(3) The (~~Washington state department of health~~) sealant/fluoride varnish program guidelines also provides the training required for dental hygienists and dental assistants providing services under this chapter. Applicants for endorsement must obtain training as contained in these specific guidelines, which can be met through any one of the following methods:

- (a) Graduation from a dental assisting, dental hygiene or dental educational program, accredited by the (~~American Dental Association~~) commission on dental accreditation (CODA), which has incorporated the (~~Washington state department of health~~) sealant/fluoride varnish program guidelines.

(b) Continuing education courses which teach the ((Washington state department of health)) sealant/fluoride varnish program guidelines.

(c) Individual training provided by a Washington licensed dentist, which has incorporated the ((Washington state department of health)) sealant/fluoride varnish program guidelines.

WSR 18-12-054

PROPOSED RULES

PARAEDUCATOR BOARD

[Filed May 31, 2018, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-088.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-01 WAC describing authority and definitions.

Hearing Location(s): On July 25, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the paraeducators as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 31, 2018
David Brenna
Senior Policy Analyst

Chapter 179-01 WAC

AUTHORITY

NEW SECTION

WAC 179-01-010 Authority for Title 179. The authority for this title is RCW 28A.413.020 and 28A.413.030 which creates and authorizes the paraeducator board with the powers and duties to effectively and efficiently implement chapter 28A.413 RCW.

NEW SECTION

WAC 179-01-020 Definitions. The definitions set forth in this section apply throughout this title.

(1)(a) "Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member, from grades kindergarten to grade 12, to support and assist in providing instructional and other services to students and their families, including library assistants, and excluding bus monitors, lunchroom aides, and community service aides.

(b) Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title.

(2) "College or university" means any accredited institution as defined in WAC 250-61-050.

(3) "Certificate," as used in this title:

(a) Means a credential earned by a paraeducator who has met the minimum completion requirements listed in the chapters of this title; and

(b) Does not hold the same meaning as used in Title 181 WAC.

(4) "Expire," as used in this title, means that the credential earned by the paraeducator is no longer valid.

(5) "Filing requirements," as used in this title, as defined in chapter 181-85 WAC.

WSR 18-12-055

PROPOSED RULES

**PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed May 31, 2018, 9:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-23-049.

Title of Rule and Other Identifying Information: Amends WAC 181-79A-221 and 181-79A-257 to clarify requirements for certain national [national] board certified counselors and psychologists to earn professional certificates including out-of-state educators.

Hearing Location(s): On July 25, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Supports nationally recognized credentials, adjusts to the closure of professional level programs for counselors and psychologists.

Reasons Supporting Proposal: Streamlines requirements and honors national standards.

Statutory Authority for Adoption: RCW 28A.410.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

May 31, 2018
David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 17-11-104, filed 5/22/17, effective 6/22/17)

WAC 181-79A-221 Academic and experience requirements for certification—School counselors and school psychologists. Candidates for school counselor and school psychologist certification shall complete the following requirements in addition to those set forth in WAC 181-79A-150 and 181-79A-226: Provided, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive examination required in such master's degree program. This examination shall be an examination of an accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC) or, in the case of school psychologists, hold the (~~NCSP accreditation~~) Nationally Certified School Psychologist (NCSP) credential from the National Association of School Psychologists (NASP): Provided, That if any candidate has been awarded a master's degree without a comprehensive examination, the candidate, as a condition for certification, shall successfully complete the Praxis II exam in the appropriate role.

(1) School counselor.

(a) Residency.

(i) Hold a master's degree with a major in counseling.

(ii) Completion of an approved school counselor program.

(b) Continuing.

(i) Hold or have held an initial or residency school counselor certificate, and have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by an accredited institution or one hundred fifty clock hours of study which meets the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. The study shall:

(A) Be based on the school counselor performance domains included in WAC 181-78A-270 (4)(a);

(B) Be taken subsequent to the issuance of the most recent initial or residency school counselor certificate.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the role of school counselor with an authorized employer—i.e., school district, educational service district, state agency, private school, or private school system—and at least thirty days of such employment with the same employer.

(c) Professional. A professional certificate may be earned by an individual who holds (~~or has held~~) a valid school counseling certificate issued by the National Board for Professional Teaching Standards (NBPTS).

(d) Beginning with certificates first issued or renewed after July 1, 2015, continuing and professional certificates for school counselors include a requirement for suicide prevention training per RCW 28A.410.226.

(2) School psychologist.

(a) Residency.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) Completion of an approved school psychology program.

(b) Continuing.

(i) Hold or have held an initial or residency school psychologist certificate, a master's degree with a major or specialization in school psychology, and have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by an accredited institution or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. The study shall:

(A) Be based on the school psychologist performance domains included in WAC 181-78A-270 (5)(a);

(B) Be taken subsequent to the issuance of the most recent initial or residency school psychologist certificate.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the role of school psychologist with an authorized employer—i.e., school district, educational service district, state agency, private school, or private school system—and at least thirty days of such employment with the same employer.

(c) Professional. An individual who holds (~~an NCSP certificate~~) a valid Nationally Certified School Psychologist (NCSP) credential issued by the National Association of

School Psychologists (NASP) shall be deemed to have met the requirement for professional certification.

(d) Beginning with certificates first issued or renewed after July 1, 2015, continuing and/or professional certificates for school psychologists include a requirement for suicide prevention training per RCW 28A.410.226.

AMENDATORY SECTION (Amending WSR 15-23-013, filed 11/6/15, effective 12/7/15)

WAC 181-79A-257 Out-of-state candidates. Candidates for certification from other states who meet the general certificate requirements described in WAC 181-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Residency certificates. The residency certificate shall be issued by the superintendent of public instruction to any candidate who meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, and who meets one of the following:

(a) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter, and has completed a state approved preparation program in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 181-79A-150(4). Such programs shall include a defined course of study and a supervised internship.

(b) Provided, That if a candidate for teacher, administrator or educational staff associate certification does not meet the qualifications described in (a) of this subsection, a residency certificate shall be issued to a candidate who:

(i) Holds an appropriate degree from ~~((a regionally))~~ an accredited college or university.

(ii) Holds or has held a certificate in the role, comparable to a residency certificate, issued by another state and has practiced at the P-12 level in the role outside the state of Washington for at least three years ~~((within the last seven years))~~.

(c) Holds an appropriate degree from ~~((a regionally))~~ an accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(d) Holds a valid Nationally Certified School Psychologist (NCSP) ~~((certificate))~~ credential issued by the National Association of School ~~((Psychology Certification Board (NSPCB) after December 31, 1991,))~~ Psychologists (NASP); and applies for ~~((an initial/residency))~~ a residency educational staff associated school psychologist certificate.

(2) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, meets the child abuse course work requirement as described in WAC 181-79A-206 (3)(b), and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the professional educator standards board as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) The candidate holds a valid school counselor certificate issued by the National Board for Professional Teaching Standards; or

(d) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

(3) As per RCW 18.340.020 out-of-state candidates who are military spouses shall receive expedited issuance of the appropriate certificate in accordance with this section.

(4) Out-of-state candidates must meet the assessment requirements per chapters 181-01 and 181-02 WAC. Equivalent assessments will be published by the board.

WSR 18-12-056
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 31, 2018, 10:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-015.

Title of Rule and Other Identifying Information: Amends WAC 181-85-033 to clarify clock hour awards timelines and clock hour for national board certificated educators.

Hearing Location(s): On July 25, 2918 [2018], at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Supports nationally recognized credentials.

Reasons Supporting Proposal: Streamlines requirements and honors national standards.

Statutory Authority for Adoption: RCW 28A.410.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

May 31, 2018
David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 16-24-024, filed 11/29/16, effective 12/30/16)

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 181-79A-030, members of a professional growth team, excluding the candidate, ~~((shall receive))~~ are eligible for the equivalent of three continuing education credit hours. The team member may not receive more than the equivalent of six continuing education credit hours, as defined by this section, during ~~((a calendar year))~~ the period beginning July 1st of one year and ending June 30th of the following year.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 ~~((shall receive))~~ is eligible for 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))~~ is eligible for the equivalent of thirty continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of thirty continuing education credit hours during a school year period.

(b) The term "supervisor" shall mean 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 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))~~ National board certification from the National Board for Professional Teaching Standards (NBPTS):

(a) Individuals who submitted at least one component of an initial NBPTS national board certification process in 2017 or earlier, and who hold a valid educational certificate pursuant to RCW 28A.410.010 ~~((shall receive))~~, are eligible for the equivalent of forty-five continuing education credit hours for ~~((completion of an assessment process as part))~~ submission of a complete portfolio of four components of the National Board for Professional Teaching Standards ~~((certificate application))~~ certification process. Completion of a national board certification process shall be defined as published by the professional educator standards board. Upon achieving national board certification, the individual ~~((shall receive))~~ is eligible for the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per national board certificate. Beginning January 1, 2022, all individuals submitting complete components as part of an initial NBPTS national board certification process are eligible for continuing education credit hours as described in WAC 181-85-033 (4)(b).

(b) Individuals who first submitted a component of an initial NBPTS national board certification process in 2018 or later, and who hold a valid educational certificate pursuant to RCW 28A.410.010, are eligible for the equivalent of fifty continuing education credit hours per submission of a complete national board component, for a total of two hundred continuing education credit hours per submission of a complete national board certification portfolio. Completion of a national board component shall be defined as published by the professional educator standards board.

(c) Individuals who submit a complete NBPTS national board renewal portfolio in 2018 or later, and who hold a valid educational certificate pursuant to RCW 28A.410.010, are eligible for the equivalent of two hundred continuing education credit hours. Completion of a national board renewal portfolio shall be defined as published by the professional educator standards board.

(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))~~ are eligible for the equivalent of one hundred fifty continuing education credit hours.

(6) 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.

(7) Notwithstanding any provision of this chapter to the contrary, individuals who serve as scorers for the Washington teacher performance assessment ~~((shall receive))~~ are eligible for the equivalent of ten continuing education credit hours for each four assessments scored, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Additionally, individuals who receive initial training as scorers for the Washington teacher performance assessment

~~((shall receive))~~ are eligible for the equivalent of ten continuing education credit hours.

(8) Notwithstanding any provision of this chapter to the contrary, individuals who serve as scorers for the Washington ProTeach Portfolio assessment (~~((shall receive))~~ are eligible for the equivalent of ten continuing education credit hours for completing one full scoring session during a calendar year, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Individuals who receive initial training as scorers for the Washington ProTeach Portfolio assessment (~~((shall receive))~~ are eligible for the equivalent of ten additional continuing education credit hours.

WSR 18-12-059

PROPOSED RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 31, 2018, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-08-075.

Title of Rule and Other Identifying Information: Amends WAC 181-78A-005, 181-78A-010, 181-78A-100, 181-78A-105, 181-78A-110, 181-78A-115, 181-78A-120, 181-78A-220, 181-78A-300 and 181-78A-307, to reform the program requirements for state approved teacher preparation in response to technological reporting improvements.

Hearing Location(s): On July 25, 2018, at 8:30, at the Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 18, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 18, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The professional educator standards board (PESB) has spent a number of years reforming the way preparation data reports on candidates, completers and other aspects of preparation. Now that those data systems are in place, the standards for review and approval have become outdated. These changes bring the system up to the new reporting requirements.

Reasons Supporting Proposal: Regulations take into account data reporting to help determine the status of the programs.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

May 31, 2018

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 11-01-047, filed 12/7/10, effective 1/7/11)

WAC 181-78A-005 Purpose. ~~((In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the professional educator standards board is establishing a performance-based preparation system for educators. The intent of the performance-based preparation system is to ensure that educators can demonstrate a positive impact on student learning as the foundation for preparing students to participate effectively in a diverse and democratic society.))~~ This chapter establishes the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by ~~((approved))~~ preparation program~~((s))~~ providers in Washington state leading to teacher, administrator, and educational staff associates certification. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (ESHB 1209) which will enable educators to implement the Washington state student learning ~~((goals and essential academic learning))~~ standards and requirements.

AMENDATORY SECTION (Amending WSR 16-12-026, filed 5/23/16, effective 6/23/16)

WAC 181-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) ~~((("College or university" means any accredited institution as defined in WAC 250-61-050 and as amended by the Washington student achievement council.))~~

~~((2))~~ "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

~~((3))~~ (2) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

~~((4))~~ (3) "Program approval" means the approval by the professional educator standards board of an educator preparation program offered by an educator preparation program provider within Washington state.

~~((5))~~ (4) "Field experience" means ~~((a sequence of))~~ learning experiences ~~((which occur))~~ in ~~((actual))~~ school ~~((settings or))~~, clinical, or laboratory settings. ~~((Such))~~ These learning experiences ~~((are))~~ must be related to specific program outcomes and ~~((are))~~ designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

~~((6))~~ "Accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by an organization as provided in WAC 250-61-050 and as amended by the Washington student achievement council.

~~((7))~~ "Accredited institution of higher education," for purposes of credit on salary schedule per RCW 28A.415.024, means an accredited institution of higher education by WAC 250-61-050 and as amended by the Washington student achievement council.

~~((8))~~ "An approved performance based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific professional educator standards board required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

~~((9))~~ (5) "A positive impact on student learning" means ~~((that a teacher through instruction and assessment has been able to document))~~ students' documented increased knowledge and/or demonstration of a skill or skills related to the state ~~((goals and/or essential academic learning requirements: Provided, That teachers))~~ approved standards; or for candidates employed by private schools ~~((who are candidates for the professional teaching certificate shall document))~~, students' documented increased knowledge ~~((and/or))~~ or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) ~~((Such))~~ Alternative learning goals ~~((as))~~ established by the private school ~~((has established))~~.

~~((10))~~ (6) "Collaboration" ~~((as used in WAC 181-78A-500 through 181-78A-540))~~ means ongoing communication among the professional growth team members ~~((using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.)))~~ to reach consensus regarding the content ~~((Course work, experiences, competencies, knowledge and skills--))~~ of the candidate's professional growth plan.

~~((11))~~ "Professional growth team" for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a program administrator/designee, and a colleague/peer from the same professional role specified by the candidate.

~~((12))~~ (7) "Professional growth plan" means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-79A-207 ~~((and 181-78A-540.~~

(13) "Draft professional growth plan" means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-78A-540.

~~((14))~~ "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 181-78A-535(2)).

(8) "Board" means the professional educator standards board.

(9) "Clinical practice" means a specific, prolonged field experience where the candidate practices or serves in the role for which he or she is being prepared. Clinical practice must take place in an education setting and under the general supervision of a certificated practitioner, with three years' experience in the role for which the candidate is seeking certification.

(10) "Components" means the design features of the program and actions of the provider.

(11) "Domains" means broad categories of educator preparation program providers' performance expectations and outcomes established by the board.

(12) "Educator preparation program" or "program" means all courses, requirements, and other activities leading to a specific educator certification including teaching, administrator, school counselor, or school psychologist certificate and/or teaching certificate endorsement.

(13) "Educator preparation program provider" or "program provider" or "provider" means the entity approved to provide one or more educator preparation programs and responsible for operating the programs in compliance with the board's standards and policies.

(14) "Indicator" means performance data determined by the board that identifies the need for further inquiry into the functioning of a program.

(15) "Internship" means the period of clinical practice for candidates enrolled in approved administrator, school counselor, and school psychologist preparation programs.

(16) "Review period" means the period between annual submissions of indicator performance data when the board may require sponsoring organizations to participate in graduated levels of intervention and reporting.

(17) "Review team" means a group of people with experience, expertise, and training to assess the adequacy of program components and domains.

(18) "Student teaching" means the period of clinical practice for individuals enrolled in teacher preparation programs. This period must include at least four hundred fifty hours of supervised planning, instruction, and reflection.

(19) "Thresholds" means the target level of overall performance, or maximum acceptable variance for indicators approved and published by the board.

AMENDATORY SECTION (Amending WSR 15-12-123, filed 6/3/15, effective 7/4/15)

WAC 181-78A-100 Existing approved programs. ~~((Chapter 181-78A WAC rules shall govern all policies related to programs upon adoption by the professional educator standards board, which shall provide assistance to programs in the revision of their existing programs.~~

(1) The professional educator standards board shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under program approval standards. In determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and national accreditation organizations as such agreement relates to the accreditation cycle and allow CAEP accredited programs to follow the CAEP schedule for their review. Non-CAEP accredited programs shall have a review every five years. The professional educator standards board may require more frequent site visits at their discretion pursuant to WAC 181-78A-110 (2). The professional educator standards board will not consider requests for site visit delays.

(2) Each institution shall submit its program for review when requested by the professional educator standards board to ensure that the program meets the state's program approval standards as follows:

(a) At least six months prior to a scheduled on-site visit, the institution shall submit an institutional report that provides evidence and narrative, as needed, that addresses how the program approval standards are met for each preparation program undergoing review. Evidence shall include such data and information from the annual data submissions required per WAC 181-78A-255(2) as have been designated by the professional educator standards board as evidence pertinent to the program approval process.

(b) The institutional report shall be reviewed by a team whose membership is composed of:

(i) One member of the professional educator standards board;

(ii) One peer institution representative;

(iii) One individual with assessment expertise;

(iv) Two K-12 practitioners with expertise related to the programs scheduled for review; and

(v) A site team chair who has completed state site chair training.

(e) Substitutions, drawn from (b)(i) through (iv) of this subsection, may be assigned when individuals are not available. Additions to the team shall be drawn from (b)(i) through (iv) of this subsection when necessary. The professional educator standards board liaison for that institution may be present, but shall not serve in an evaluative role. All members, including substitutes, shall be trained.

(d) Team membership may be reduced for regular continuing visits in which fewer than five standards are being reviewed, initial visits, and focus visits. At a minimum, the team must consist of two members of which one must be a member of the professional educator standards board.

(e) Members of a focus visit team shall, at a minimum, be comprised of one member who served on the on-site team and one member of the professional educator standards board.

(f) Members of the site team may be assigned to conduct an audit of a standard. The standard(s) to be audited during a site review will be determined by the professional educator standards board. The audit must be held during the same semester as the site team review. A site team member conducting an audit will not participate in site team meetings,

and will not have a vote in site team decision beyond the standard being audited. The process for an audit shall be published by the professional educator standards board.

(g) The review of the off-site team shall identify additional evidence and clarifications that may be needed to provide adequate support for the institutional report.

(h) The report of the off-site team shall be submitted to the institution, which shall provide an addendum to the institutional report no later than five weeks preceding the on-site review.

(i) The on-site visit shall be conducted in compliance with the protocol and process adopted and published by the professional educator standards board. The team shall be comprised of members of the off-site review team whenever possible.

(j) The final site visit report and other appropriate documentation will be submitted to the professional educator standards board.

(k) Institutions may submit a reply to the report within two weeks following receipt of the report. The reply is limited to evidence that the review disregarded state standards, failed to follow state procedures for review, or failed to consider evidence that was available at the time of the review. PESB shall publish the process for submitting and reviewing the institutional reply.

(l) In considering the report, the professional educator standards board may grant approval according to WAC 181-78A-110 and 181-78A-100(1).

(m) Institutions may request a hearing in instances where it disagrees with the professional educator standards board's decision. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The institution seeking a hearing will provide a written request to the professional educator standards board in accordance with WAC 10-08-035.

(3) Institutions seeking Council for the Accreditation of Educator Preparation, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the professional educator standards board approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.) Providers of programs approved by the board shall comply with the review process established in this chapter and published by the board.

(1) Teacher and principal preparation programs: The board will annually review performance data of all educator preparation programs based on components and indicators established in this chapter and published by the board. The professional educator standards board will provide annual updated written guidance to providers regarding the submission of annual program data.

(a) Notification: If annual preparation program data analysis indicates that program performance falls below thresholds during any given review period, the board staff will provide written notification to the educator preparation program provider. The educator preparation program provider may choose to submit a response to the board staff. The

response must be received by board staff within four weeks following receipt of the notification by the provider. The response should offer evidence of factors and circumstances that explain why program performance is below board approved thresholds on the indicators identified in the notice. The board staff will offer providers guidance on content and timelines for submission of this optional response. The board will review responses concurrently with annual data analysis reports.

(b) Interventions: Providers with program performance below indicator thresholds are subject to graduated levels of intervention as follows:

(i) Intervention 1 - Required self-study report: If a provider that received written notification of performance below threshold on one or more indicators during the previous review period has performance below thresholds on the same indicator(s) during the subsequent review period, the board will send the provider a second notification. The provider must complete a self-study report related to the components and domain(s) identified in both notifications and submit it to the board. The board will give providers written timelines and guidance for the submission of these materials. In the self-study report, the provider may also submit evidence and a description of the provider's performance related to the indicator(s), components, and domains identified in the notifications. If the board is satisfied with the self-study report, the board will approve it on the consent agenda of the board meeting following submission. If the board is not satisfied with the self-study report, staff will give providers additional written timelines and guidance to address the board's concerns.

(ii) Intervention 2 - Formal review: If a provider demonstrates performance below thresholds for a third successive review period or more, the professional educator standards board will provide a third notification. Based on its discretion and authorized by a vote, the board also may require a formal review related to the provider's performance in the domains of practice identified in the notifications. Prior to commencing a formal review, the board will consider the notifications, responses, and self-study report to determine whether to proceed with or postpone a formal review.

(A) The formal review will incorporate the following elements:

(I) The board shall determine the schedule for formal reviews and whether an on-site visit or other forms of documentation and validation will be used to evaluate programs under program approval standards.

(II) The provider will submit requested evidence to the board staff.

(III) A review team, including at least one member of the board, will review the evidence. The review team may request additional information including information provided through interviews with provider staff or affiliates as needed.

(IV) The review team will provide a report to the board identifying areas of practice associated with the previous notifications where the provider is out of compliance with educator preparation program requirements established in WAC 181-78A-300 and the educator preparation program expectations and outcomes established in WAC 181-78A-

220. The review team may also identify areas of practice where the provider is out of compliance with educator preparation program requirements that were not associated with previous notifications but were noticed by the review team during the process of review. The report may also identify whether the approved indicators or thresholds are functioning as intended.

(V) Board staff serving on the review team will provide assistance to the review team during the review process but will not serve in an evaluative role.

(VI) The review team will submit its report and other appropriate documentation to the provider and the board within one year of the board designating the program for formal review.

(VII) The board may extend the length of the one-year period for submission of the review team's report up to two years at its discretion.

(B) Providers may submit a reply to the review team report within two weeks following receipt of the report. The reply is to focus on the evidence, conclusions, and recommendations in the report but also may include additional evidence of factors and circumstances that explain why program performance is persistently below board approved thresholds on the indicators identified in the notice and self-study report. The board shall publish the process for submitting and reviewing the reply.

(C) In considering the review team's report, the board may request additional information or review, or take action to extend, or change the program's approval status per the provisions of WAC 181-78A-110.

(c) A provider may request a hearing in instances where it disagrees with the board's decision to extend or change the program's approval status. This request must be made within twenty days from the decision date. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The provider seeking a hearing will provide a written request to the professional educator standards board in accordance with WAC 10-08-035.

(d) The board will publish a schedule for its review of the domains, components, indicators and thresholds. This review will occur at least every five years and not more frequently than every two years.

(2) Superintendent programs: The board will annually review data related to the performance of all superintendent programs according to data reporting guidance published by the board.

(a) Annual data analysis: After each annual review period, the board will give superintendent program providers written analysis of annual data submission.

(b) Superintendent program review: The professional educator standards board shall determine the schedule for formal reviews and whether an on-site visit or other forms of documentation and validation shall be used for evaluation.

(i) Superintendent program reviews will be conducted at least every five years and not more frequently than every three years.

(ii) Superintendent program providers will submit requested evidence to the staff of the professional educator standards board.

(iii) A review team, including at least one member of the professional educator standards board, will review the evidence and request additional information including information provided through interviews with provider staff or affiliates as needed. One board staff member will serve on the review team to provide assistance to the review team during the review process but will not serve in an evaluative role. Additional members of the review team shall include at least one K-12 practitioner with expertise related to the program scheduled for review and two individuals with expertise related to the domains of practice identified in annual written analyses.

(iv) The two providers with peer representatives on the review team will be scheduled for annual review during the subsequent review period.

(v) At least three months in advance of scheduled review, superintendent program providers must complete a self-study report related to the components and domain(s) identified in the written analyses of annual data submissions. The board will give providers written timelines and guidance for the submission of these materials. In the self-study report, the provider may also provide evidence and a description of the provider's performance related to the indicator(s), components, and domains identified in the notifications. Evidence shall include such data and information from the annual data submissions required per WAC 181-78A-255(2) as have been designated by the board as evidence pertinent to the program approval process.

(c) Following the review, the review team will provide a report identifying any areas where the program is out of compliance with requirements established in WAC 181-78A-300 and the program expectations and outcomes established in WAC 181-78A-220.

(i) The report may also verify or contradict that the approved indicators or thresholds are functioning as intended.

(ii) The board may extend the length of the one-year report period up to two years at its discretion. The review team's report and other appropriate documentation will be submitted to the provider and the board within one year of the board designating the program for formal review.

(iii) Providers may submit a reply to the review team report within two weeks following receipt of the report. The reply is limited to evidence that the review disregarded state standards, failed to follow state procedures for review, or failed to consider evidence that was available at the time of the review. The board shall publish the process for submitting and reviewing the reply.

(iv) In considering the review team's report, the board may request additional information or review, or take action to extend or change the educator preparation program's approval status per the provisions of WAC 181-78A-110.

(d) A provider may request a hearing in instances where it disagrees with the professional educator standards board's decision. This request must be made within twenty days from the decision date. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The provider seeking a hearing will provide a written request to the board in accordance with WAC 10-08-035.

(3) Program administrator programs: The board will annually review data related to the performance of all program administrator programs according to data and reporting guidelines published by the board.

(a) Program administrator programs implemented in conjunction with principal preparation programs will be reviewed concurrently with that provider's principal preparation program.

(b) Program administrator programs implemented in conjunction with superintendent preparation programs will be reviewed concurrently with that provider's superintendent preparation program.

(4) School counseling programs. The board will approve school counseling programs upon receiving notification of the program's approval from the council for the accreditation for counseling and related education programs. School counseling program providers shall comply with accrediting procedures for council for the accreditation for counseling and related education programs.

(a) A provider of residency school counseling programs without approval from council for the accreditation for counseling and related education programs shall provide proof to the professional educator standards board before November 1, 2018, that it will seek such accreditation. The board will place any existing school counseling program that does not receive council for the accreditation for counseling and related education programs accreditation before November 1, 2022, into disapproval status.

(b) The board will place any existing approved residency school counseling program not accredited from the council for the accreditation for counseling and related education programs into disapproval status on November 1, 2022.

(c) Providers of existing residency school counseling programs without accreditation from the council for the accreditation for counseling and related education programs may continue providing courses and field experience that lead to the residency school counselor certificate if the candidates in their programs pass a licensure exam and complete a Master's degree in any area of counseling from a CACREP-accredited program with at least forty-eight semester or seventy-two quarter hours of graduate-level academic credit covering at the minimum the following six content areas:

(i) Appraisal of individuals;

(ii) Group counseling;

(iii) Cultural diversity in counseling;

(iv) Career development;

(v) Fundamentals of school counseling;

(vi) Practicum/internship: Candidates complete a supervised internship in a school based setting that includes a minimum of four hundred hours of on-the-job professional service and one hour per week of individual supervision provided by a mentor.

(5) School psychology programs. Providers of school psychology programs shall comply with accrediting procedures for the National Association for School Psychology. Approval from the professional educator standards board will be based upon the program receiving approval from the National Association for School Psychology.

AMENDATORY SECTION (Amending WSR 12-20-030, filed 9/27/12, effective 10/28/12)

WAC 181-78A-105 Procedures for initial approval of an educator preparation program. ~~((Each institution or organization))~~ A prospective provider desiring to establish a preparation program shall comply with the following:

(1) ~~((Submit a form declaring an intent to offer))~~ Notification of intent. Prospective providers must submit the appropriate form, published by the professional educator standards board, declaring an intent to apply for approval to offer an educator preparation program or a new educator certification program.

(a) ~~The ((declaration))~~ notification of intent will be posted on the ~~((professional educator standards))~~ board web site as public notice.

(b) ~~The ((program will be contacted to begin the preproposal.~~

~~(2) Develop a written plan which addresses all preproposal components published by the professional educator standards board.~~

~~(a) Submit such plan to the designated official of the professional educator standards board for review and comment.~~

~~(b) After the designated official verifies the preproposal is complete, the preproposal will be brought to the professional educator standards board.~~

~~(3) The institution or organization may be granted approval for full proposal development or denied approval of the preproposal))~~ board will contact the prospective provider to begin the preproposal process.

(2) Preproposal. The prospective provider will develop and submit a preproposal that addresses all requirements approved and published by the board including evidence of necessary capacity, resources, and projected sustainability of the program. After board staff verify the preproposal is complete, the preproposal will be brought to the board.

(3) Final proposal. The prospective provider may be approved to develop a final proposal or the preproposal may be denied.

(a) If denied, the ~~((institution or organization))~~ provider may resubmit its ~~((plan based upon))~~ preproposal informed by suggestions of the ((professional educator standards)) board.

(b) If the preproposal is approved~~((, the institution or organization shall comply with the following:~~

~~(i) Establish the appropriate professional education advisory board pursuant to WAC 181-78A-205;~~

~~(ii) Develop with assistance of the professional education advisory board a written plan which addresses all final proposal components including:~~

~~(A) How the professional education advisory board was involved in program development, including a letter of support; and~~

~~(B) Letters of support from partner districts and/or agencies.~~

~~(iii) Present the written plan to the professional educator standards board.~~

~~(4) The program may be approved in a specific location(s) for a period of up to twenty seven months following the beginning of instruction. The institution or organization~~

~~shall notify the professional educator standards board when instruction has begun.~~

~~If approval is denied, the institution or organization may resubmit its plan based upon the suggestions of the professional educator standards board))~~ by the board, the prospective provider must develop and submit a written plan which addresses all final proposal elements including domains, components, and other program approval requirements contained in WAC 181-78A-220 and 181-78A-300 as established in this chapter and published by the board, including letters of support from partner districts and/or community agencies as evidence of how the program will meet Washington educator workforce needs.

(c) Final proposals submitted by prospective providers of school counselor preparation programs shall include verification of program approval by the council for the accreditation for counseling and related education programs.

(d) Final proposals submitted by prospective providers of school psychologist programs shall include verification of program approval by the National Association for School Psychology.

(4) After reviewing a prospective provider's final program proposal, the board may approve or deny the program approval:

(a) The program may be approved in a specific location(s) for an initial approval period of up to twenty-seven months following the beginning of instruction. The prospective provider must notify the board when instruction has begun. If initial approval is denied, the prospective provider may resubmit a revised plan informed by suggestions given by the board and its staff.

(b) School counselor and school psychologist programs: Approve the program for a time period to align with their respective national association approvals.

(5) Prior to the expiration of initial approval, staff of the ~~((professional educator standards))~~ board shall conduct a site visit to determine if the program is in full compliance ~~((with the program approval standards; provided that an institution with an approved residency principal program which adds an approved program administrator program is not required to have a site visit of the program administrator program until the next regularly scheduled site visit of that institution))~~ and performance aligned with the state approval requirements. This includes a review of all applicable indicators and domain components for the type of program.

AMENDATORY SECTION (Amending WSR 13-20-028, filed 9/23/13, effective 10/24/13)

WAC 181-78A-110 ((Length of time for which program approval status shall be granted.)) Approval status for existing programs. ~~((1) Existing programs. Based upon review of the program site visit report and other documentation requested, and taking into consideration: The degree to which previously identified issues have been successfully addressed, the relationship and balance between program strengths and weaknesses, and the relative importance of specific unmet criteria to the overall function of the program, the professional educator standards board shall exercise professional judgment in taking one of the following actions:~~

~~(a) Limited approval of up to one year in length. In issuing limited approval, and depending on the nature of evidence that must be considered to regain full approval, the board may specify the requirement of a:~~

~~(i) Focused site visit related to unmet standards and recommendations; or~~

~~(ii) Written report, related to unmet standards and recommendations.~~

~~(b) Full approval of either:~~

~~(i) Five years; or~~

~~(ii) Seven years, per provisions of WAC 181-78A-100(6); or~~

~~(c) Disapproval (WAC 181-78A-115):~~

~~(i) A program with full five or seven year approval prior to the site visit shall not receive a disapproval rating, except under the provisions of subsection (3) of this section.~~

~~(ii) A program awarded a disapproval rating may request a hearing conducted through the office of administrative hearings under WAC 181-78A-100 (7)(g) and 10-08-035.~~

~~(2) New programs. All new programs shall be conditionally approved for up to twenty-seven months under WAC 181-78A-105.~~

~~(3) The professional educator standards)) Providers will be notified of their current program approval status after each annual review period. Approval status for all programs will be published on the board web site.~~

~~(1) Based upon performance thresholds, formal program review reports, and national accreditation status, as applicable, the board shall take one of the following actions:~~

~~(a) Full approval.~~

~~(i) Teacher and principal preparation programs: The board shall approve programs that maintain overall performance at or above thresholds on program performance indicators.~~

~~(ii) School counseling and school psychology: The board shall approve programs that maintain accreditation from their national accrediting organizations.~~

~~(iii) Superintendent programs: The board shall approve programs that meet or exceed the program approval standards and requirements established in this chapter and published by the board.~~

~~(iv) Program administrator programs: The board shall approve programs that meet or exceed the program approval standards and requirements established in this chapter and published by the board.~~

~~(b) Limited approval.~~

~~(i) Teacher and principal: The board may grant limited approval to educator preparation programs with performance below thresholds established by the professional educator standards board for more than three consecutive review periods. Based on the report of the site-based review team, the board may elect to consider these programs "at-risk" for purposes of federal reporting. Programs deemed "at-risk" after subsequent review periods of low performance on established thresholds, and with board consideration of the outcome of the formal review and report submitted per WAC 181-78A-100, may be granted continued limited approval with the designation of "low-performing" for purposes of federal reporting.~~

(ii) School counseling and school psychology: The board shall give limited approval to programs with limited approval from their national accrediting organizations.

(iii) Superintendent and program administrator: The board shall give limited approval to programs that do not meet approval criteria or national standards after being reviewed and reported on by a review team per WAC 181-78A-100(2).

(iv) The board's staff may provide technical assistance to providers of low-performing preparation programs to help them improve their performance. Technical assistance may include, but is not limited to:

(A) Detailed information on the programs performance relative indicators.

(B) Assistance to address the performance and rigor of programs.

(C) Assistance to identify resources to assist program improvement.

(D) Sharing practices found effective in exemplary programs.

(c) Disapproval.

(i) A teacher, principal, superintendent or program administrator program must be in limited approval status for at least one full review period before being considered by the board for disapproval. A provider whose program has been disapproved may request a hearing to be conducted through the office of administrative hearings under WAC 10-08-035.

(ii) Providers of school counseling programs must notify the board if the program loses approval from the council for the accreditation for counseling and related education programs. The board may rescind approval of the program upon receipt of this notification.

(iii) Providers of school psychology programs must notify the board if the program loses approval from the National Association of School Psychologists. The board may rescind approval of the program upon receipt of this notification.

(2) The board, upon receipt of a serious complaint from any source or upon its own initiative prompted by indications of the need for response, may at any time review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations from standards or requirements are found, the ((professional educator standards)) board is authorized to change the program's current approval status, including full disapproval.

AMENDATORY SECTION (Amending WSR 10-23-078, filed 11/15/10, effective 12/16/10)

WAC 181-78A-115 Disapproved programs.

Approved educator preparation programs shall not lose official approval status until the ((professional educator standards)) board has taken final action to disapprove the preparation program pending the provisions under WAC 181-78A-110 (1)((d)(ii) programs)) (c). Providers shall be permitted to continue to prepare and recommend for certification candidates who have been previously admitted to the program, provided that no recommendations for certifications will be accepted later than thirty months following receipt of the formal notice of disapproval. Following the receipt of formal

notice of disapproval, the ~~((program))~~ provider shall notify all currently enrolled candidates of the program's disapproval status.

AMENDATORY SECTION (Amending WSR 10-23-078, filed 11/15/10, effective 12/16/10)

WAC 181-78A-120 Procedures for reestablishment of approval status for an educator preparation program. ~~((H))~~ The procedures for the reestablishment of ~~((professional educator standards))~~ board approval of a preparation program shall be the same as the procedure for initial approval as provided in WAC 181-78A-105(~~except that if the preparation program continues to operate pursuant to the probationary status provision of WAC 181-78A-115, the professional educator standards board may limit the content of the written plan required by WAC 181-78A-105(3) to program standards determined by the professional educator standards board to be the cause of the program's disapproved status.~~

(2) A disapproved program may submit a compliancee agreement for review by the professional educator standards board. If the program submits an acceptable compliancee agreement, the program may be granted permission to admit new candidates for a period of time not to exceed twelve calendar months from the date of disapproval. Compliancee agreements, not to exceed ten pages, must document the following:

- (a) A work plan overview;
- (b) A timeline of work that has been and will be performed; and
- (c) A matrix that cross references components of the work plan with all unmet standards identified in the site visit report).

AMENDATORY SECTION (Amending WSR 13-03-155, filed 1/23/13, effective 2/23/13)

WAC 181-78A-220 Program approval standards for approved preparation programs. ~~((The program approval standards for approved preparation programs for teachers, administrators, and educational staff associates are as follows:~~

(1) **Professional education advisory boards:** The institution or organization, in compliance with the provisions of WAC 181-78A-250, has established and maintained a professional education advisory board to participate in and cooperate with the institution or organization on decisions related to the development, implementation, and revision of each preparation program — i.e., teacher, administrator, school counselor, and school psychologist.

(2) **Accountability:** Each institution or organization, in compliance with the provision of WAC 181-78A-255, has established a performance based preparation program.

(3) **Unit governance and resources:** A separate school, department, or other administrative unit within the institution or organization, in compliance with the provision of WAC 181-78A-261, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each institution or organization, in compliance with the provision of WAC 181-78A-264, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each institution or organization, in compliance with the provision of WAC 181-78A-270, has established policies requiring all candidates for certification to know and demonstrate the content, pedagogical, and professional knowledge and skills required for the particular certificate and areas of endorsement, which reflect the state's learning goals and essential academic learning requirements, and are necessary to help all students learn.) The board shall adopt and revise program standards that describe domains of practice, program components, and other expectations for teacher and principal preparation programs to align and maintain currency with recognized national association standards for the specific certificate role. The board will use national standards as guidance for determining domains, components, and indicators used for program review.

(1) General domain outcome expectations for teacher, principal, superintendent, and program administrator preparation programs are as follows:

(a) Candidates and cohorts. Providers recruit, select, and prepare diverse cohorts of candidates with potential to be outstanding educators.

(i) Providers conduct strategic and ongoing outreach to identify, recruit, admit, and transition promising educator candidates.

(ii) Providers of teacher preparation programs use strategies to recruit and prepare a greater number of teacher candidates of color and for Washington state public schools.

(iii) Providers set, publish and uphold admission standards to ensure that candidates and cohorts are academically capable and prepared to succeed in educator preparation programs.

(b) Knowledge, skills and cultural responsiveness. Providers prepare candidates who demonstrate the knowledge, skills and cultural responsiveness required for the particular certificate and areas of endorsement, which reflect the state's approved standards.

(i) Providers demonstrate effective, culturally responsive pedagogy using multiple instructional methods, formats, and assessments.

(ii) Providers ensure that completers demonstrate the necessary subject matter knowledge for success as educators in schools.

(iii) Providers ensure that candidates demonstrate pedagogical knowledge and skill relative to the national standards adopted by the board for the role for which candidates are being prepared.

(iv) Providers ensure that candidates are well prepared to exhibit the knowledge, skills and characteristics of culturally responsive educators.

(v) Providers require candidates to demonstrate knowledge of teacher evaluation research and Washington's evaluation requirements.

(c) Novice practitioners. Providers prepare candidates who are role ready.

(i) Providers prepare candidates who are ready to be effective in their roles upon completion of educator preparation programs.

(ii) Providers prepare candidates to develop reflective, collaborative, professional growth-centered practices through regular evaluation the effects of their teaching through feedback and reflection.

(iii) Providers prepare candidates for their role in directing, supervising, and evaluating paraeducators.

(d) State and local workforce needs. Providers contribute positively to state and local educator workforce needs.

(i) Providers partner with local schools to assess and respond to educator workforce, student learning, and educator professional learning needs.

(ii) Providers use preparation program and workforce data in cooperation with professional educator advisory boards to assess and respond to local and state workforce needs.

(iii) Teacher educator preparation program providers complete and transition increasing numbers of candidates in endorsement areas identified by the professional educator standards board workforce priorities.

(e) Data systems. Providers maintain data systems that are sufficient to direct program decision making, inform state-level priorities, and report to the professional educator standards board.

(i) Providers develop and maintain effective data systems that are sufficient for program growth, evaluation, and mandated reporting.

(ii) Providers utilize secure data practices for storing, monitoring, reporting, and using data for program improvement.

(iii) Providers produce and utilize data reports in accordance with data and reporting guidance published by the professional educator standards board.

(f) Field experience and clinical practice. Providers offer field-based learning experiences and formalized clinical practice experiences for candidates to develop and demonstrate the knowledge and skills needed for their role.

(i) Providers establish and maintain field placement agreements with all school districts in which candidates are placed for field experiences leading to certification or endorsement per WAC 181-78A-125.

(ii) Providers ensure that candidates integrate knowledge and skills developed through field experiences with the content of programs' course work.

(iii) Providers offer field experiences that are in accordance with WAC 181-78A-300 and the board approved candidate assessment requirements.

(iv) Providers ensure that candidates participate in field experiences in school settings with students and teachers who differ from themselves in race, ethnicity, home language, socio-economic status, or local population density.

(g) Program resources and governance. Providers ensure that programs have adequate resources, facilities, and governance structures to enable effective administration and fiscal sustainability.

(i) Providers ensure that programs utilize a separate administrative unit responsible for the composition and organization of the preparation program.

(ii) Providers ensure the program has adequate personnel to promote teaching and learning.

(iii) Providers ensure the program has adequate facilities and resources to promote teaching and learning.

(2) General knowledge and skills standards are as follows:

(a) Teacher: The board adopts the national knowledge and skills competencies most recently published by the council of chief state school officers known as the Interstate Teacher Assessment and Support Consortium Model Core Teaching Standards and Learning Progressions for Teachers.

Endorsement competencies will be aligned with the national standards of each content area/specialized professional organization, when such a national standard is available. Currently approved endorsement standards and competencies will be published on the board web site.

(b) Principal: The board adopts the national knowledge and skills competencies most recently published by the national policy board for educational administration known as the *National Educational Leadership Preparation (NELP) Standards - Building Level* published in 2018, or as subsequently revised.

(c) Superintendent and program administrator: The board adopts the national knowledge and skills competencies most recently published by the university council of educational administration known as the *National Educational Leadership Preparation (NELP) Standards - District Level* published in 2018, or as subsequently revised.

AMENDATORY SECTION (Amending WSR 15-08-054, filed 3/27/15, effective 4/27/15)

WAC 181-78A-300 Program requirements for teacher candidates. ~~((1) Approved programs for teachers shall))~~ In addition to the general program standards and expectations established in WAC 181-78A-220, providers shall comply with the following:

(1) Field placement. The board will publish minimum field placement and clinical experience requirements for all roles. Providers must establish and maintain field placement agreements with all Washington school districts in which candidates are placed for field experiences leading to certification or endorsement. Each field placement agreement shall require, but not be limited to:

(a) Fingerprint and character clearance under RCW 28A.410.010 is current at all times during the field experience for candidates who do not hold a valid Washington certificate;

(b) Assurance that programs shall ensure candidates are placed in settings where they can be objectively evaluated;

(c) Specified qualifications of the proposed site supervisor for each site and qualifications of each school's cooperating educator/administrator;

(d) Assurances related to the provision of mentors, including:

(i) Mentors are instructional leaders identified collaboratively with the partner school or district;

(ii) Mentors and principals are provided with a set of internship expectations;

(iii) Mentors receive or provide evidence of training on mentoring of adult learners;

(iv) Mentors must be fully certificated school personnel and have a minimum of three years of professional experience in the role they are supervising.

(e) Providers must describe in writing the duties and responsibilities of site supervisors and mentors and the anticipated length and nature of the field experience;

(f) Teacher preparation programs.

(i) A provider of a teacher education program must administer the teacher performance assessment adopted by the board to all candidates in a residency certificate program.

(ii) Clinical practice for teacher candidates should consist of no less than four hundred fifty hours in classrooms settings.

(g) Administrator preparation programs.

(i) The internship for administrators shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which certification is sought.

(ii) A provider of a principal preparation program shall require for those persons beginning their internship August 1, 2016, and after, an internship which requires practice as an intern for five hundred forty hours, of which at least one-half shall be during school hours, when students and/or staff are present, and for the duration of a full school year. A "full school year" shall mean at least the majority of an academic year: Provided further, that a provider of a principal preparation program shall include demonstration by the candidate that she or he has the appropriate, specific skills pursuant to the standards identified in WAC 181-78A-220.

(iii) A provider of a superintendent preparation program shall require an internship of at least three hundred sixty hours.

(2) Assessment requirements for providers of teacher preparation programs.

(a) A provider of a teacher preparation program must assure that all candidates entering the program (~~shall~~) have successfully passed the WEST B or its alternative or exemptions per chapter 181-01 WAC at the time of admission. The candidate must take and pass the WEST B, or provide evidence of meeting an alternative or exception at the time of admissions. Candidates admitted to a residency teacher preparation program prior to passage of the WEST B or its approved alternative or exemptions must pass the WEST B prior to student teaching. The (~~program shall~~) provider must collect and hold evidence of candidates meeting this requirement.

~~((2) Approved programs, when placing a teacher candidate in the student teaching role with a school district,)) (b) A provider of a teacher preparation program shall assure that the candidate has successfully attempted at least one WEST E or equivalent content assessment test per chapter 181-02 WAC prior to placing a teacher candidate in a student teaching role with a district. The (~~program shall~~) provider must collect and hold evidence of candidates meeting this requirement.~~

~~((3)) (c) Teacher evaluation. Teacher preparation program providers shall require candidates for a residency certificate to demonstrate knowledge of teacher evaluation research and Washington's evaluation requirements.~~

(d) Performance assessment. Teacher preparation program providers shall require that each candidate engage in a performance assessment process approved by the board. All candidates shall exit the residency certificate program with a professional growth plan.

(3) Required since time immemorial curriculum integration.

(a) There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teacher preparation programs.

(b) No person shall be completed from any of said programs without completing said course of study, unless otherwise determined by the Washington professional educator standards board.

(c) Any course in Washington state or Pacific Northwest history and government used to fulfill the requirement of this section shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

(d) Teacher preparation program providers shall ensure that programs meet the requirements of this section by integrating the curriculum developed and made available free of charge by the office of the superintendent of curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(4) Principal preparation programs.

(a) A provider of a principal preparation program must require candidates to demonstrate knowledge of teacher evaluation research, Washington's evaluation requirements, and successfully complete opportunities to practice teacher evaluation skills.

(b) Performance assessment. All candidates shall exit the preparation program with a professional growth plan.

(5) Professional education advisory board.

(a) All educator preparation program providers shall establish and maintain a professional education advisory board to participate in and cooperate with the organization on decisions related to the development, implementation, and revision of preparation program(s).

(b) The professional education advisory board has adopted operating procedures and has met at least three times a year.

(c) The professional education advisory board annually shall review and analyze data for the purposes of determining whether candidates have a positive impact on student learning and providing the institution with recommendations for programmatic change. This data may include, but not be limited to: Student surveys, follow-up studies, employment placement records, student performance portfolios, course evaluations, program review indicators, and summaries of performance on the pedagogy assessment for teacher candidates.

(d) The professional education advisory board shall make recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) This section shall be in effect beginning September 1, 2017.

AMENDATORY SECTION (Amending WSR 11-01-047, filed 12/7/10, effective 1/7/11)

WAC 181-78A-307 Course work/internship waiver. ~~((The institution or organization))~~ Educator preparation program providers may waive required course work ~~((and/or))~~ or waive or reduce in length the required internship for any candidate, ~~((based on an individual review))~~ if the ~~((institution or organization))~~ provider determines based on individual review that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

WSR 18-12-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed June 1, 2018, 9:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-027.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-828-4200 What activities are assessed in the home living activities subscale of the support needs scale?, 388-828-4220 What activities are assessed in the community living activities subscale of the support needs scale?, 388-828-4240 What activities are assessed in the lifelong learning activities subscale of the support needs scale?, 388-828-4260 What activities are assessed in the employment activities subscale of the support needs scale?, 388-828-4280 What activities are assessed in the health and safety activities subscale of the support needs scale?, 388-828-4300 What activities are assessed in the social activities subscale of the support needs scale?, 388-828-4320 What activities are assessed in the supplemental protection and advocacy activities subscale?, 388-828-4360 What exceptional medical support activities are evaluated to assess your medical support needs?, 388-828-4380 What exceptional behavioral support activities are evaluated to assess your behavioral support needs?, 388-828-4400 How does DDD determine if you meet the eligibility requirements for ICF/MR level of care if you are age sixteen or older?, 388-828-5700 How does DDD determine your medical acuity level?, 388-828-5800 How does DDD determine your interpersonal support needs score if you are age sixteen or older?, and 388-828-5900 How does DDD determine your mobility acuity level if you are age sixteen or older?.

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than July 11, 2018.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 10, 2018.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 26, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The developmental disabilities administration (DDA) is amending these rules to align DDA's current supports intensity scale (SIS) with the American Association on Intellectual and Developmental Disabilities' (AAIDD) latest version of the Supports Intensity Scale-Adult Version (SIS-A).

Reasons Supporting Proposal: These rules have not been updated since 2007. These amendments align DDA's current SIS with the AAIDD's latest version of the SIS-A in a way that clarifies language and reorders the assessment questions without changing the effect of the rules.

Statutory Authority for Adoption: RCW 71A.12.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Bob Morris, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1513.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule making is exempt from cost-benefit analysis requirements because the proposed amendments, as described under RCW 34.05.328 (5)(b)(iv), clarify the language of the rule without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

May 25, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4200 What activities are assessed in the home living activities subscale of the support needs scale? The home living activities subscale measures your personal support needs for the following home living activities:

#	Home living activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
A1	((Using the toilet)) <u>Operating home appliances/electronics</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
A2	<u>Bathing and taking care of</u> ((clothes (includes laundering))) <u>personal hygiene and grooming needs</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	3	4	
A3	((Preparing food)) <u>Using the toilet</u>	0	1	2	3	4	0	1	2	3	((*) <u>4</u>	0	1	2	3	4	
A4	((Eating food)) <u>Dressing</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
A5	((Housekeeping and cleaning)) <u>Preparing food</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	((*) <u>3</u>	((*) <u>4</u>	
A6	((Dressing)) <u>Eating food</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
A7	((Bathing and)) <u>Taking care of</u> ((personal hygiene and grooming needs)) <u>clothes, including laundering</u>	0	1	2	3	4	0	1	2	3	((*) <u>4</u>	0	1	2	3	4	
A8	((Operating home appliances)) <u>Housekeeping and cleaning</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	((3)) *	((4)) *	
A9	Using currently prescribed equipment or treatment	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
Total raw score for home living activities:																	
* = Score is not an option per AAIDD.																	
Note: Question A9 is a question added by ((DDD)) DDA. It is for ((information)) informational purposes only and is not used to calculate scores or levels for service determination.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4220 What activities are assessed in the community living activities subscale of the support needs scale? The community living activities subscale measures your personal support needs for the following community living activities:

#	Community living activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
B1	Getting from place to place throughout the community (transportation)	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
B2	Participating in recreation/leisure activities in community ((settings))	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
B3	((Using public services in the)) <u>Participating in preferred community activities (churches, volunteer, etc.)</u>	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
B4	((Going to visit friends and family)) <u>Accessing public buildings and settings</u>	0	1	2	3	4	0	1	2	3	((*) <u>4</u>	0	1	2	3	4	
B5	((Participating)) <u>Using public services in</u> ((preferred)) <u>the community</u> ((activities (church, volunteer, etc.)))	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	

#	Community living activities	Type of support					Frequency of support					Daily support time					Raw score
B6	Shopping and purchasing goods and services	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
B7	Interacting with community members	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
B8	((Accessing public buildings and settings)) <u>Going to visit friends and family</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	3	4	
Total raw score for community living activities:																	
* = Score is not an option per AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4240 What activities are assessed in the lifelong learning activities subscale of the support needs scale? The lifelong learning activities subscale measures your personal support needs for the following lifelong learning activities:

#	Lifelong learning activities	Type of support					Frequency of support					Daily support time					Raw score
C1	((Interacting with others in learning activities)) <u>Learning and using problem-solving strategies</u>	0	1	2	3	4	0	1	2	3	((≠)) <u>4</u>	0	1	2	3	4	
C2	((Participating in training/educational decisions)) <u>Learning functional academics (reading signs, counting change, etc.)</u>	0	1	2	3	4	0	1	2	3	((≠)) <u>4</u>	0	1	2	3	((≠)) <u>4</u>	
C3	Learning ((and using problem-solving strategies)) <u>health and physical education skills</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
C4	((Using technology for)) <u>Learning self-determination skills</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
C5	((Accessing training/educational settings)) <u>Learning self-management strategies</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	3	4	
C6	((Learning functional academics (reading signs, counting change, etc.))) <u>Participating in training/educational decisions</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	3	((4)) *	
C7	((Learning health and physical education skills)) <u>Accessing training/educational settings</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
C8	<u>Interacting with others in learning</u> ((self-determination skills)) <u>activities</u>	0	1	2	3	4	0	1	2	3	((4)) *	0	1	2	3	4	
C9	<u>Using technology for learning</u> ((self-management strategies))	0	1	2	3	4	0	1	2	3	((≠)) <u>4</u>	0	1	2	3	4	
Total raw score for lifelong learning activities:																	
* = Score is not an option per AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4260 What activities are assessed in the employment activities subscale of the support needs scale? The employment activities subscale measures your personal support needs for the following employment activities:

#	Employment activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D1	((Accessing/receiving/job/tasks accommodations)) <u>Learning and using specific job skills</u>	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D2	((Learning and using specific job skills)) <u>Accessing/receiving job/task accommodations</u>	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D3	Interacting with co-workers	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D4	Interacting with supervisors ((and/or)) /coaches	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D5	Completing work-related tasks with acceptable speed	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D6	Completing work-related tasks with acceptable quality	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
D7	Changing job assignments	0	1	2	3	4	0	1	2	*	*	0	1	2	3	4	
D8	Seeking information and assistance from an employer	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
Total raw score for employment activities:																	
* = Score is not an option per AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4280 What activities are assessed in the health and safety activities subscale of the support needs scale? The health and safety activities subscale measures your personal support needs for the following health and safety activities:

#	Health and safety activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E1	Taking medications	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E2	((Avoiding health)) <u>Ambulating and</u> ((safety hazards)) <u>moving about</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E3	((Obtaining health care services)) <u>Avoiding health and safety hazards</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	((3)) <u>3</u>	((4)) <u>4</u>	
E4	((Ambulating and moving about)) <u>Obtaining health care services</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	((3)) <u>*</u>	((4)) <u>*</u>	
E5	Learning how to access emergency services	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E6	Maintaining a nutritious diet	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E7	Maintaining physical health and fitness	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
E8	Maintaining emotional well-being	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
Total raw score for health and safety activities:																	
* = Score is not an option per AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4300 What activities are assessed in the social activities subscale of the support needs scale? The social activities subscale measures your personal support needs for the following social activities:

#	Social activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
F1	((Socializing within the household)) <u>Using appropriate social skills</u>	0	1	2	3	4	0	1	2	3	((*)) <u>4</u>	0	1	2	3	4	
F2	Participating in recreation ((and/or)) <u>/leisure activities with others</u>	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
F3	Socializing outside the household	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
F4	Making and keeping friends	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
F5	((Communicating with others about personal needs)) <u>Engaging in loving and intimate relationships</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
F6	((Using appropriate social skills)) <u>Socializing within the household</u>	0	1	2	3	4	0	1	2	3	((4)) <u>*</u>	0	1	2	3	4	
F7	((Engaging in loving and intimate relationships)) <u>Communicating with others about personal needs</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
F8	Engaging in volunteer work	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
Total raw score for social activities:																	
* = Score is not an option per AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4320 What activities are assessed in the supplemental protection and advocacy activities subscale?

The supplemental protection and advocacy activities subscale measures your personal support needs for the following protection and advocacy activities:

#	Protection and advocacy activities	Type of support					Frequency of support					Daily support time					Raw score
		0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G1	Advocating for self	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
G2	((Managing money)) <u>Making choices and</u> ((personal finances)) <u>decisions</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G3	Protecting self from exploitation	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G4	Exercising legal/civic responsibilities	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G5	Belonging to and participating in self-advocacy/support organizations	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G6	Obtaining legal services	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G7	((Making choices)) <u>Managing money and</u> ((decisions)) <u>personal finances</u>	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	
G8	Advocating for others	0	1	2	3	4	0	1	2	3	*	0	1	2	3	4	
Total raw score for protection and advocacy activities:																	
* = Score is not an option for AAIDD.																	

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4360 What exceptional medical support activities are evaluated to assess your medical support needs? The SIS exceptional medical support needs scale measures your personal support needs for the following medical support need(s) activities:

#	Medical supports needed	No support needed	Some support needed	Extensive support needed
1.	Inhalation or oxygen therapy	0	1	2
2.	Postural drainage	0	1	2

#	Medical supports needed	No support needed	Some support needed	Extensive support needed
3.	Chest PT	0	1	2
4.	Suctioning	0	1	2
5.	Oral stimulation or jaw positioning	0	1	2
6.	Tube feeding (e.g., nasogastric)	0	1	2
7.	Parenteral feeding (e.g., IV)	0	1	2
8.	Turning or positioning	0	1	2
9.	Dressing of open wound(s)	0	1	2
10.	Protection from infectious diseases due to immune system impairment	0	1	2
11.	Seizure management	0	1	2
12.	Dialysis	0	1	2
13.	Ostomy care	0	1	2
14.	Lifting and/or transferring	0	1	2
15.	Therapy services	0	1	2
16.	((Diabetes Management*)) Hypertension	0	1	2
17.	((Other(s) - Specify*)) Allergies	0	1	2
18.	Diabetes	0	1	2
19.	Other(s) - specify	0	1	2
Subtotal scores of 1s and 2s:				
Add subtotals scores for 1s and 2s for total exceptional medical support needs score:				
((#16 is a question added by DDD. It is used as part of the DDD medical acuity scale and is not used to calculate SIS percentiles.))				

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4380 What exceptional behavioral support activities are evaluated to assess your behavioral support needs? The SIS exceptional behavioral support needs scale measures your personal support needs for the following behaviors:

#	Behavioral supports needed	No support needed	Some support Needed	Extensive support needed
1.	Prevention of ((assaults or injuries to others)) <u>emotional outbursts</u>	0	1	2
2.	Prevention of ((property destruction (e.g., fire setting, breaking furniture))) <u>assault or injury to others</u>	0	1	2
3.	Prevention of ((stealing)) <u>property destruction (e.g. fire setting, breaking furniture)</u>	0	1	2
4.	Prevention of ((self-injury)) <u>stealing</u>	0	1	2
5.	Prevention of ((PICA (ingestion of inedible substances))) <u>self-injury</u>	0	1	2
6.	Prevention of suicide attempts	0	1	2
7.	Prevention of ((sexual aggression)) <u>PICA (ingestion of inedible substances)</u>	0	1	2
8.	Prevention of nonaggressive but inappropriate behavior (e.g., exposes self in public, exhibitionism, inappropriate touching or gesturing)	0	1	2
9.	Prevention of ((tantrums or emotional outbursts)) <u>sexual aggression</u>	0	1	2

#	Behavioral supports needed	No support needed	Some support Needed	Extensive support needed
10.	Prevention of (wandering) <u>substance abuse</u>	0	1	2
11.	Prevention of (substance abuse) <u>wandering</u>	0	1	2
12.	Maintenance of mental health treatments	0	1	2
13.	Managing attention-seeking behavior*	0	1	2
14.	Managing uncooperative behavior*	0	1	2
15.	Managing agitated/over reactive behavior*	0	1	2
16.	Managing obsessive/repetitive behavior*	0	1	2
17.	Prevention of other serious behavior problem(s) - Specify:	0	1	2
Subtotal scores of 1s and 2s:				
Add subtotals scores for 1s and 2s for total exceptional behavioral support needs scores:				
* #13-16 are questions added by (DDA) <u>DDA</u> . They are used as part of the (DDA) <u>DDA</u> behavior acuity scale and are not used to calculate SIS percentiles.				

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-4400 How does (~~DDA~~) DDA determine if you meet the eligibility requirements for (~~ICF/MR~~) ICF/IID level-of-care if you are age sixteen or older? If you are age sixteen or older, (~~DDA~~) DDA determines you to be eligible for (~~ICF/MR~~) ICF/IID level-of-care from your SIS scores. Eligibility for (~~ICF/MR~~) ICF/IID level-of-care requires that your scores meet at least one of the following:

- (1) You have a percentile rank (~~that is~~) over nine percent for three or more of the six subscales in the SIS support needs scale;
- (2) You have a percentile rank (~~that is~~) over twenty-five percent for two or more of the six subscales in the SIS support needs scale;
- (3) You have a percentile rank (~~that is~~) over fifty percent in at least one of the six subscales in the SIS support needs scale;
- (4) You have a support score of one or two for any of the questions listed in the SIS exceptional medical support needs scale;
- (5) You have a support score of one or two for at least one of the following items in the SIS exceptional behavior support needs scale:
 - (a) Prevention of assaults or injuries to others;
 - (b) Prevention of property destruction (e.g., fire setting, breaking furniture);
 - (c) Prevention of self-injury;
 - (d) Prevention of PICA (ingestion of inedible substances);
 - (e) Prevention of suicide attempts;
 - (f) Prevention of sexual aggression; or
 - (g) Prevention of wandering.
- (6) You have a support score of two for any of the questions listed in the SIS exceptional behavior support needs scale; or
- (7) You meet or exceed any of the qualifying scores for one or more of the following SIS questions:

Question # of SIS support needs scale	Text of question	Your score for "Type of support" is:	And your score for "Frequency of support" is:
(A1) <u>A2</u>	(Using the toilet) <u>Bathing and take care of personal hygiene and grooming needs</u>	2 or more	4
		3 or more	2
(A2) <u>A3</u>	(Taking care of clothes) <u>Using the toilet</u>	2 or more	(2 or more) <u>4</u>
		3 or more	(+) <u>2</u>
(A3) <u>A4</u>	(Preparing food) <u>Dressing</u>	2 or more	4
		3 or more	2
(A4) <u>A5</u>	(Eating) <u>Preparing food</u>	2 or more	4
		3 or more	2
(A5) <u>A6</u>	(Housekeeping and cleaning) <u>Eating food</u>	2 or more	(2 or more) <u>4</u>
		3 or more	(+) <u>2</u>

Question # of SIS support needs scale	Text of question	Your score for "Type of support" is:	And your score for "Frequency of support" is:
((A6)) <u>A7</u>	((Dressing) <u>Taking care of clothes, including laundering</u>	2 or more	((4)) <u>2 or more</u>
		3 or more	((2)) <u>1</u>
((A7)) <u>A8</u>	((Bathing and taking care of personal hygiene) <u>Housekeeping and ((grooming needs) <u>cleaning</u></u>	2 or more	((4)) <u>2 or more</u>
		3 or more	((2)) <u>1</u>
((E3)) <u>B6</u>	((Learning) <u>Shopping and ((using problem-solving strategies) <u>purchasing goods and services</u></u>	2 or more	((3)) <u>2 or more</u>
		3 or more	((2)) <u>1</u>
((E9)) <u>C1</u>	Learning ((self-management) <u>and using problem-solving strategies</u>	2 or more	3 or more
		3 or more	2
((B6)) <u>C5</u>	((Shopping and purchasing goods and services) <u>Learning self-management strategies</u>	2 or more	((2)) <u>3 or more</u>
		3 or more	((1)) <u>2</u>
E1	Taking medications	2 or more	4
		3 or more	2
E2	((Avoiding health) <u>Ambulating and ((safety hazards) <u>moving about</u></u>	2 or more	((3 or more)) <u>4</u>
		3 or more	2
((E4)) <u>E3</u>	((Ambulating) <u>Avoiding health and ((moving about) <u>safety hazards</u></u>	2 or more	((4)) <u>3 or more</u>
		3 or more	2
E6	Maintaining a nutritious diet	2 or more	2 or more
		3 or more	1
E8	Maintaining emotional well-being	2 or more	3 or more
		3 or more	2
((F6)) <u>F1</u>	Using appropriate social skills	2 or more	3 or more
		3 or more	2
((G2)) <u>G7</u>	Managing money and personal finances	2 or more	2 or more
		3 or more	1

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-5700 How does ((~~DDA~~) **DDA**) determine your medical acuity level? ((~~DDA~~) **DDA**) uses your SIS support scores to questions in the exceptional medical support needs scale per WAC 388-828-4360 and the following table to determine your medical acuity level:

If you meet the following criteria:	Then your medical acuity level is:	Value
(1) If you have a score of 2 on questions 1, 4, and 7;	High	3
(2) If you have a score of 2 on any two of the following questions: 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, ((17, 18, or 19);	High	3
(3) If your total exceptional medical support needs score is 8 or higher;	High	3
(4) If you have a score of 2 on any of the following questions: 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, ((17, 18, or 19) and do not meet the criteria for a high medical acuity level;	Medium	2
(5) If your total exceptional medical support needs score is 6 or 7 and you do not meet the criteria for a high medical acuity level;	Medium	2
(6) If your total exceptional medical support needs score is 5 or less, but greater than zero, and you do not have a score of 2 on any questions excluding number 15;	Low	1
(7) If your total exceptional medical support needs score equals zero.	None	0

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-5800 How does ~~((DDD))~~ DDA determine your interpersonal support needs score if you are age sixteen or older? If you are age sixteen or older, your interpersonal support needs score is determined by adding your raw scores to the following SIS questions:

Interpersonal support needs questions from the SIS assessment	
Question #	Text of interpersonal support needs questions:
B7	Interacting with community members
((E1)) <u>C8</u>	Interacting with others in learning activities
D3	Interacting with co-workers
D4	Interacting with supervisors/coaches
D8	Seeking information and assistance from an employer
F1	((Socializing within the household)) <u>Using appropriate social skills</u>
F3	Socializing outside the household
((F5)) <u>F6</u>	((Communicating with others about personal needs)) <u>Socializing within the household</u>
((F6)) <u>F7</u>	((Using appropriate social skills)) <u>Communicating with others about personal needs</u>

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-5900 How does ~~((DDD))~~ DDA determine your mobility acuity level if you are age sixteen or older? If you are age sixteen or older, your mobility acuity level is determined by your scores to question ~~((E4))~~ E2 "Ambulating and moving about" in WAC 388-828-4280 using the following table:

If you score for "Frequency of Support" is:	And your score for "Type of Support" is:	Then your Mobility Acuity Level is:	Value
3 or 4	4	High	3
3 or 4	3	Medium	2
If your raw score for question ((E4 or)) <u>E2</u> is 5 or more and you do not meet the criteria for a high or medium mobility acuity level		Low	1
If your raw score for question ((E4)) <u>E2</u> is 4 or less		None	0

WSR 18-12-066
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 1, 2018, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-096.

Title of Rule and Other Identifying Information: WAC 196-23-070 Signature, 196-33-400 Seals and stamps, and 196-33-600 Signature (proposed new section).

Hearing Location(s): On August 28, 2018, at 2:30 p.m., at the Department of Licensing, 405 Black Lake Boulevard, Conference Room 2108, Olympia, WA 98502.

Date of Intended Adoption: August 29, 2018.

Submit Written Comments to: Julie Konnersman, Management Analyst, Board of Registered Professional Engineers and Land Surveyors, P.O. Box 9012, Olympia, WA 98507-9012, email engineers@dol.wa.gov, fax 360-570-7098, by August 27, 2018.

Assistance for Persons with Disabilities: Contact Jenni Lingle, administrative assistant, phone 360-664-1564, fax 360-570-7098, TTY 711, email engineers@dol.wa.gov, by August 24, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending these chapters will give licensees the ability to use electronic signatures when submitting documents required to have a signature. The amendment to the stamp design will make it easier for licensees to upload documents requiring a stamp to local jurisdictions. Proposed new WAC 196-33-600 will outline the meaning of "signature" or "signed" as it is used in chapters 18.43, 18.210 RCW, and Title 196 WAC. It will include criteria for handwritten, digital and electronic representations of a signature and their requirements.

Reasons Supporting Proposal: These changes will align signature requirements for all design professions and give licensees the options necessary when filing documents based on jurisdictional requirements.

Statutory Authority for Adoption: RCW 18.43.035, 18.210.050, 18.210.060.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of registered professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting: Shanan Gillespie, 2000 4th Avenue N.W., Olympia, WA 98502, 360-664-1570; Implementation and Enforcement: Ken Fuller, 2000 4th Avenue N.W., Olympia, WA 98502, 360-664-1565.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Department of licensing is exempt under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.020(3) - these rules affect only individual licensees.

June 1, 2018
Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-10-009, filed 4/24/08, effective 7/1/08)

WAC 196-23-070 Signature. The terms "signature or signed," as used in chapter 18.43 RCW and/or Title 196 WAC, ~~((shall))~~ means the following:

(1) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting ~~((one's))~~ your name on a document to attest to its validity. The handwritten or digital identification must be:

- (a) Original and written by hand, or a scanned image of an original, handwritten identification;
- (b) Permanently affixed to the document(s) being certified;
- (c) Applied to the document by the identified licensee; and
- (d) Placed directly over the seal/stamp of the licensee.

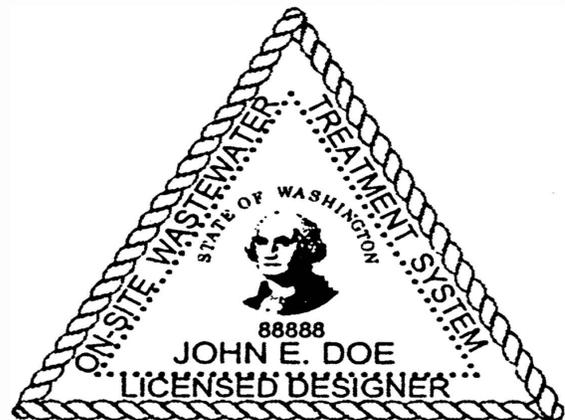
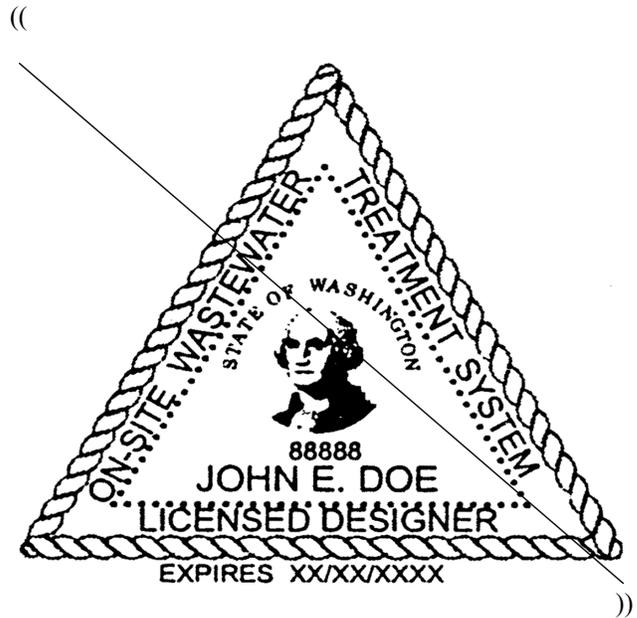
(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

- (a) Unique to the licensee using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the licensee using it; and
- (d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

AMENDATORY SECTION (Amending WSR 01-11-102, filed 5/21/01, effective 6/21/01)

WAC 196-33-400 Seals and stamps. All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed on-site wastewater treatment system designer;
- (3) License number;
- (4) Licensee's name as shown on license~~((;~~
- ~~((5) Date of license expiration)).~~



NEW SECTION

WAC 196-33-600 Signature. The term "signature or signed," as used in chapters 18.43 and 18.210 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

- (a) Original and written by hand, or a scanned image of an original, handwritten identification;
- (b) Permanently affixed to the document(s) being certified;
- (c) Applied to the document by the identified licensee; and
- (d) Placed directly over the seal/stamp of the licensee.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an

electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

- (a) Unique to the licensee using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the licensee using it;

and

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

WSR 18-12-067

PROPOSED RULES

WASHINGTON STATE LOTTERY

[Filed June 1, 2018, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-109.

Title of Rule and Other Identifying Information: WAC 315-06-040 Disclosure of probability of purchasing a winning ticket, describes the requirements of where the information regarding the estimated probability of purchasing a winning ticket shall be printed for players and also describes when the probability does not need to be disclosed.

WAC 315-02-130 Employee of the commission defined, clarifies the definition as to who is an employee of the commission.

WAC 315-34-057 Lotto prize claim and payment methods, describes the requirements for players to collect their cash prize payments and the time frame they have to claim, that they may elect to receive fifty percent of their share of the jackpot at one time, and explains the required step of lottery performing a debt check against the claimant.

WAC 315-38-090 Jackpot prize payments, describes a player's option to select a one-time cash payment at the time of claiming a jackpot prize within sixty days of presenting their winning ticket, and provides information regarding debt checks that are performed for jackpot winners.

Hearing Location(s): On July 10, 2018, at 8:30 a.m., at the Washington's Lottery, 814 4th Avenue East, Olympia, WA 98506.

Date of Intended Adoption: July 10, 2018.

Submit Written Comments to: Kristi Weeks, P.O. Box 43000, Olympia, WA 98506, email KWeeks@wa.lottery.com, fax 360-586-1039, by July 3, 2018.

Assistance for Persons with Disabilities: Contact Debbie Robinson, phone 360-791-3045, TTY 360-586-0933, email DRobinson@walottery.com, by July 3, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed changes to WAC 315-06-040 provide additional language that clearly specifies which promotional and advertising materials do not apply to this WAC. This will reduce confusion for staff as to what promotional items are required to contain a specific, printed odds statement.

Proposed changes to WAC 315-02-130 will clearly state who is an employee of the commission and who is not,

thereby reducing misconceptions about contractors and licensed agents being classified as employees.

Proposed changes to WAC 315-34-057 provide clarifying language regarding a player claiming a Lotto prize, presenting a winning ticket, undergoing a debt check, and selecting a cash or annuity option.

Proposed changes to WAC 315-38-090 provide clarifying language regarding a player claiming other lottery prizes, presenting a winning ticket, undergoing a debt check, and selecting a cash or annuity option.

Reasons Supporting Proposal: The current language in WAC 315-06-040 requires disclosure of probability of purchasing a winning ticket on all promotional and advertising materials. Many such materials advertise or promote multiple games which may create confusion for players and retailers. Directing players and retailers to the lottery web site for odds statements will help ensure the person is receiving the correct odds for each game.

The current definition of employee in WAC 315-02-130 is confusing regarding who might be considered "agents of the lottery." By clarifying this definition, contractors and licensed agents will not be mistaken as employees which would prevent them from playing lottery games.

The current language in WAC 315-34-057 contains potentially confusing wording regarding claiming and validating a winning Lotto jackpot, selecting a cash option or annuity, and the debt check process. Rewording terminology and adding a separate section concerning debt checks will diminish the potential for misinterpretation.

The current language in WAC 315-38-090 contains potentially confusing wording regarding claiming and validating other winning jackpots, selecting a cash option or annuity, and the debt check process. Rewording terminology and adding a separate section concerning debt checks will diminish the potential for misinterpretation.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Statute Being Implemented: RCW 67.70.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington's lottery, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristi Weeks, Washington's Lottery, 814 4th Avenue East, Olympia, WA, 360-810-2881.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules would not impose more-than-minor costs on businesses in an industry.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The rules do not impact businesses. The proposed rules apply only to individual players and materials produced by the lottery itself.

June 1, 2018

Kristi Weeks

Legal Services Director

AMENDATORY SECTION (Amending WSR 10-16-025, filed 7/23/10, effective 8/23/10)

WAC 315-02-130 Employee of the commission defined. "Employee of the commission" means the ~~((employees or agents of the lottery and the director))~~ salaried or wage earning employees of the state lottery. "Employee of the commission" does not mean contractors, subcontractors, consultants, or licensed agents of the state lottery, unless expressly defined in contract.

AMENDATORY SECTION (Amending WSR 08-11-043, filed 5/14/08, effective 6/14/08)

WAC 315-06-040 Disclosure of probability of purchasing a winning ticket. (1) The estimated probability of purchasing a winning ticket shall be conspicuously displayed on:

(a) The tickets for a specific game;

(b) All printed promotional and advertising materials for a specific game, including but not limited to, brochures, posters, billboards, placards, and point-of-sale displays.

(2) The estimated probability of purchasing a winning ticket shall be communicated in television and radio commercials for a specific game.

(3) The estimated probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed as part of:

(a) The "how-to-play" brochure which explains the procedures for the lottery's draw games; and

(b) The brochures of instructions to lottery retailers for the conduct of specific scratch games.

(4) The disclosure required by this section shall not apply to:

(a) Generic promotional and advertising materials publicizing the Washington state lottery which do not promote a specific draw game or a specific scratch ticket theme; or

(b) Promotional and advertising materials which promote multiple draw or scratch games or any combination of games in a single piece. Materials that promote or advertise multiple games or a combination of games in a single piece are required to include the following language: "Please visit walottery.com for the latest odds." Such materials may include, but are not limited to, jackpot signs, banners, curb signs, building signage, vehicle wraps, and billboards.

AMENDATORY SECTION (Amending WSR 05-12-005, filed 5/18/05, effective 6/18/05)

WAC 315-34-057 Lotto prize claim and payment methods. The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with chapter 315-30 WAC.

(2) Prize payments shall be made as follows:

(a) **Cash option:** ~~((After))~~ When a player ((has claimed)) claims a jackpot prize or a share of a jackpot prize, ((and after the claim has been validated (including a debt check pursuant to WAC 315-06-125);)) the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the ~~((validation))~~ presentation of his or her ~~((prize))~~ winning ticket, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

(3) After the player has made his or her choice of payment method, the lottery will validate the claim, including a debt check pursuant to WAC 315-06-125, and pay the prize as appropriate.

AMENDATORY SECTION (Amending WSR 05-11-050, filed 5/13/05, effective 6/13/05)

WAC 315-38-090 Jackpot prize payments. (1) Prior to each drawing, the directors shall determine the estimated annuitized jackpot prize amount to be advertised. The advertised jackpot prize amount shall be the basis for determining the amount to be awarded for each Mega Millions panel matching all five of the five Mega Millions winning numbers drawn for Field 1 and the one Mega Millions winning number drawn for Field 2. No annuitized jackpot prize, when there is only one jackpot prize winning ticket, shall be less than \$12 million.

(2) If, in any Mega Millions drawing, there are no Mega Millions panels that qualify for the jackpot prize category, the portion of the prize fund allocated to such jackpot prize category shall remain in the jackpot prize category and be added to the amount allocated for the jackpot prize category in the next consecutive Mega Millions drawing.

(3) If the annuitized jackpot prize divided by the number of Mega Millions panels matching all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, is equal to or greater than \$1,000,000, the jackpot prize(s) will be paid under the annuity option unless a cash option was selected by the winner(s), as follows:

(a) **Cash option:** ~~((After))~~ When a player ((has claimed)) claims a jackpot prize or a share of a jackpot prize, ((and after the claim has been validated (including a debt check pursuant to WAC 315-06-125);)) the player may elect to be paid a one-time single cash option payment as defined by WAC 315-38-020(3), provided:

(i) The player must elect this cash option within sixty days of the ~~((validation))~~ presentation of his or her ~~((prize))~~ winning ticket, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within

sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date;

(iv) Cash option jackpot prizes shall be paid in a single payment in accordance with the internal validation procedures and settlement procedures pursuant to the multistate agreement and the Washington state lottery. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-six annual installment payments. The initial payment shall be paid in accordance with the internal validation procedures and settlement procedures established by the multistate agreement and the Washington state lottery. The subsequent twenty-five payments shall be paid annually to coincide with the month of the federal auction date at which the bonds were purchased. All such payments shall be made within seven days of the anniversary of the actual auction date. This date of payment of the subsequent payments is subject to the discretion of the director of the Washington state lottery, acting in the best interest of the lottery.

(4) After the player has made his or her choice of payment method, the lottery will validate the claim, including a debt check pursuant to WAC 315-06-125, and pay the prize as appropriate.

(5) In the event multiple Mega Millions panels match all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, and the annuitized Mega Millions jackpot prize divided by the number of winning game panels is less than \$1,000,000, each Mega Millions jackpot prize winner shall be paid an amount equal to the "cash equivalent grand/jackpot prize," as defined by the multistate agreement, divided equally by the number of jackpot prize winners. Each such jackpot prize winner will be paid in a single cash payment.

WSR 18-12-068
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 1, 2018, 12:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-09-095.

Title of Rule and Other Identifying Information: Chapter 392-145 WAC, Transportation—Operation rules.

Hearing Location(s): On July 19, 2018, at 2:00 p.m., at the Office of Superintendent of Public Instruction (OSPI), 600 South Washington Street, Olympia, WA 98501.

Date of Intended Adoption: July 23, 2018.

Submit Written Comments to: Glenn Gorton, Director, Student Transportation, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, email glenn.gorton@k12.wa.us, fax 360-753-4201, by July 19, 2018.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by July 12, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is proposing two technical revisions to chapter 392-145 WAC for better clarification of procedures. The first revision is related to low visibility bus stops and would remove "state patrol" because the local jurisdiction's road/traffic engineering department is responsible for placement of road signs. The Washington state patrol does not review road signs and locations on local roads. The second revision is related to bus driver procedures and would remove "parking" when describing applying brakes because other types of brakes need to be set, depending on bus manufacturer, in addition to the parking brake when loading/unloading passengers.

Reasons Supporting Proposal: Both brief technical revisions are intended to clarify procedures related [to] student transportation operations.

Statutory Authority for Adoption: RCW 46.61.380.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Glenn Gorton, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6121; and Enforcement: Lisa Dawn-Fisher, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6292.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

June 1, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 07-05-058, filed 2/20/07, effective 11/1/07)

WAC 392-145-011 School district requirements. All school districts shall comply with the following requirements:

(1) The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of students in privately owned and operated school buses. Every school district, its officers and employ-

ees, and every person employed under contract or otherwise by a school district shall be subject to the provisions of this chapter.

(2) School district boards of directors shall adopt written policies or rules for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be provided to each student who is scheduled to ride the school bus.

(3) Every school bus driver shall be provided a copy of and shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of a school bus.

(4) School bus drivers shall be provided a copy of and training in school district rules and regulations pertaining to bullying, harassment, and for reporting sexual misconduct allegations.

(5) On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, school districts shall design bus routes that serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

(6) No school bus stop shall be located on a curve or a hill where visibility is not at least five hundred feet. If it is impossible to secure a distance of at least five hundred feet of visibility for a school bus stop, the school authorities, ~~((the state patrol,))~~ and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

AMENDATORY SECTION (Amending WSR 16-10-114, filed 5/4/16, effective 9/1/16)

WAC 392-145-060 Loading and unloading procedures. The following procedures are required to assure maximum student safety:

(1) A school bus driver shall not order or allow a student to depart the school bus other than at his or her regular stop unless permission is first obtained in accordance with district policy.

(2) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.

(3) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the school bus, while they are on the school bus, and while they are disembarking the school bus and crossing the roadway. If passengers must cross the road, the driver shall make every reasonable effort to ensure that they cross safely and that they pass in front of the school bus and never behind the school bus. The driver shall likewise ensure that passengers boarding or disembarking from the school bus are within his/her view at all times.

(4) Prior to stopping the school bus on the roadway for the purpose of loading or unloading passengers, school bus drivers shall activate the alternating flashing amber lamps by means of a master sequencing switch. The driver shall activate the alternating flashing amber lamps:

(a) No less than one hundred feet and no more than three hundred feet from the school bus stop where the posted speed limit is thirty-five miles per hour or less; and

(b) No less than three hundred feet and no more than five hundred feet from the school bus stop where the posted speed limit is more than thirty-five miles per hour.

(5) No school bus shall pull over to the left-hand side of the road to load or unload passengers.

(6) The stop sign and alternately flashing red lamps shall be activated whenever a school bus is stopped on any portion of a traveled roadway to load or unload school children. Simultaneously flashing amber hazard lamps shall be activated whenever a school bus is stopped off the roadway to load or unload school children.

(7) Whenever school children have to cross the roadway, the school bus shall stop on the roadway and display the stop sign and alternately flashing red lamps. A school bus driver shall not allow school children to cross any roadway having three or more marked traffic lanes or any highway divided into separate roadways as provided in RCW 46.61.150.

(8) The stop sign and alternately flashing red lamps on a school bus shall not be used while the school bus is moving or to indicate that the school bus is going to stop.

(9) While loading and unloading passengers on a traveled portion of the roadway, the school bus driver shall activate the alternating flashing red lights by means of a sequencing switch prior to opening the passenger load door.

(10) The school bus driver shall set the ~~((parking))~~ brake and place the transmission in neutral or park prior to loading or unloading passengers. When it is possible, the school bus driver shall maintain light pressure on the service brake to activate the brake lamps when loading or unloading passengers.

(11) The school bus driver shall assure that all students are seated or secure prior to releasing the brake.

(12) In any case in which a school bus passes a stopped school bus which is loading and unloading students off the traveled portion of the roadway, the passing school bus shall reduce speed and proceed with caution.

WSR 18-12-072

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed June 1, 2018, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-07-035.

Title of Rule and Other Identifying Information: Code of student rights and responsibilities, chapter 174-123 WAC.

Hearing Location(s): On Wednesday, July 11, 2018, at 1:30-2:30 p.m., at The Evergreen State College, 2700 Evergreen Parkway N.W., Library Room 1005, Olympia, WA 98505.

Date of Intended Adoption: Wednesday, July 18, 2018.

Submit Written Comments to: Nikki Williams, 2700 Evergreen Parkway N.W., Library 3009, Olympia, WA 98505, email williamn@evergreen.edu, fax 360-867-6296, by Wednesday, July 11, 2018.

Assistance for Persons with Disabilities: Contact Nikki Williams, phone 360-867-6296, fax 360-867-6886, email williamn@evergreen.edu, by Tuesday, July 10, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule articulates standards for student conduct and procedures for adjudicating allegations of student misconduct. This proposed rule is a broad update to the existing WAC.

Reasons Supporting Proposal: Communicate expectations for student conduct and processes for responding to misconduct in order to preserve teaching, learning, health and safety for students, employees and visitors to The Evergreen State College.

Statutory Authority for Adoption: RCW 28B.40.120.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: The Evergreen State College, governmental.

Name of Agency Personnel Responsible for Drafting: Nikki Williams, The Evergreen State College, 2700 Evergreen Parkway N.W., Library 3009, Olympia, WA 98505, 360-867-6296; Implementation: Wendy Endress, The Evergreen State College, 2700 Evergreen Parkway N.W., Library 3009, Olympia, WA 98505, 360-867-6296; and Enforcement: Lori Johnson, The Evergreen State College, 2700 Evergreen Parkway N.W., Library 3009, Olympia, WA 98505, 360-867-6296.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. No costs or other impacts on businesses were identified.

June 1, 2018
John Carmichael
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-110 ((Notification to respondent.))
The Evergreen State College code of student rights and responsibilities. (((1) The respondent will meet with the student conduct code administrator for a conduct conference as directed in a written notice.

(2) The student conduct administrator may impose interim restrictions on the respondent prior to, or at any stage during, a conduct conference, when the health or safety of the complainant or any member of the college community is deemed at risk. The interim restriction may include a no contact order and/or loss of privileges limiting access to community members who may be at risk due to the respondent's presence.

A student issued an interim restriction that includes loss of privileges will receive written notice of the interim restriction, the reason for imposing an interim restriction, and advised of the date, time and place for a hearing regarding the interim restriction before the student conduct administrator,

or their designee. The hearing will take place no later than three business days from the effective date of the interim restriction.

(3) ~~The interim restriction will remain in place until a contract of accountability exists, an appeal board issues a final determination, or the student conduct administrator notifies the respondent in writing that the interim restriction has been modified or is no longer in effect.~~) This chapter will be known as the code of student rights and responsibilities (code) for The Evergreen State College.

A community exists on the basis of shared values and principles. At The Evergreen State College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the code of student rights and responsibilities. These standards are embodied within a set of core values reflected in the college mission that include integrity, social justice, respect, community, and responsibility.

This document is to be understood in connection with WAC 174-121-010 Social contract, which is an aspirational document about how we wish to uphold our community, and to ensure an optimal experience for everyone involved in the college community.

The Evergreen State College can thrive only when all members of the community participate in the social contract, which prizes academic and interpersonal honesty, conveys our commitment to resolving differences with a strong will toward collaboration, and protects community values and individual rights. The code of student rights and responsibilities states specific procedures and standards for upholding the values and aspirations expressed in the social contract. Specifically, the code strives to afford opportunities for informal resolution, restorative practices, and education.

BACKGROUND

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-120 ((Conduct conference.)) Purpose. (((1) During the conduct conference, which may occur over a series of meetings, the student conduct administrator will explain to the respondent the process for addressing complaints under the code, advise the respondent of their rights and responsibilities, and review with the respondent the complaint and alleged violation(s) of the code.

(2) If there is more than one respondent involved in the complaint, the student conduct administrator, at their discretion, may conduct the conferences concerning each respondent either separately, or jointly.

(3) Failure to meet with the student conduct administrator at the appointed time during the conduct conference process may subject a respondent to a conduct hold. If the respondent fails to meet with the student conduct administrator as required, a determination of responsibility and required resolution and sanctions may be determined in the respondent's absence.

(4) In addition to information sought from the respondent regarding the allegations, the student conduct administrator may seek additional information from other persons

with information relevant to the investigation of the complaint.

(5) If the complaint is determined to have merit, the student conduct administrator will proceed with informal resolution, enter into a contract of accountability with the respondent, or complete an investigation and issue a determination of responsibility and required resolution and sanction(s). If the student conduct administrator determines that the respondent is not responsible for violating the code, no action will be taken and the complaint will be dismissed.) The purpose of this code is to provide students with necessary information about their rights and responsibilities, and to inform students of the due process afforded in student conduct proceedings.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-130 ((Informal resolution)) Student rights and responsibilities. ((If the student conduct administrator concludes that efforts at informal resolution are appropriate to resolve a complaint, the administrator will take whatever steps are useful to that end, including mediation, arbitration or a restorative justice conference. The complainant may end the informal resolution process at any time and request formal resolution of the complaint.

If an informal resolution is reached and the respondent complies with the agreed terms and conditions, if any, no further action against the respondent will be taken and the matter will be closed. If a resolution is not reached, or the respondent fails to comply with the agreed terms and conditions of the resolution, the student conduct code administrator may proceed to take action necessary to resolve the complaint.)) As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students, faculty, and staff create these opportunities and conditions. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following due process rights are guaranteed to each student within the limitations of statutory law and college policy:

(1) To be secure in their persons, housing, papers, and effects against unreasonable searches and seizures;

(2) No conduct sanction may be imposed on any student without notice to the accused of the alleged violations; and

(3) A student accused of violating this code is entitled, upon request, to procedural due process as set forth in this chapter.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-140 ((Contract of accountability)) Definitions. ((1) The student conduct administrator may work with any respondent who acknowledges responsibility for engaging in prohibited conduct to identify the resolution

and sanction(s). If an agreement is reached, the resolution and sanction(s) will be contained in a written contract of accountability signed by both the respondent and the student conduct administrator.

(2) A respondent who enters into a contract of accountability will comply with the resolution and sanction(s) set forth in the contract and will have no further right of appeal under the code. A respondent's failure to comply with a contract of accountability may be the basis for a separate violation of misconduct under the code and may result in the student conduct administrator issuing a conduct hold. The conduct hold will remain in effect until such time that the student satisfactorily completes all of the requirements of the contract of accountability. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant is to be informed of the contract of accountability.) **Agreement of accountability** means a written mutual agreement between the respondent and student conduct official which states the violations of the code and the resolution and sanction(s).

Business day means any calendar day, exclusive of weekends and federal and school holidays, in which the college is open to the public for the conduct of business.

Calendar day means any day of the month including weekends and state holidays.

College means The Evergreen State College.

College official means any person employed by the college performing assigned teaching, administrative, or professional responsibilities.

College premises means all campuses including all land, buildings, facilities, and other property in the possession of or owned, used, leased or controlled by the college including adjacent streets and sidewalks.

College-sponsored event or activity means activities or events involving planning or funding, or other authorized participation by the college.

Complainant means any person, group, or entity that submits a complaint alleging that a student or recognized organization violated the code and/or a person who believes they have been harmed by another student's behavior.

Complaint means a report that alleges a student or recognized organization violated the code.

Conduct appeal is the process by which a student or recognized organization can appeal their determination of responsibility and/or required resolutions and sanctions.

Conduct hold means a notation placed on the student's official record prohibiting a student from registering for any program or course.

Consent is affirmative, conscious, voluntary, and clear permission by word(s) or action(s) for specific activity. See the section on sexual misconduct for additional information.

Determination of responsibility means a decision of the student conduct official regarding whether or not the respondent is responsible for the alleged violation(s) of the code, including a required resolution and sanctions if appropriate.

Faculty member means any person employed by the college to conduct teaching activities or who is otherwise considered by the college to be a member of the faculty.

Filing is the process by which a document is officially delivered to a college official responsible for facilitating processes as outlined in the code. Filing will be considered completed upon actual receipt during office hours at the vice president for student affairs office by:

(a) Hand delivery of the document to the vice president for student affairs office; or

(b) Sending the document by email or first class mail to the vice president for student affairs office or college email address.

Final determination means the college's final action with regard to a complaint. A final determination occurs when a conduct official, conduct review officer, vice president for student affairs, or student conduct appeal panel determines whether a respondent is responsible for the alleged violation(s) of the code; and

(a) No appeal or request for reconsideration is filed by the applicable deadline set forth in the code; or

(b) No appeal or request for reconsideration is allowed under the code.

Guest means any person who is not a member of the college community on college premises at the invitation and/or hosting of a student.

Informal resolution is the outcome of a conduct conference when a student and a student conduct official enter into an agreement of accountability.

Member of the college community means any person who is a student, faculty, staff, or volunteer member. A volunteer is any person who is not receiving compensation for services or work for and/or at the college. A person's status in a particular situation will be determined by the senior conduct official or designee.

Mental safety is a state of mind characterized by the absence of fear or anxiety that substantially limits one's ability to participate in or benefit from the services, activities, or privileges provided by the college, or an employee to engage in their work duties.

No contact order means an order directing a student to have no contact with a specified member of the college community, visitor, or a particular college facility. The order may include, but is not limited to, directives with regard to path of travel, parking, arrival on campus, or specified times for use of campus resources.

Policy means the official written policies and procedures of the college published on the college's web site or in the college catalog, or posted anywhere on college premises or at college-sponsored events or activities; or the individual requirements of a department or office, or course syllabi or covenant.

Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; sex; gender, including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

Recognized organization means any group which has complied with the formal requirements for college recognition and is an officially recognized college organization. A group's status in a particular situation will be determined by the senior conduct official or designee.

Required resolution and sanction means the decision of the student conduct official regarding the resolution and sanction(s) appropriate to the level of responsibility for violating the code as conveyed in the determination of responsibility.

Respondent means any student or recognized organization alleged to have violated the code.

Restorative practice process means a process to involve those who have a stake in a specific violation of the code, to the extent possible and with their consent, to collectively identify and address harms, needs, and obligations. It may be part of a decision of the student conduct official regarding resolutions and sanctions in cases where the student or recognized organization has taken responsibility for their actions and a violation of the code.

Senior student conduct official means the primary college official authorized by the vice president for student affairs responsible for administration and implementation of the code.

Served notice is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party will be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document by email or certified mail or first class mail to the party's last known address. A student's last known address will be the current address on file with the registrar unless a student has provided written notice of a different address to the office of the vice president for student affairs.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed or deposited in the mail.

Sexual misconduct has the meaning ascribed to this term in WAC 174-123-170 Prohibited conduct.

Staff member means any person employed by the college in a nonfaculty role.

Student means:

(a) Any applicant who becomes enrolled, when an applicant commits violations of the code as part of the application process or commits violations of the code following their submittal of the application through official enrollment;

(b) Any applicant accepted for admission or readmission to the college;

(c) Any person currently enrolled at the college;

(d) Any person enrolled at the college in a prior quarter or summer session, and eligible to continue enrollment in the quarter or summer session that immediately follows; or

(e) Any person who was enrolled at the time of alleged violations of the code; or

(f) Any person not employed by the college on a permanent basis who resides in college housing.

Student conduct official means a college official authorized by the senior student conduct official to administer the code in response to a complaint.

Vice president for student affairs is the person designated by the college president to oversee the administration of the code, and for performing the other duties and obligations of the position.

Written notice means written communication personally provided to the student or delivered via the student's assigned college account electronic mail address.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-150 ((Notice of determination of responsibility and required resolution and sanctions.))
Jurisdiction. ((1) If a complaint is not resolved through informal resolution or by entering into a contract of accountability, the student conduct administrator will issue a determination of responsibility based on a standard of more likely than not and if appropriate, a required resolution and sanction(s).

(2) The determination of responsibility will identify the specific conduct that has violated the code. The required resolution and sanction(s) will provide for those tasks or consequences, and associated deadlines, the respondent must execute to address violations of the code.

(3) The student conduct administrator's determination of responsibility and required resolution and sanction(s) will be final unless the respondent files a timely appeal to the student conduct appeals board. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant is to be informed of the final determination and any sanction imposed against the respondent and may file a timely appeal to the student conduct appeals board.)) (1) The code of student rights and responsibilities will apply to conduct by a student or a recognized organization that occurs:

(a) On college premises; or

(b) At or in connection with a college-sponsored activity or program; or

(c) At an off-campus location and, based on a reasonable person's standard, adversely affects a college community member's ability to participate in or benefit from the college's educational opportunities, programs, or activities, an employee's ability to engage in their work duties, or adversely affects the college's pursuit of its objectives.

(2) Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by student fees, the recognized student government, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social events or recognized organization's activities.

(3) Students are responsible for their conduct from notification of acceptance at the college through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(4) These standards will apply to a student's conduct even if the student withdraws from the college while a complaint is pending.

(5) The vice president for student affairs or their designee has sole discretion, on a case-by-case basis, to determine whether the code will be applied to conduct that occurs off-campus.

(6) The vice president for student affairs or their designee has sole discretion, on a case-by-case basis, to determine whether the code of student rights and responsibilities, or the *College's Student Activities Handbook*, or both will be applied to conduct by a recognized organization.

(7) Nothing herein will be construed as being intended to create a legal obligation on the part of the college to protect any person or class of persons from injury or harm, or to deny students their legal and/or constitutionally protected rights.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-160 ((Resolution and sanctions.))
Computation of time. ((The following resolution and sanctions may be agreed to by, or required of, a respondent found to have violated the code. More than one resolution and sanction may be imposed for any single violation. Resolution and sanctions are based on the unique aspects of each situation and should be appropriate to the violation, taking into consideration the context and seriousness of the violation. History, patterns, and frequency of misconduct; severity and level of impact on the community; and a student's motivation and response all determine the resolution and sanction for each individual respondent.

(1) **Warning.** This is a written notice that the student is violating, or has violated, the code.

(2) **Educational and discretionary actions.** This includes, but is not limited to, work assignments, essays, behavior assessment and recommended treatment, completion of a workshop or training, restorative justice conference, or service to the college.

(3) **Probation.** A written reprimand and notice that for a designated period of time a student will be on special status with conditions imposed that include the probability of additional required resolution and sanctions if the student is found to violate the code during the probationary period of time.

(4) **Loss of privileges.** This may include, but is not limited to, limited access or restriction from college premises, college-sponsored activities or events, use of equipment, student employment, or participation in cocurricular activities.

(5) **Restitution.** Compensation for loss, damage, or expenses for injury incurred by the college or persons resulting from a violation of the code. This may take the form of appropriate service, monetary or material replacement, or a combination of both.

(6) **No contact order.** A directive that a student may have no contact with other stated members of the college community. In the case where a "no contact order" is issued, a student may be required to organize their activities in order to avoid contact with designated individuals.

(7) **Residence hall suspension.** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions allowing for a student to return to the residence hall may be specified in the suspension.

(8) **Residence hall expulsion.** Permanent separation of the student from the residence halls.

(9) **College suspension.** Separation of the student from the college for a definite period of time, after which the stu-

dent is eligible to return, provided that the student has complied with all conditions imposed as part of the suspension and the student is otherwise qualified for reenrolling. Conditions for reenrollment may be specified in the suspension.

(10) **College expulsion.** Permanent separation of the student from the college with a notation on the student's transcript.

(11) **Withholding admission or degree.** The withholding of admission to, or the withholding of a degree awarded from, the college for a specified amount of time.

(12) **Revocation of admission or degree.** The revocation of the admission to or the revocation of a degree from the college in those cases in which egregious academic dishonesty is discovered subsequent to a student's graduation. Degree revocation must be approved by the board of trustees and will be noted on the student's academic record.

(13) **Records hold.** The placement of a records hold on the student's academic record prohibiting the release of any transcripts, diploma(s) or other records until a student satisfies the terms and conditions of any required resolution and sanction.) In computing any period of time in these rules, the day from which the designated period begins to run will not be included. The last day of the period will be included unless it is a Saturday, Sunday, holiday, or campus closure, in which event the period runs until the end of the next day which is not a Saturday, Sunday, holiday, or campus closure. All college personnel responsible for administering the code will carry out their responsibilities promptly. Promptly means as soon as reasonably practicable under the facts and circumstances at the time, and pursuant to guidelines that may be adopted by the vice president for student affairs or their designee.

((STUDENT CONDUCT APPEALS))

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-170 ((Filing of appeal)) Prohibited conduct. ((1) A respondent may appeal a student conduct administrator's determination of responsibility and required resolution and sanction(s) to the student conduct appeals board. A complainant, in cases where a complaint alleges sexual misconduct, sexual harassment, or physical abuse may also appeal a student conduct administrator's determination of responsibility and required resolution and sanction(s) to the student conduct appeals board. An appeal must be in writing and received by the vice president for student affairs within twenty calendar days of written notice of the student conduct administrator's determination of responsibility and required resolution and sanction(s).

(2) Except in cases of an emergency suspension, the respondent's enrollment status, and rights as an enrolled student, will not be altered if a timely appeal is filed with the student conduct appeals board under subsection (1) of this section.) The code of student rights and responsibilities recognizes two types of prohibited conduct: Conduct related to community, and conduct related to persons. The subsections below outline the basic structures of community that the code seeks to uphold, and the basic rights and expectations of students that the code seeks to support.

(1) Conduct related to community.

The Evergreen State College community is a vibrant and engaged collective of individuals who have committed to the mission of the college. The college's mission statement reads as follows: "As an innovative public liberal arts college, Evergreen emphasizes collaborative, interdisciplinary learning across significant differences. Our academic community engages students in defining and thinking critically about their learning. Evergreen supports and benefits from local and global commitments to social justice, diversity, environmental stewardship and service in the public interest." Students are encouraged to continue to grow individually while contributing to and shaping the Evergreen community as each person brings new ideas, new perspectives, and renewed focus that is invaluable at a liberal arts college.

Students in the college community are expected to practice academic integrity: To author their own ideas and critique and evaluate others' ideas in their own voices. The greater learning community of the college can thrive only if each person works with a genuine commitment to make their own authentic intellectual discoveries. To that end it is a community expectation that students or a recognized organization will not engage in the following prohibited conduct:

(a) **Academic dishonesty** which includes, but is not limited to, the following:

(i) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment;

(ii) Plagiarism includes taking and using as one's own without proper attribution the ideas, writings, or work of another person in completing an academic assignment. Plagiarism may also include the unauthorized submission of academic work for credit that has been submitted for credit in another course;

(iii) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment;

(iv) Using assistance or materials that are expressly forbidden to complete an academic product or assignment;

(v) The unauthorized collaboration with any other person during the completion of independent academic work;

(vi) Knowingly falsifying or assisting in falsifying in whole, or in part, the contents of one's academic work;

(vii) Permitting any other person to substitute oneself to complete academic work; or

(viii) Engaging in any academic behavior specifically prohibited by a faculty member in the course covenant, syllabus, or individual or class discussion.

(b) **Damaging, defacing, destroying, or tampering** with college property or other personal or public property. This includes, but is not limited to, graffiti and vandalism.

(c) **Disorderly conduct** which includes any individual or group behavior which is abusive, obscene, violent, excessively noisy, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals. These behaviors include, but are not limited to, those which obstruct or interfere with institutional activities, programs, events, or facilities, such as:

(i) Any unauthorized occupancy of facilities owned or controlled by the college, or blockage of access to or from such facilities, or the occupation of college property after being given notice to depart;

(ii) Interference with the ability of any authorized person to gain access to any activity, program, event or facility sponsored or controlled by the college;

(iii) Any obstruction or delay of a public safety officer, police officer, firefighter, EMT, or any official of the college;

(iv) The use of force or violence (actual or threatened) to deny, impede, obstruct, impair, or interfere with the freedom of movement of any person, or the performance of duties of any college employee;

(v) Participation in a disruptive or coercive demonstration. A demonstration is considered disruptive or coercive if it substantially impedes college operations, interferes with the rights of others, or takes place on premises or at times where students are not authorized to be;

(vi) Obstruction of the free flow of pedestrian or vehicular traffic on college property or at college sponsored/supervised functions; or

(vii) Public urination or defecation.

(d) **Disruptive behavior in the classroom** may be defined as, but not limited to, behavior that unreasonably obstructs or disrupts the learning environment (e.g., outbursts which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining the learning community as defined in the course syllabus or covenant, and the continued use, after being given notice to stop, of any electronic or other noise or light emitting device which disturbs others, unless use of such technologies are an authorized accommodation for a documented disability for that program).

The faculty member has responsibility for maintaining a productive classroom and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive behavior or behavior that violates the general rules and regulations of the college for each class session during which the behavior occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further conduct action can be effected only through appropriate procedures of the college. The faculty member may also report incidents of classroom misconduct to the student conduct office.

(e) **Forgery, alteration, or the misuse** of college documents, records or identification cards.

(f) **Failure to comply** with the direction of or failure to identify yourself to a college official or other public official acting in the performance of their duties.

(g) **Unauthorized entry** into or onto, or the unauthorized remaining in, or upon, any college premises; or the unauthorized possession, duplication, or use of a college key or other access device.

(h) **Sounding of a false alarm** which includes, but is not limited to, initiating or causing to be initiated any false report, warning or threat, such as that of fire, explosion or emergency that intentionally causes a false emergency response; and the improper use or disabling of safety equipment and signs.

(2) Conduct related to persons.

Students of The Evergreen State College are to practice good citizenship in the campus community and beyond. Our collective efforts include implementation of the education, experiential learning, and skills gained through engagement with the faculty, staff, and students of the college. Engagement can be through civil discussions, a free exchange of ideas, participation in events and programs, or through other interactions where the desire to create spaces for learning are present. Students are encouraged to pursue new opportunities to engage and expand their intellectual curiosities and develop an understanding of the global society in which we live.

Students in the college community participate with fellow community members (faculty, staff, students, and members of the community beyond The Evergreen State College) in dialogue, educational activities, social events, and more with a focus on civil engagement and being one's best self. To that end it is a community expectation that students or recognized organizations will not engage in the following prohibited conduct:

(a) **Alcohol, drug, and tobacco violations.**

(i) **Alcohol.** The use, possession, delivery, sale, manufacture, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(ii) **Cannabis.** The use, possession, delivery, or sale of cannabis or the psychoactive compounds found in cannabis, regardless of form, or being observably under the influence of cannabis or the psychoactive compounds found in cannabis. Cannabis use and possession is illegal under federal law and the college is required to prohibit the possession, use and distribution of illicit drugs, including cannabis, as a condition of receiving federal funding.

(iii) **Drugs.** The use, possession, delivery, sale, manufacture, or being observably under the influence of any mood altering drug, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(iv) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products is prohibited except as allowed by college policy in designated smoking areas. Related products include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(b) **Assault.** Unwanted touching, physical abuse, or threats of physical abuse which threaten the health or safety of another person.

(c) **Cyber misconduct.** The term "cyber misconduct" includes, but is not limited to, behavior involving the use of a computer, computer network, the internet, or use of electronic communications including, but not limited to, electronic mail, instant messaging, list serves, electronic bulletin boards/discussion boards, ad forums and social media sites or platforms, to disrupt college function, adversely affect the pursuit of the college's objectives, or to stalk, harm or harass, or engage in other conduct which threatens or is reasonably perceived as threatening the physical or mental safety of another person, or which is sufficiently severe, persistent, or pervasive that it interferes with or diminishes the ability of an individual to participate in or benefit from the services, activ-

ities, or privileges provided by the college, or an employee to engage in work duties.

(d) Failure to be truthful to the college or a college official. This includes, but is not limited to, knowingly making false charges against another member of the college community; and providing false or misleading information in an application for admission or to gain employment.

(e) Failure to follow fire safety regulations. Failure to evacuate during a fire alarm; the improper use or damaging of fire prevention or safety equipment, such as fire extinguishers, smoke detectors, alarm pull stations, or emergency exits; or the unauthorized setting of fires.

(f) Harm. Behavior directed at an individual that based on a reasonable person's standard is sufficiently severe, pervasive, or persistent such that it diminishes or interferes with the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the college or an employee to engage in their work duties. This includes, but is not limited to, intimidation, verbal abuse, threat(s), bullying, or other conduct which threatens or is reasonably perceived as threatening the physical or mental safety of another person as per a reasonable person's standard. Bullying is repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

(g) Harassment. Conduct against a person on the basis of protected status that is sufficiently severe, pervasive, or persistent as to interfere with or diminishes the ability of a person to participate in or benefit from the services, activities, or privileges provided by the college, or an employee to engage in work duties.

(h) Hazing. Conduct that includes any activity or method of initiation into a recognized organization or student social, living, learning, or athletic group that causes, or is likely to cause, bodily danger or physical or mental harm to any member of the college community.

(i) Knowingly assisting another person to violate the code or failing to report to a college official conduct that constitutes significant damage to property or a serious danger to the health or physical safety of an individual.

(j) Lewd conduct. Behavior which is lewd or obscene that is not otherwise protected under the law including, but not limited to, exposing genitalia, and engaging in sexual intercourse or sexual activity in public.

(k) Obstructive behavior in conduct conferences or hearings. Any conduct at any stage of a process or investigation that is threatening, or disorderly, including:

(i) Failure to abide by the directives of a student conduct official or college official(s) in the performance of their duties;

(ii) Knowing falsification, distortion, or misrepresentation of information before a student conduct official or hearing panel;

(iii) Deliberate disruption or interference with the orderly conduct of a conduct conference or hearing proceeding;

(iv) Making false statements to any student conduct officials or hearing panel;

(v) Attempting to influence the impartiality of a member of a hearing panel or a student conduct official prior to, or during the course of, a proceeding; or

(vi) Harassment or intimidation of any participant in the college conduct process.

(l) Recording. The recording of any private conversation, by any device, without the voluntary permission of all persons engaged in the conversation except as permitted by state law, chapter 9.73 RCW. For purposes of this section, the term "permission" will be considered obtained only when one party has announced to all other parties engaged in the communication or conversation that such communication or conversation will be recorded or transmitted; and the announcement itself is recorded as part of the conversation or communication.

(m) Retaliation. Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of the code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or conduct proceeding.

(n) Theft (attempted or actual) of property, services or identity. This includes, but is not limited to, using, taking, attempting to take, possessing, or aiding another to take college property or services, or property belonging to any person, without express permission. Identity theft is the use of another person's name and personal information including, but not limited to, private identifying information, without their permission in order to gain a financial advantage or obtain credit and other benefits in the other person's name.

(o) Viewing. distributing, photographing, or filming another person without that person's knowledge and voluntary permission, while the person being photographed, viewed or filmed is in a place where they would have a reasonable expectation of privacy. The term "permission" will be considered obtained if there are signed waivers, written permission, or verbal agreement recorded with specificity to the content.

(p) Violation of any college policy including, but not limited to, residential and dining services policies, appropriate use of information technology resources policies, and WAC 174-136-043 regarding weapons.

(q) Violation of federal, state, or local law including being charged by law enforcement, or convicted of a felony or misdemeanor, under circumstances where it is reasonable to conclude that the presence of the person on college premises would constitute a danger to the physical or mental safety of members of the college community.

(r) Stalking is a course of conduct directed at a specific person or group that would cause a reasonable person to feel fear for their physical or mental safety, or the physical or mental safety of another. A course of conduct includes two or more acts including, but not limited to, those in which a person directly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

(s) Sexual misconduct. The term "sexual misconduct" includes sexual harassment, sexual exploitation, sexual violence, relationship violence, domestic violence, and stalking.

(3) Sexual misconduct and consent.

In order to understand the definitions of prohibited conduct in this section, and to adjudicate complaints of sexual misconduct, it is necessary to provide a further definition of consent. This section provides information about consent related to sexual misconduct.

Consent is permission expressed by words or actions that is clear, knowing, and voluntary, regarding willingness to engage in sexual activity. Consent is active, not passive. Each party has the responsibility to make certain that the other has consented before engaging in the activity. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Previous relationship or prior consent does not imply consent to future sexual acts; this includes "blanket" consent (i.e., permission in advance for any/all actions at a later time or place). Consent can be withdrawn once given, as long as that withdrawal is communicated. There is no requirement for a party to resist the sexual advance or request, and resistance is a clear demonstration of nonconsent.

A person cannot consent if they are incapacitated. Incapacitation is a state where someone cannot make reasoned decisions because they lack the capacity to give consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the complainant is physically or mentally incapacitated has engaged in nonconsensual conduct. The question of what a person should have known is objectively based on what a reasonable person in the place of the participant(s), sober and exercising good judgment, would have known about the condition of the complainant.

Consent cannot be obtained by force or coercion. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats or intimidation (implied threats) that overcomes free will or resistance. Coercion is unreasonable pressure for sexual activity. When someone makes clear to another person that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual activity.

This code is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity. Conduct is determined a violation as per the reasonable person standard.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature that is sufficiently severe, pervasive, or persistent as to deny or limit based on sex, the ability of a person to participate in or benefit from the services, activities, or privileges provided by the college or an employee to engage in their work duties, that creates an intimidating, hostile, or offensive environment for other community members.

(b) **Sexual exploitation.** The term "sexual exploitation" means conduct that takes nonconsensual or abusive sexual advantage of another for their own or another's benefit. Sexual exploitation includes, but is not limited to, nonconsensual recording of sexual activity or the nonconsensual distribution of a consensual or nonconsensual recording or image; going beyond the boundaries of consent; forcing another person to engage in sexual activity for payment; or knowingly exposing someone to or transmitting a sexually transmitted infection.

(c) **Sexual violence.** The term "sexual violence" means an act or acts of a sexual nature against a person without their consent. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger or another body part or object, or oral copulation by mouth to genital contact. Sexual intercourse also includes forcing a person to engage in vaginal or anal penetration by a penis, object, tongue or finger, or oral copulation by mouth to genital contact.

Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual contact includes intentional contact with the lips, breasts, buttock, groin, or genitals, or clothing covering any of those areas, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts, or any other intentional bodily contact in a sexual manner.

(d) **Domestic violence.** The term "domestic violence" means the infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury or assault committed against a current or former spouse or intimate partner, current or former cohabitant, a person with whom the person shares a child in common, or a person with whom one resides.

(e) **Relationship violence.** The term "relationship violence," also known as dating violence, means the infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury or assault committed against a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(f) **Stalking.** The term "stalking" means a course of conduct directed at a specific person or group that would cause a reasonable person to feel fear for their physical or mental safety, or the physical or mental safety of another. A course of conduct includes two or more acts including, but not limited to, those in which a person directly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

CODE PROCEDURES

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-180 ((Notice of hearing.)) Purpose.

~~((1) After receipt of a timely request for a hearing, the vice president for student affairs, or designee, will schedule a hearing before the student conduct appeals board and provide served notice to the respondent at least seven business days in advance of the hearing. The seven days advance notice may be waived by the vice president for student affairs, or designee, with the student's permission.~~

~~(2) The served notice provided to the respondent will include the following:~~

~~(a) The date, time, location, and nature of the proceeding;~~

~~(b) A date by which the respondent and student conduct administrator must identify advisors and/or individuals who will be involved in sharing information on their behalf as well as requests for reasonable accommodations, if any, for these individuals;~~

~~(c) A date by which the student conduct administrator and respondent must provide copies of any documents to be provided to the board at the hearing. The date for providing documents must be at least two business days prior to the hearing date.) The student conduct process provides due process, educates students about their rights and responsibilities, and holds students accountable for their actions. If students believe that a student conduct official is not handling complaints according to these procedures, students should report their concern immediately. Students may report concerns to the vice president for student affairs or designee using the procedural review process outlined in WAC 174-123-250.~~

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-190 ((Procedure at hearing.)) Submitting a complaint. ~~((The procedures to be followed at hearings conducted by the student conduct appeals board are as follows:~~

~~(1) All procedural questions and other decisions are subject to the final decision of the chair of the board unless otherwise provided for in these rules. The chair will ensure that the proceeding is held in an orderly manner such that the rights of all parties to a full, fair and impartial proceeding that adheres to the code is achieved.~~

~~(2) The hearing is a closed proceeding which includes only members of the board; the advisor to the board, if any; the student conduct administrator and their advisor, if any; the complainant and the respondent and their advisor(s), if any; and persons requested to provide information at the hearing. Admission of any other person to the hearing is at the discretion of the board's chair and subject to the requirement set forth in subsection (8) of this section.~~

~~(3) The complainant and the respondent are neither encouraged nor required to be assisted by an advisor of their choosing at their own expense. The student conduct administrator and respondent are expected to present all information~~

~~during the proceedings. Proceedings will not be automatically delayed due to the scheduling conflicts of an advisor. In cases where the complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant may present information during the proceedings.~~

~~(4) There will be a single verbatim sound recording of the hearing, and the record will be on file with the vice president for student affairs and is the property of the college.~~

~~(5) The respondent's failure to cooperate with or attend a hearing will not preclude the board from proceeding and issuing a final determination or upholding the determination of the student conduct administrator.~~

~~(6) Only those materials and information presented at the hearing will be considered. The chair may exclude or limit ineffectual, irrelevant, or unduly repetitious information.~~

~~(7) Any person disrupting the proceeding will be duly warned and subsequently may be excluded from the hearing by the chair. Any student engaging in such interference will be in violation of the student conduct code.~~

~~(8) The chair is authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant information, to prevent the mistreatment of participants, to insure that proceedings are not disrupted and the interests of fairness are served. This may include regulating the timing, length and manner of presentations, declaring recesses in the proceedings, and taking other appropriate actions.~~

~~(9) Only members of the student conduct appeals board and the advisor to the board, if any, will be present for deliberations. Deliberations are not recorded. During deliberations the board will consider all the information presented and decide by majority vote whether it is more likely than not that the respondent is responsible for violating each section of the code the respondent is charged with violating and/or what resolution and sanction(s) to impose.) (1) Any person may submit a complaint alleging a violation of the code. A complaint may be submitted through the online report form, or to a college official who is able to take action. This includes, but is not limited to, the director of student conduct, the Title IX coordinator, residential life staff, police services, or to the vice president for student affairs. Individuals may choose not to submit a report to police services alleging a violation of the code. A complaint should be submitted as soon as possible after the event has taken place. A group of people may make an initial complaint collectively.~~

~~(2) The senior student conduct official, or designee, will be responsible for addressing alleged violations of the code. If there is a question about who should be responsible for addressing a complaint, the vice president for student affairs, or designee, will assign responsibility for handling the complaint and if necessary, serve as a student conduct official.~~

~~(3) A complainant or respondent may request, in writing to the vice president for student affairs or designee, to have a complaint addressed by an alternate student conduct official if a bias, prejudice, or conflict of interest is identified. The vice president for student affairs or designee will have the final authority to determine the appropriate student conduct official to assign in this case.~~

~~(4) Based on the complaint, the senior student conduct official or designee will conduct an initial review of the com-~~

plaint to determine jurisdiction and if there is clear information to indicate a possible violation of the code in order to determine next steps. The senior student conduct official or designee may elect to initiate a conduct conference, attempt to gather additional information to make a determination, or close the complaint without any further action. If the complaint is closed without any further action by the senior student conduct official or designee, the parties may be referred for additional resources.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-200 ((~~Board composition~~)) Interim measures. ((~~1~~) The board will be composed of five members consisting of one faculty member, one staff member, and three students. One member will be designated by the vice president to serve as the chair of the board for a hearing.

~~(2) The faculty agenda committee will designate faculty members to serve on the student conduct appeals board as needed.~~

~~(3) The vice president for student affairs will be responsible for designating the student and staff members serving on the board. The student members, including the selection of alternate members to serve as necessary, will be done through an open selection process established by the vice president.~~

~~(4) A respondent, complainant, and/or the student conduct administrator may request removal of a member of the board at the commencement of the hearing for reasons of bias, prejudice or conflict of interest. The chair of the board will be responsible for making decisions regarding removal, unless the student is requesting removal of the chair. When there is a request to remove the chair, and the chair does not voluntarily step down, a quorum of the remaining members will decide whether removal is warranted. If a member is removed, an appropriate alternate member (i.e., faculty, student or staff) will serve on the board for the excused member.~~ (1) **Interim restrictions.** The student conduct official or designee may institute interim restrictions prior to, or at any stage during, a student conduct proceeding when the physical or mental safety of any member of the college community is deemed at risk. The interim restriction may include a no contact order and/or loss of privileges.

(a) A student issued an interim restriction that includes loss of privileges will receive written notice of the interim restriction, the reason for instituting an interim restriction, and advised of the date, time and place for a hearing regarding the interim restriction before the student conduct official, or their designee. The hearing will take place no later than five business days from the effective date of the interim restriction.

(b) The interim restriction has immediate effect and will remain in place during any procedural review process, until an agreement of accountability exists, a student conduct official issues a determination of responsibility, an appeal panel issues a final determination, or the student conduct official notifies the respondent in writing that the interim restriction has been modified or is no longer in effect.

(2) **Interim suspension.** This is a temporary exclusion from enrollment, including exclusion from college premises

or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while a student conduct proceeding is pending. The vice president for student affairs or their designee may impose an interim suspension, which has immediate effect, if there is probable cause to believe that the respondent has violated any provision of the code and presents a substantial or ongoing danger to the physical or mental safety of any member of the college community; or poses an ongoing threat of substantial disruption of, or interference with, teaching, learning or the operations of the college.

(a) Any student assigned an interim suspension will be provided oral or written notice of the interim suspension. If oral notice is given, a written notification will be served on the respondent within two business days of the oral notice.

(b) The written notice will be entitled "Notice of Interim Suspension" and will include:

(i) The reasons for imposing the interim suspension, including a description of the conduct giving rise to the interim suspension and reference to the provisions of the code allegedly violated;

(ii) The date, time, and location when the respondent must appear before the vice president for student affairs or their designee for a hearing on the interim suspension; and

(iii) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been barred from the campus, a notice will be included that warns the student that their privilege to enter into or remain on college premises has been withdrawn, and that the respondent will be considered trespassing if the respondent enters the college campus other than as approved by the vice president for student affairs or their designee.

(c) The vice president for student affairs or their designee will conduct a hearing on the interim suspension within five business days after imposition of the interim suspension.

(d) During the interim suspension hearing, the issue before the vice president for student affairs or their designee is whether there are reasonable grounds to believe that the interim suspension should be continued pending the conclusion of student conduct proceedings and/or whether the interim suspension should be less restrictive in scope.

(e) The student will be afforded an opportunity to explain why interim suspension should not be continued while conduct proceedings are pending or why the interim suspension should be less restrictive in scope.

(f) If the student fails to appear at the designated hearing time, the vice president for student affairs or their designee may order that the interim suspension remain in place pending the conclusion of the conduct proceedings.

(g) As soon as practicable following the hearing, the vice president for student affairs or their designee will issue a written decision which will include a brief explanation for any decision continuing and/or modifying the interim suspension.

(h) To the extent permissible under applicable law, the vice president for student affairs or their designee will provide a copy of the decision to all persons or offices who may be bound or protected by it.

(i) In cases involving allegations of sexual misconduct, the complainant will be notified that an interim suspension has been imposed on the same day that the interim suspension notice is served on the student. The college will also provide the complainant with same day notice of any subsequent changes to the interim suspension order.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-210 ((Final determination-)) Initiating a conduct conference. ((The board will issue a final determination that:

(1) Upholds part, or all, of the determination of responsibility; and upholds the required resolution and sanction(s), or modifies or develops an alternate resolution and sanction(s); or

(2) Determines that it is more likely than not that the student is not responsible for violating the code, reverse the determination of responsibility issued by the student conduct administrator, and dismiss the case.

The final determination will be provided to the respondent by served notice. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant will be informed of the final determination and any sanction imposed against the respondent by written notice.)) A conduct conference is a meeting or a series of meetings, held between a respondent and a student conduct official. The student conduct official will explain to the respondent the process for addressing complaints under the code, advise the respondent of their rights and responsibilities, and review with the respondent the complaint and alleged violation(s) of the code.

(1) The respondent will meet with the student conduct official for a conduct conference as directed in a written notice. The notice will briefly describe the allegations and the provision(s) of the code the respondent is alleged to have violated. The notice will direct the respondent to schedule a conduct conference or direct the respondent to attend a conduct conference at a specific time and location. At the conduct conference, the student conduct official will present the allegations to the respondent and the respondent will be afforded an opportunity to explain what occurred. If the respondent fails to attend the conduct conference, a determination of responsibility and required resolution and sanction(s) may be determined in the respondent's absence.

(2) If there is more than one respondent involved in the complaint, the student conduct official, at their discretion, may conduct the conferences concerning each respondent either separately, or jointly.

(3) In addition to information sought from the respondent regarding the allegations, the student conduct official may seek additional information from other persons with information relevant to the investigation of the complaint.

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

WAC 174-123-220 ((Reconsideration-)) Informal resolution and agreement of accountability. ((~~(1) Within~~ ten business days of the served notice of the final determina-

~~tion, the complainant or the respondent may submit a petition for reconsideration with the student conduct appeals board. The petition must state the specific grounds upon which relief is requested.~~

~~(2) The petition will be deemed submitted on the day of actual receipt by the board. Service on the board can be made by one of the following means:~~

~~(a) Email received by the office of the vice president for student affairs; or~~

~~(b) By deposit in the United States mail, postage prepaid, addressed as follows: The Evergreen State College, Student Conduct Appeals Board, Office of the Vice President for Student Affairs, 2700 Evergreen Parkway N.W., Olympia, Washington 98505; or~~

~~(c) By personal service on the student conduct appeals board which will be deemed accomplished by hand delivering the petition to the office of the vice president for student affairs during regular business hours at the address listed in (b) of this subsection.~~

~~(3) The final determination issued by the student conduct appeals board will remain in effect during the time period that a petition for reconsideration is under review by the board. The board will respond within twenty business days from the date the petition is submitted.)) The student conduct official will attempt to resolve a complaint informally using an agreement of accountability. If a complaint is not resolved using an agreement of accountability, the student conduct official will resolve the complaint by issuing a determination of responsibility and required resolutions and sanctions as described in WAC 174-123-230.~~

~~(1) The student conduct official may work with any respondent who acknowledges responsibility for engaging in prohibited conduct to identify the resolution and sanction(s). If an agreement is reached, the resolution and sanction(s) will be contained in a written agreement of accountability signed by both the respondent and the student conduct official.~~

~~(2) A respondent who enters into an agreement of accountability will comply with the resolution and sanction(s) set forth in the agreement and will have no further right of appeal under the code. A respondent's failure to comply with an agreement of accountability may be the basis for a separate violation of misconduct under the code. A separate violation will be addressed using a registration hold and/or initiating a conduct conference as described in WAC 172-123-210. The conduct hold will remain in effect until such time that the student satisfactorily completes all of the requirements of the agreement of accountability. If a complaint alleges sexual misconduct or physical abuse, the complainant is to be informed of the agreement of accountability.~~

~~(3) A restorative practice process may be a component of an agreement of accountability in cases where the student has taken responsibility for their actions and a violation of the code. An agreement may be entered into as part of an agreement of accountability that the student is choosing to voluntarily participate in a restorative practice process. A restorative practice is intended to provide resolution and restoration for those negatively impacted by the code violation, as well as, give the respondent an opportunity to make the situation as right as possible.~~

~~((MAINTENANCE OF STUDENT CONDUCT CODE RECORDS))~~

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

~~WAC 174-123-230 ((Retention-))~~ Notice of determination of responsibility and required resolution and sanctions. ~~((1) A student's conduct record may be retained for seven years after the final disposition of the case unless the college is required to retain the record for a longer period of time under another provision of state or federal law. When the resolution and sanction(s) includes college expulsion or revocation of a degree the record will be retained in perpetuity. Final disposition is defined as when:~~

~~(a) A respondent fulfills the contract of accountability or the required resolution and sanction(s) issued by the student conduct appeals board; or~~

~~(b) A case is closed at the discretion of the student conduct administrator when the respondent has not completed the required resolution and sanction and has not been enrolled for twelve months.~~

~~(2) Other than college expulsion, degree revocation, or withholding of a degree, resolution and sanctions will not be made part of the student's permanent academic record, but will be part of the student's conduct record.)~~ (1) If a complaint is not resolved by entering into an agreement of accountability, the student conduct official will issue a determination of responsibility based on a preponderance of the evidence standard. Preponderance of the evidence standard means it is more likely than not that the information and evidence shows that an alleged policy violation did or did not occur.

(2) The student conduct official may take any of the following actions:

(a) Determine the respondent is not responsible for violating the code and end the conduct proceedings.

(b) Determine the available information is inconclusive at this time. The student conduct official may revisit the determination if additional relevant information becomes available.

(c) Determine the respondent is responsible for violating the code and issue required resolution(s) and sanction(s) as described in WAC 174-123-240.

(3) The determination of responsibility will identify the specific conduct that has violated the code. The required resolution and sanction(s) will state the tasks or actions, and associated deadlines, the respondent must execute to address violations of the code.

(4) The student conduct official's determination of responsibility and required resolution and sanction(s) will be final unless the respondent files a timely appeal to the vice president for student affairs. If a complaint alleges sexual misconduct or physical abuse, the complainant is to be informed of the final determination and any required resolution and sanction imposed against the respondent and may file a timely appeal to the vice president for student affairs.

~~((SIMULTANEOUS CIVIL OR CRIMINAL PROCEEDINGS))~~

AMENDATORY SECTION (Amending WSR 12-03-040, filed 1/10/12, effective 2/10/12)

~~WAC 174-123-240 ((Simultaneous civil or criminal proceedings-))~~ Resolution and sanctions. ~~((1) Student conduct code proceedings may be instituted and carried out without regard to any criminal or civil litigation or external processes with which the student may be involved. Issuance of a determination of responsibility or required resolution and sanction(s) by the student conduct administrator or appeals board will not be subject to change because criminal charges or civil litigation from the same facts resulting in an allegation of violation of the code were dismissed, reduced, or resolved in favor of or against the respondent.~~

~~(2) If a respondent charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the respondent may petition the vice president for student affairs to postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. The vice president will have the discretion to grant or deny the request.~~

~~(3) When a respondent is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for the individual because of their status as a student. If the alleged criminal offense is also being addressed under the code, the college may advise off-campus authorities of the existence of the code and how such matters are typically handled within the college community.)~~ The following resolution and sanctions may be agreed to by, or required of, a respondent found to have violated the code. More than one resolution and sanction may be imposed for any single violation. Resolution and sanctions are based on the unique aspects of each situation and take into consideration the context and seriousness of the violation. In determining the resolution and sanctions, the student conduct official, the student conduct officer, or any appeal officer or panel, will consider history, patterns, and frequency of misconduct; severity and level of impact on the community; and a student's motivation and response to the allegations.

(1) Written warning: This is a written notice that the student has violated one or more terms of this code and that continuation of the same or similar behavior may result in further sanctions.

(2) Probation: A student will be on special status with conditions imposed for a defined period of time and includes the probability of more severe required resolution and sanctions if the student is found to violate the code during the probationary period.

(3) Suspension: Separation of the student from the college for a specified period of time, after which the student is eligible to return, provided that the student has complied with all conditions imposed as part of the suspension and the student is otherwise qualified for enrollment.

(4) **Expulsion:** Permanent separation of the student from the college while enrolled with a notation on the student's transcript. This includes revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the sanction takes effect.

(5) **Deferred action:** Deferred action is most commonly applied to college suspension or expulsion, and college housing suspension or eviction. Deferred action may be applied to other sanctions with conditions stated that outline when the sanction will no longer be in a deferred status. Deferred action is a special status issued for a defined period of time in which the student must complete required resolutions and sanctions that are not included in the deferred status. If the student does not complete the required resolutions and sanctions or is found in violation of the code during the time period, the deferred action will take effect immediately without further review. This deferred action will be in addition to any required resolutions or sanctions arising from the new violation.

(6) **Educational actions:** The college may require the student to complete an educational activity or experience directly related to the violation committed, at the student's expense. This includes, but is not limited to, work assignments, essays, completion of a workshop or training, restorative practice, or service to the college community.

(7) **Emergency contact or parental notification:** In cases of suspension, expulsion, or significant health and safety concerns, the parent or emergency contact may be contacted to inform them of the suspension, expulsion, or health and safety concern.

(8) **Professional evaluation:** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and having the professional credentials specified by the college. The student will sign all necessary releases: (a) To allow the college to provide the evaluator with all educational and other records in the student's college files; and (b) to allow the evaluator to provide the college with the evaluator's notes and file materials, including the results of tests, assessments, and report. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(9) **Loss of privileges:** This may include, but is not limited to, the following restrictions:

- (a) Attend college-sponsored activities or events;
- (b) Hold an office or leadership position in any recognized organization or hold any elected or appointed office of the college;
- (c) Limited access or restriction from college premises;
- (d) Participate in cocurricular activities;
- (e) Participate in study abroad programs or field work;

(f) Represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation;

(g) Student employment;

(h) Barred from college housing;

(i) Use of college equipment.

(10) **No contact order:** An order directing a student to have no contact with a specified member of the college community, visitor, or particular college facility. The order may include, but is not limited to, directives with regard to path of travel, parking, arrival on campus, or specified times for use of campus resources.

(11) **College housing suspension:** Separation of the student from the residence halls for a defined period of time that includes being barred from college housing, after which the student is eligible to return. Conditions allowing for a student to return to college housing may be specified in the suspension.

(12) **College housing eviction:** Permanent separation of the student from college housing that includes being barred from college housing.

(13) **Restitution:** Reimbursement for loss or damage, to property or for injury to persons. This may take the form of appropriate service, monetary or material replacement, or a combination of both.

(14) **Records or registration hold:** This is a temporary measure restricting release of a student's transcript, diploma(s) or other records; or access to registration until a student completes any required resolutions and sanctions.

(15) **Withholding admission or degree:** The withholding of admission to, or the withholding of a degree awarded from, the college for a specified amount of time. Withholding of a degree will be noted on the student's academic record.

(16) **Revocation of admission:** The revocation of admission to the college. The denial of admission to the college may occur after admission and prior to initial enrollment.

(17) **Revocation of degree:** The revocation of a degree from the college may be a sanction in those cases in which egregious academic dishonesty is discovered subsequent to a student's graduation. Degree revocation must be approved by the board of trustees and will be noted on the student's academic record.

NEW SECTION

WAC 174-123-250 Procedural review complaint. A procedural review complaint may be used to resolve any student complaint related to a current process in which a determination has not been issued regarding the alleged violations of the code.

A procedural review complaint is a student's formal complaint concerning the application of policy, a procedural concern, or a condition in which a student believes the current process has been impacted. This complaint may include, but is not limited to, the inappropriate application of a policy, the process, or procedures are not being followed appropriately in the process, or other concerns related to the process.

It is recommended that a student first discuss their concerns with the appropriate student conduct official overseeing the process prior to filing a complaint.

No disciplinary or other unfavorable action may be taken against any student or anyone who may support or advise a student using these procedures. A student wishing to report the actions of another student cannot use this process and is to be referred to the submitting a complaint section of WAC 174-123-190.

(1) Making a procedural review complaint:

(a) A student with a procedural review complaint will report their concern in writing to the vice president for student affairs. While only one complaint may be made in the course of a proceeding, a complaint may address multiple concerns. A designated staff member will be assigned as the procedural review coordinator (coordinator) and the current code process that is the subject of the procedural review complaint will be put on administrative hold until the resolution of the complaint, except that the filing of a procedural review complaint will not cause any interim measures to be put on hold or halt the implementation of any interim measures.

(b) The coordinator will discuss the concern with the student. If the student has not already discussed the concern with the appropriate student conduct official, the coordinator may refer the student to the student conduct official.

(c) If the student elects to not discuss their concern with the student conduct official, or the procedural review complaint is not referred to or resolved by the student conduct official, the student will submit their concern as a written complaint to the coordinator. The written complaint should contain a complete and specific account of the student's complaint, including the policies, practices, procedures, or the condition complained of, with written evidence attached, and stating the remedy the student seeks.

(2) Resolution of procedural review complaint:

(a) The coordinator will investigate the student's written complaint by gathering information from the involved people named by the student as well as from others as necessary. The coordinator may ask those named to respond to the student's complaint in writing.

(b) The coordinator will make recommendations based on information presented in an effort to resolve the procedural review complaint. The student will be notified of the recommendations within five business days of the close of the investigation.

(c) Any recommendations by the coordinator will be instituted by the senior student conduct official or designee at the resumption of the process.

APPEALS

NEW SECTION

WAC 174-123-260 Filing of appeal. (1) A respondent may appeal a student conduct official's determination of responsibility and required resolution and sanction(s) by filing a written notice of appeal to the vice president for student affairs within ten calendar days of service of the student conduct official's determination. Failure to file a notice of appeal within the time period constitutes the waiver of the right to

appeal and the student conduct official's determination of responsibility and required resolution and sanction(s) will be final.

(2) The student filing the notice of appeal must include a brief statement explaining why they are seeking review of the determination of responsibility and/or required resolution and sanction(s).

(3) Except in cases of an interim suspension, the required resolutions and sanction(s) will be on hold pending the outcome of an appeal. Interim measures will remain in place pending the outcome of the appeal.

(4) The parties to an appeal will be the appellant and the student conduct official.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the determination of responsibility and required resolution by a preponderance of the evidence.

(6) The appellant has a right to a prompt and fair hearing as provided for in these procedures.

(7) Student conduct appeal to determinations in which the required resolution and sanction(s) include the following will be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten days or less;

(b) College housing suspension or eviction;

(c) Deferred action;

(d) Probation; and

(e) Any conditions or terms imposed in conjunction with one of the foregoing resolution and sanctions.

(8) Student conduct appeal to determinations in which the required resolution and sanction(s) include the following will be reviewed by the student conduct appeal panel:

(a) Suspensions in excess of ten days;

(b) College expulsions; and

(c) Complaints referred to the panel by the student conduct review officer or vice president for student affairs, or designee.

(9) Except as provided elsewhere in this code, warnings and findings of no responsibility are final and are not subject to appeal.

(10) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following outcomes following the same procedures as set forth above for the respondent:

(a) The determination of responsibility; or

(b) Any required resolutions and sanction(s) imposed including a disciplinary warning.

(11) If the respondent appeals a decision imposing discipline for a sexual misconduct violation, the college will notify the complainant of the appeal and provide the complainant an opportunity to participate in the appeal.

(12) Except as otherwise specified in the code, a complainant who appeals a determination of responsibility and required resolution and sanction(s) within ten calendar days of notice of the determination, or who participates as a party to a respondent's appeal of a determination of responsibility and required resolution and sanction(s) will be afforded the same procedural rights as are afforded the respondent.

NEW SECTION

WAC 174-123-270 Brief adjudicative appeal proceedings—Initial hearing. Brief adjudicative proceedings will be conducted by a conduct review officer. Conduct review officers shall be designated by the vice president for student affairs. The conduct review officer will not participate in any case in which they are or have been involved; or in which there is direct or personal interest, prejudice, or bias.

(1) The parties to a brief adjudicative proceeding are the respondent, the student conduct official, and the complainant in cases involving sexual misconduct. Before taking action, the conduct review officer will conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the college's view of the matter; and

(b) An opportunity to explain the student's view of the matter.

(2) The conduct review officer will schedule an informal hearing and serve written notice of the hearing to the parties at least seven calendar days in advance of the hearing. The notice of informal hearing will include the following:

(a) The date, time, location, and nature of the hearing;

(b) A date by which the parties must identify advisors as well as requests for reasonable accommodations, if any;

(c) A date on which the respondent may review documents held by the student conduct official; and

(d) A date by which the parties must provide a list of witnesses and copies of any documents to other parties and to the conduct review officer.

(3) The conduct review officer will serve an initial decision upon the parties within ten calendar days of the completion of the informal hearing. The initial decision will contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten business days of service of the initial decision, the initial decision will be deemed the final decision.

(4) If the conduct review officer determines that the respondent's conduct may warrant imposition of a college or college housing suspension of more than ten days or college or college housing eviction, the matter will be referred to the student conduct appeal panel for a new hearing.

NEW SECTION

WAC 174-123-280 Brief adjudicative appeal proceedings—Administrative review of initial decision. (1) An initial decision may be appealed to the vice president for student affairs or designee, provided a party files a written request including the grounds for appeal for review with the conduct review officer within ten calendar days of service of the initial decision. The grounds for appeal are limited to new information not available at the time of the initial process, procedural error that impacted the outcome of the process, and/or bias of the student conduct official, or the conduct review officer.

(2) The vice president for student affairs or designee will not participate in any case in which they are or have been involved as a complainant or witness, or in which there is direct or personal interest, prejudice, or bias.

(3) During the appeal, the vice president for student affairs or designee will give each party an opportunity to file written responses explaining their view of the matter and will make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct appeal panel for a hearing.

(4) The decision on appeal must be in writing and must include a brief statement of the reason for the decision and must be served on the parties within twenty calendar days of the request for appeal. The decision will contain a notice whether appeal to superior court is available.

(5) If the vice president for student affairs or designee determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten days or dismissal, the matter will be referred to the student conduct appeal panel for a hearing.

(6) In cases involving allegations of sexual misconduct or physical abuse, the vice president for student affairs or designee, on the same date as the final decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct or physical abuse were found to have merit and describing any resolution and sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or expulsion of the respondent. The decision will contain a notice whether appeal to superior court is available.

NEW SECTION

WAC 174-123-290 Appeal panel proceedings—Hearing procedures. (1) If not addressed in the code, the proceedings of the student conduct appeal panel will be governed by the Administrative Procedure Act, chapter 34.05 RCW.

(2) The vice president for student affairs, or designee, will schedule a hearing before the student conduct appeal panel and serve written notice of the hearing to the parties at least ten calendar days in advance of the hearing. The notice period may be shortened by the vice president for student affairs, or designee, with the parties' permission; and the vice president for student affairs may reschedule a hearing to a later time for good cause.

(3) The notice of hearing will include the following:

(a) The date, time, location, and nature of the hearing;

(b) A date by which the parties must identify advisors as well as requests for reasonable accommodations, if any;

(c) A date by which the parties must provide a list of witnesses and copies of any documents to be provided to the appeal panel. The date for providing documents must be at least five business days prior to the hearing date. Documents and witness names submitted after the deadline stated in the hearing notice will be admitted at the discretion of the appeal panel. Documents and witness names submitted after the deadline may be excluded from the hearing absent a showing of good cause;

(d) A date on which the parties to the appeal may review documents and witness lists submitted to the panel, which must be no less than three business days prior to the hearing.

(4) The panel chair is authorized to make determinations regarding requests for a continuance, release of information, or other procedural requests, provided that good cause for the request is shown. Requests for reasonable accommodations based on disability will be determined by the college's disability compliance officer.

(5) The panel chair may provide to the panel members in advance of the hearing copies of:

- (a) The student conduct official's determination of responsibility and required resolution and sanction(s);
- (b) The decision of the conduct review officer, if any;
- (c) The review on appeal of the vice president for student affairs, if any; and
- (d) The notice of appeal by the respondent or complainant.

If doing so, the chair should remind the members that these documents are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the panel chair may provide copies of these admissible exhibits to the panel members before the hearing.

(7) Only those materials and information presented at the hearing will be considered. The chair may exclude or limit ineffectual, irrelevant, or unduly repetitious information.

(8) The student conduct official or designee, upon request, will provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(9) Communications between panel members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate. Any improper communication, as further provided in RCW 34.05.455, is prohibited.

(10) Each party may be accompanied at the hearing by an advisor (nonattorney assistant) of the party's choice. A respondent, or complainant in a case involving allegations of sexual misconduct may elect to be represented by an attorney at their own cost, and will be deemed to have waived that right unless, at least five business days before the hearing, written notice of the attorney's identity and participation is filed with the panel chair with a copy to the student conduct official. The panel will ordinarily be advised by an assistant attorney general. If the respondent or the complainant is represented by an attorney, the student conduct official may also be represented by an assistant attorney general.

(11) The complainant and the respondent are neither encouraged nor required to be assisted by an advisor of their choosing at their own expense. Both the respondent and the complainant will be provided the option to have a trained procedural advisor provided by the college to assist them prior to and during the hearing in order to understand their rights in the appeal process. Proceedings will not be automatically delayed due to the scheduling conflicts of an advisor.

(12) Each party is expected to present all information during the proceedings.

(13) In cases where the complaint alleges sexual misconduct or physical abuse, the complainant may present information during the proceedings.

(14) Upon the failure of any party to attend or participate in a hearing, the student conduct appeal panel may either:

- (a) Proceed with the hearing and issue a determination;
- or
- (b) Serve a decision of default in accordance with RCW 34.05.440.

(15) The hearing is a closed proceeding which includes only members of the panel; the advisor to the panel, if any; the student conduct official and their advisor, if any; the complainant and the respondent and their advisor(s), if any; and persons requested to provide information at the hearing. Admission of any other person to the hearing is at the discretion of the panel chair.

(16) All procedural questions and other decisions are subject to the final decision of the panel chair unless otherwise provided for in these rules. The chair will ensure that the proceeding is held in an orderly manner such that the rights of all parties to a full, fair and impartial proceeding that adheres to the code is achieved.

(17) There will be a single verbatim sound recording of the hearing, and the record will be on file with the vice president for student affairs and is the property of the college in accordance with RCW 34.05.449. That recording, or a copy, will be made available to any party upon request to the public records officer. Other recording will also be permitted, in accordance with WAC 10-08-190.

(18) All testimony will be given under oath or affirmation. Evidence will be admitted or excluded at the discretion of the panel chair.

(19) In cases involving allegations of sexual misconduct, neither party will directly question or cross examine one another. Attorneys for the parties are also prohibited from questioning the other party. All cross examination questions will be directed to the panel chair, who has the discretion to pose the questions on the party's behalf.

NEW SECTION

WAC 174-123-300 Appeal panel proceedings—panel composition. (1) The student conduct appeal panel will be composed of three members consisting of one faculty member, one staff member, and one student. One member will be designated by the vice president for student affairs or designee to serve as the chair of the student conduct appeal panel for a hearing.

(2) The faculty agenda committee will designate faculty members to serve on the student conduct appeal panel as needed.

(3) The vice president for student affairs or designee will be responsible for designating the student and staff members serving on the panel. The student members, including the selection of alternate members to serve as necessary, will be done through an open selection process established by the vice president for student affairs or designee.

(4) All panel members hearing cases involving sexual misconduct will have received training within the previous twelve months on the issues related to domestic violence,

relationship violence, sexual misconduct, and stalking and how to conduct an investigation and hearing process that protects the safety of complainants, ensures fair proceedings, and promotes accountability in cases involving allegations of sexual misconduct.

(5) Members of the student conduct appeal panel will not participate in any case in which they are involved as a complainant or witness; or in which there is direct or personal interest, prejudice, or bias; or in which previous actions have been taken in an advisory capacity.

(6) A party may request removal of a member of the panel at the beginning of the hearing for reasons of bias, prejudice or conflict of interest. The chair of the panel will be responsible for making decisions regarding removal, unless the student is requesting removal of the chair. When there is a request to remove the chair, and the chair does not voluntarily step down, the remaining members will vote on whether removal is warranted. If the remaining members disagree, the chair will be removed, and the vice president for student affairs will appoint an appropriate alternate member (i.e., faculty, student or staff) to serve on the panel for the removed member. The vice president for student affairs will also appoint the panel chair to replace the removed chair, the parties can agree in writing to proceed with the hearing with only two members setting aside the replacement measures.

NEW SECTION

WAC 174-123-310 Appeal panel proceedings—Determination. (1) At the conclusion of the hearing, the student conduct appeal panel will permit the parties to make closing statements in whatever form it wishes to receive them. The panel also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Only members of the student conduct appeal panel and the advisor to the panel, if any, will be present for deliberations. Deliberations are not recorded.

(3) Within fifteen calendar days following the later of the conclusion of the hearing, or the panel's receipt of closing arguments, the panel will issue a decision in accordance with RCW 34.05.461 and WAC 10-08-210 or written notice specifying the date by which it will issue a decision. The decision will include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses will be so identified.

(4) The panel's decision will also include a determination on appropriate resolution and sanction(s), if any. The panel may affirm, reverse, or modify the required resolution and sanction(s) issued by the student conduct official and/or issue additional sanction(s) or condition(s) as authorized herein.

(5) The panel's decision will also include a statement of the available procedures and time frames for seeking reconsideration. The decision will also include a notice whether appeal to superior court is available.

(6) The panel chair will serve copies of the decision on the parties through the vice president for student affairs office. It is the responsibility of the student to forward any

notice or communication to their advisor. If a student signs a release of information, the chair of the panel will provide the decision to legal counsel representing a student.

(7) In cases involving allegations of sexual misconduct or physical abuse, the chair of the student conduct appeal panel, on the same date as the decision is served to the respondent, will serve a written notice to the complainant informing the complainant of the panel's decision and describing any sanction(s) and/or condition(s) issued to the respondent for the complainant's protection, including suspension or expulsion of the respondent. The complainant may request reconsideration of the panel's decision subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of the available procedures and time frames for seeking reconsideration. The decision will also include a notice whether appeal to superior court is available.

NEW SECTION

WAC 174-123-320 Reconsideration. (1) Within five business days of the written notice of the final determination, a party may submit a petition for reconsideration with the vice president for student affairs. The petition must state the specific grounds upon which relief is requested. The grounds for reconsideration are limited to new information not available at the time of the hearing, procedural error that impacted the outcome of the process, and/or bias of the student conduct official.

(2) The petition will be deemed submitted on the day of actual receipt by the vice president for student affairs office. Service can be made by one of the following means:

(a) Email received by the office of the vice president for student affairs; or

(b) By deposit in the United States mail, postage prepaid, addressed as follows: The Evergreen State College, Student Conduct Appeal Panel, Office of the vice president for student affairs, 2700 Evergreen Parkway N.W., Olympia, Washington 98505; or

(c) By personal service which will be deemed accomplished by hand delivering the petition to the office of the vice president for student affairs during regular business hours at the address listed in (b) of this subsection.

(3) All reasonably available members of the panel that heard the original appeal will review the request for reconsideration and determine whether or not to grant the reconsideration. If a reconsideration is granted, the panel will review the submitted materials and make a determination.

(4) The final determination issued by the student conduct appeal panel will remain in effect during the time period that a petition for reconsideration is under review by the panel. Within twenty business days from the date of the petition the student conduct appeal panel will provide a determination or written notice specifying the date by which it will act on the petition.

MAINTENANCE OF RECORDSNEW SECTION

WAC 174-123-330 Retention of records. (1) A student's conduct record may be retained for seven years after the final disposition of the case unless the college is required to retain the record for a longer period of time under another provision of state or federal law. When the resolution and sanction(s) includes college expulsion or revocation of a degree the record will be retained in perpetuity. Final disposition is defined as when: A respondent fulfills the agreement of accountability or the required resolution and sanction(s) issued by the student conduct appeal panel.

(2) Other than college expulsion, degree revocation, or withholding of a degree, resolution and sanctions will not be made part of the student's permanent academic record, but will be part of the student's conduct record.

SIMULTANEOUS CIVIL OR CRIMINAL PROCEEDINGSNEW SECTION

WAC 174-123-340 Simultaneous civil or criminal proceedings. (1) Code of student rights and responsibilities proceedings may be instituted and carried out without regard to any criminal or civil litigation or external processes with which the student may be involved. Issuance of a determination of responsibility or required resolution and sanction(s) by the student conduct official or appeal panel will not be subject to change because criminal charges or civil litigation from the same facts resulting in an allegation of violation of the code were dismissed, reduced, or resolved in favor of or against the respondent.

(2) If a respondent charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the respondent may petition the vice president for student affairs or designee to postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. The vice president or designee has the discretion to grant or deny the request.

(3) When a respondent is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for the individual because of their status as a student. If the alleged criminal offense is also being addressed under the code, the college may advise off-campus authorities of the existence of the code and how such matters are typically handled within the college community.

CODE REVIEWNEW SECTION

WAC 174-123-350 Code review. This code will be reviewed at least once within every five-year period, and such review will include students, faculty and staff. The vice president for student affairs, or designee, will conduct the review.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 174-123-010 The Evergreen State College student conduct code.
- WAC 174-123-020 Purpose.
- WAC 174-123-030 Student rights and responsibilities.
- WAC 174-123-040 Definitions.
- WAC 174-123-050 Jurisdiction.
- WAC 174-123-060 Computation of time.
- WAC 174-123-070 Prohibited conduct.
- WAC 174-123-080 Emergency suspension.
- WAC 174-123-090 Purpose.
- WAC 174-123-100 Submitting a complaint.

WSR 18-12-073**PROPOSED RULES****DEPARTMENT OF HEALTH**

[Filed June 1, 2018, 3:09 p.m.]

Supplemental Notice to WSR 18-01-084.

Preproposal statement of inquiry was filed as WSR 10-10-114.

Title of Rule and Other Identifying Information: WAC 246-310-290 Hospice services—Standards and need forecasting method, the department of health (department) certificate of need (CoN) program is proposing revision of current criteria, standards and need methodology for hospice service agencies. This is a supplemental proposal to rules proposed as WSR 18-01-084 filed on December 15, 2017.

Hearing Location(s): On July 17, 2018, at 10:30 a.m., at the Department of Health, Town Center 2, Room 158, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: July 23, 2018.

Submit Written Comments to: Katherine Hoffman, P.O. Box 47852, Tumwater, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2321, by July 17, 2018.

Assistance for Persons with Disabilities: Contact Katherine Hoffman, phone 360-236-2979, fax 360-236-2321, TTY 360-833-6388 or 711, email katherine.hoffman@doh.wa.gov, by July 10, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes update and modernize WAC 246-310-290. The revisions more clearly describe and clarify the methodology used for projecting future need for hospice services. These projections are used in the CoN hospice services application review process. The proposed changes establish consistent, timely and efficient decision making by the department, and will result in increased patient access to affordable, quality health care, consistent with the intent of chapter 70.38 RCW. The supplemental proposal makes substantive changes to the original proposal by retaining the average daily census

(ADC) of thirty-five rather than twenty-five as previously proposed. It also makes one nonsubstantive revision to proposed WAC 246-310-290 (12)(a)(iii) by changing the phrase "not being served" to "underserved."

Reasons Supporting Proposal: The proposed rule revisions are necessary to remain current and in alignment with national industry standards, guidelines, best practices, and statewide demographic shifts. The proposed rules will provide increased access to end of life care and support services to populations in need of such services, and support the statutory goals of chapter 70.38 RCW by making sure that patients have access to affordable, quality health care. The revisions in the supplemental proposal are necessary because the proposed substantive change retains the ADC of thirty-five rather than twenty-five, which will support a sustainable level of hospice care, staffing and access to hospice care services. The proposed nonsubstantive revision to WAC 246-310-290 (12)(a)(iii) is necessary because it changes the phrase "not being served" to "underserved" in a section of proposed rule that would allow the department to grant a CoN absent numeric need under specific circumstances. This change provides clarity and guidance to both applicants and the department when evaluating CoN hospice service applications.

Statutory Authority for Adoption: RCW 70.38.135.

Statute Being Implemented: RCW 70.38.115.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Katherine Hoffman, 111 Israel Road S.E., Tumwater [Tumwater], WA 98501, 360-236-2979; Implementation and Enforcement: Janis Sigman, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2956.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Katherine Hoffman, 111 Israel Road S.E., P.O. Box 47852, Tumwater, WA 98501, phone 360-236-2979, fax 360-236-2321, TTY 360-833-6388 or 711, email katherine.hoffman@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. There are nominal to no costs associated with the proposed rules. The proposed rules do not impose any regulatory burden on providers, nor do they change, modify, or otherwise alter CoN application process. The supplemental proposal retains the existing ADC requirement. The supplemental proposal reverts back to the existing language and there is no change in the requirements. With respect to the addition of exception language, hospice service providers must meet all other existing criteria as part of the application process, including numeric need. The supplementary documentation and analysis that would accompany an exception request may result in additional but nominal administrative burden, including gathering publicly available data and other material. While this may require applicants to extend efforts beyond the usual and

ordinary CN [CoN] application process, applicants are aware of planning area access issues well before their letter of intent is submitted, and are appropriately prepared to put forth arguments to support exception requests. The nominal additional costs that may be voluntarily incurred by providers is far outweighed by the public benefit of increased access in areas where there is need for hospice services, even though that need may not be apparent through numeric measures.

May 31, 2018

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 03-07-096, filed 3/19/03, effective 4/19/03)

WAC 246-310-290 Hospice services—Standards and need forecasting method. The following rules apply to any in-home services agency licensed or an applicant intending to become licensed to provide hospice services (~~((which has declared an intent))~~), and intending to become a medicare certified (~~((as a))~~) or medicaid contracted service provider (~~((of hospice services))~~) in a designated (~~((service))~~) planning area.

(1) The definitions(-) in this subsection apply throughout this section unless the context clearly indicates otherwise:

(a) "ADC" means average daily census and is calculated by:

(i) Multiplying projected annual hospice agency admissions by the most recent average length of stay in Washington (~~((t))~~), based on the most recent data reported to the Centers for Medicare and Medicaid Services (CMS) (~~((data))~~) to derive the total annual days of care; (~~((and))~~)

(ii) Dividing (~~((this))~~) the total calculated in (a)(i) of this subsection by three hundred sixty-five (days per year) to determine the ADC.

(b) (~~((("Current supply of hospice providers" means:~~

(i) ~~Services of all providers that are licensed and medicare certified as a provider of hospice services or that have a valid (unexpired) certificate of need but have not yet obtained a license; and~~

(ii) ~~Hospice services provided directly by health maintenance organizations who are exempt from the certificate of need program. Health maintenance organization services provided by an existing provider will be counted under (b)(i) of this subsection.~~

(c) ~~("Current hospice capacity" means:~~

(i) ~~For hospice agencies that have operated (or been approved to operate) in the planning area for three years or more, the average number of admissions for the last three years of operation; and~~

(ii) ~~For hospice agencies that have operated (or been approved to operate) in the planning area for less than three years, an ADC of thirty-five and the most recent Washington average length of stay data will be used to calculate assumed annual admissions for the agency as a whole for the first three years.~~

(d) ~~"Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of temporary or permanent residence under the direction of an interdisciplin-~~

ary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer and, for the purposes of certificate of need, is or has declared an intent to become medicaid eligible or certified as a provider of services in the medicare program.

(e)) "Average length of stay" means the average covered days of care per person for Washington state as reported by CMS.

(c) "Base year" means the most recent calendar year for which hospice survey data is available as of September 30th of each year.

(d) "CMS" means the Centers for Medicare and Medicaid Services.

(e) "Current supply of hospice providers" means all providers of hospice services that have received certificate of need approval to provide services within a planning area. State licensed only and volunteer hospices are excluded from the current supply of hospice providers.

(f) "Hospice services" means symptom and pain management provided to a terminally ill ((individual)) person, and emotional, spiritual and bereavement support for the ((individual)) terminally ill person and family in a place of temporary or permanent residence ((and may include the provision of home health and home care services for the terminally ill individual.

(f)) provided under the direction of an interdisciplinary team composed of at least a registered nurse, social worker, physician, spiritual counselor, and a volunteer.

(g) "OFM" means the Washington state office of financial management.

(h) "Planning area" or "service area" means ((each)) an individual ((county)) geographic area designated by the department ((as the smallest geographic area for which hospice services are projected)) for which hospice need projections are calculated. For the purposes of ((certificate of need, a planning or combination of)) hospice services, planning area((s may serve as the service area.

(g) "Service area" means, for the purposes of certificate of need, the geographic area for which a hospice agency is approved to provide medicare certified or medicaid eligible services and which consist of one or more planning areas)) and service area have the same meaning.

(i) "Projection year" means the third calendar year after the base year. For example, reviews using 2016 survey data as the base year will use 2019 as the projection year.

(2) The department ((shall)) will review a hospice application((s)) using the concurrent review cycle described in ((this)) subsection (3) of this section, except when the sole hospice provider in the service area ceases operation. Applications to meet this need may be accepted and reviewed in accordance with the regular review process described in WAC 246-310-110 (2)(c).

(3) Applications must be submitted and reviewed according to ((the following schedule and procedures)) Table A:

((a)) Letters of intent must be submitted between the first working day and last working day of September of each year.

(b) Initial applications must be submitted between the first working day and last working day of October of each year.

(e) The department shall screen initial applications for completeness by the last working day of November of each year.

(d) Responses to screening questions must be submitted by the last working day of December of each year.

(e) The public review and comment for applications shall begin on January 16 of each year. If January 16 is not a working day in any year, then the public review and comment period must begin on the first working day after January 16.

(f) The public comment period is limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period must be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days must be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty day period. Also, any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty day period.

(g) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(4) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(5) When an application initially submitted under the concurrent review cycle is deemed not to be competing, the department may convert the review to a regular review process.

(6) Hospice agencies applying for a certificate of need must demonstrate that they can meet a minimum average daily census (ADC) of thirty five patients by the third year of operation. An application projecting an ADC of under thirty-five patients may be approved if the applicant:

(a) Commits to maintain medicare certification;

(b) Commits to serve one or more counties that do not have any medicare certified providers; and

(c) Can document overall financial feasibility.

(7))

Table A

		<u>Application Submission Period</u>			<u>Department Action</u>	<u>Application Review Period</u>		
<u>Concurrent Review Cycle</u>	<u>Letters of Intent Due</u>	<u>Receipt of Initial Application</u>	<u>End of Screening Period</u>	<u>Applicant Response</u>	<u>Beginning of Review</u>	<u>Public Comment</u>	<u>Rebuttal</u>	<u>Ex Parte Period</u>
<u>Cycle 1 (Chelan, Douglas, Clallam, Clark, Skamania, Cowlitz, Grant, Grays Harbor, Island, Jefferson, King, Kittitas, Klickitat, Okanogan, Pacific, San Juan, Skagit, Spokane, and Yakima).</u>	<u>Last working day of November of each year.</u>	<u>Last working day of December of each year.</u>	<u>Last working day of January of each year.</u>	<u>Last working day of February of each year.</u>	<u>March 16 of each year or the first working day thereafter.</u>	<u>45-Day public comment period (including public hearing). Begins March 17 or the first working day thereafter.</u>	<u>30-Day rebuttal period. Applicant and affected person response to public comment.</u>	<u>75-Day ex parte period. Department evaluation and decision.</u>
<u>Cycle 2 (Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Kitsap, Lewis, Lincoln, Mason, Pend Oreille, Pierce, Snohomish, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman).</u>	<u>Last working day of December of each year.</u>	<u>Last working day of January of each year.</u>	<u>Last working day of February of each year.</u>	<u>Last working day of March of each year.</u>	<u>April 16 of each year or the first working day thereafter.</u>	<u>45-Day public comment period (including public hearing). Begins April 17 or the first working day thereafter.</u>	<u>30-Day rebuttal period. Applicant and affected person response to public comment.</u>	<u>75-Day ex parte period. Department evaluation and decision.</u>

(4) Pending certificate of need applications. A hospice service application submitted prior to the effective date of these rules will be reviewed and action taken based on the rules that were in effect on the date the application was received.

(5) The department will notify applicants fifteen calendar days prior to the scheduled decision date if it is unable to meet the decision deadline on the application(s). In that event, the department will establish and commit to a new decision date.

(6) When an application initially submitted under the concurrent review cycle is deemed not to be competing, the department may convert the review to a regular review process.

(7) Current hospice capacity will be determined as follows:

(a) For hospice agencies that have operated in a planning area for three years or more, current hospice capacity is calculated by determining the average number of unduplicated admissions for the last three years of operation;

(b) For hospice agencies that have operated (or been approved to operate) in a planning area for less than three years, an ADC of thirty-five and the most recent Washington average length of stay data will be used to calculate assumed annual admissions for the hospice agency as a whole for the first three years to determine current hospice capacity. If a hospice agency's reported admissions exceed an ADC of thirty-five, the department will use the actual reported admissions to determine current hospice capacity;

(c) For a hospice agency that is no longer in operation, the department will use the historical three-year admissions to calculate the statewide use rates, but will not use the admissions to calculate planning area capacity;

(d) For a hospice agency that has changed ownership, the department will use the historical three-year admissions to calculate the statewide use rates, and will use the admissions to calculate planning area capacity.

(8) Need projection. The following steps will be used to project the need for hospice services.

(a) Step 1. Calculate the following ((~~four~~) two) statewide predicted hospice use rates using ((~~CMS and~~) department of health ((~~data or other available data sources~~)) survey and vital statistics death data:

(i) The ((~~predicted~~) percentage of ((~~enact~~) patients age sixty-five and over who will use hospice services. This percentage is calculated by dividing the average number of ((~~hospice~~) unduplicated admissions over the last three years for patients ((~~the age of~~) sixty-five and over ((~~with enact~~)) by the average number of past three years statewide total deaths age sixty-five and over ((~~from enact~~)).

(ii) The ((~~predicted~~) percentage of ((~~enact~~) patients under sixty-five who will use hospice services. This percentage is calculated by dividing the average number of ((~~hospice~~) unduplicated admissions over the last three years for patients under the age of sixty-five ((~~with enact~~)) by the ((~~current statewide total of~~) average number of past three years statewide total deaths under sixty-five ((~~with enact~~)).

~~(iii) The predicted percentage of noneancer patients sixty five and over who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients age sixty five and over with diagnoses other than cancer by the current statewide total of deaths over sixty five with diagnoses other than cancer.~~

~~(iv) The predicted percentage of noneancer patients under sixty five who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients under the age of sixty five with diagnoses other than cancer by the current statewide total of deaths under sixty five with diagnoses other than cancer.~~

(b) Step 2. Calculate the average number of total resident deaths over the last three years for each planning area by age cohort.

(c) Step 3. Multiply each hospice use rate determined in Step 1 by the planning areas average total resident deaths determined in Step 2, separated by age cohort.

(d) Step 4. ~~((Add the four subtotals derived))~~ Using the projected patients calculated in Step 3 ((to project)), calculate a use rate by dividing projected patients by the three-year historical average population by county. Use this use rate to determine the potential volume of hospice ((services in each planning area)) use by the projected population by the two age cohorts identified in Step 1, (a)(i) and (ii) of this subsection using OFM data.

(e) Step 5. ~~((Inflate the potential volume of hospice service by the one year estimated population growth (using OFM data:))~~ Combine the two age cohorts. Subtract the most recent three-year average hospice capacity in each planning area from the projected volumes calculated in Step 4 to determine the number of projected admissions beyond the planning area capacity.

(f) Step 6. ~~((Subtract the current hospice capacity in each planning area from the above projected volume of hospice services to determine unmet need:))~~ Multiply the unmet need from Step 5 by the statewide average length of stay as determined by CMS to determine unmet need patient days in the projection years.

~~(g) ((Determine the number of hospice agencies in the proposed planning area which could support the unmet need with an ADC of thirty-five.~~

~~(8))~~ Step 7. Divide the unmet patient days from Step 6 by 365 to determine the unmet need ADC.

(h) Step 8. Determine the number of hospice agencies in the planning areas that could support the unmet need with an ADC of thirty-five.

(9) If the department becomes aware of a facility closure fifteen calendar days or more prior to the letter of intent submission period, the department will update the methodology for the application cycle. If a closure occurs fewer than fifteen calendar days prior to the letter of intent submission period, the department will not update the methodology until the next year.

(10) In addition to demonstrating numeric need under subsection (7) of this section, ~~((hospice agencies))~~ applicants must meet the ~~((other))~~ following certificate of need requirements ~~((including WAC 246-310-210-))~~:

~~(a) Determination of need((s)) under WAC 246-310-210;~~
~~(b) WAC 246-310-220 ((-)) Determination of financial feasibility((,- WAC 246-310-230-))~~ under WAC 246-310-210;

~~(c) Criteria for structure and process of care((,-and WAC 246-310-240-))~~ under WAC 246-310-230; and

~~(d) Determination of cost containment~~ under WAC 246-310-240.

~~((9) If two or more hospice agencies are competing to meet the same forecasted net need, the department shall consider at least the following factors when determining which proposal best meets forecasted need:~~

~~(a) Improved service in geographic areas and to special populations;~~

~~(b) Most cost efficient and financially feasible service;~~

~~(c) Minimum impact on existing programs;~~

~~(d) Greatest breadth and depth of hospice services;~~

~~(e) Historical provision of services; and~~

~~(f) Plans to employ an experienced and credentialed clinical staff with expertise in pain and symptom management.~~

~~((10))~~ (11) To conduct the superiority evaluation to determine which competing applications to approve, the department will use only the criteria and measures in this section to compare two or more applications to each other.

(a) The following measures must be used when comparing two or more applications to each other:

(i) Improved service to the planning area;

(ii) Specific populations including, but not limited to, pediatrics;

(iii) Minimum impact on existing programs;

(iv) Greatest breadth and depth of hospice services; and

(v) Published and publicly available quality data.

(b) An application will be denied if it fails to meet any criteria under WAC 246-310-210, 246-310-220, 246-310-230, or 246-310-240 (2) or (3).

(12) The department may grant a certificate of need for a new hospice agency in a planning area where there is not numeric need.

(a) The department will consider if the applicant meets the following criteria:

(i) All applicable review criteria and standards with the exception of numeric need have been met;

(ii) The applicant commits to serving medicare and medicaid patients; and

(iii) A specific population is underserved; or

(iv) The population of the county is low enough that the methodology has not projected need in five years, and the population of the county is not sufficient to meet an ADC of thirty-five.

(b) If more than one applicant applies in a planning area, the department will give preference to a hospice agency that proposes to be physically located within the planning area.

(c) The department has sole discretion to grant or deny application(s) submitted under this subsection.

(13) Any hospice agency granted a certificate of need for hospice services must provide services to the entire county for which the certificate of need was granted.

(14) Failure to operate the hospice agency ((in accordance with)) as approved in the certificate of need ((standards)) may be ((grounds)) a basis for revocation or suspension.

sion of ((~~an~~)) a hospice agency's certificate of need, or other appropriate action.

WSR 18-12-074
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed June 1, 2018, 3:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-20-108.

Title of Rule and Other Identifying Information: Chapter 246-815 WAC, Dental hygienists, the department of health is proposing these rule changes in order to update, streamline, and modernize the rules.

Hearing Location(s): On July 13, 2018, at 1:00 p.m., at the Department of Health, Town Center Two, Room 158, 111 Israel Road S.E., Tumwater, WA, 98501.

Date of Intended Adoption: August 13, 2018.

Submit Written Comments to: Bruce Bronoske, Jr., Program Manager, Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4901, by July 13, 2018.

Assistance for Persons with Disabilities: Contact Bruce Bronoske, phone 360-236-4843, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov, by July 6, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of health opened the chapter to revise the rules so they are clear, concise, and reflect current dental hygiene practices. This revision is part of the five year rule review process. Specifically, the department is proposing to amend, repeal, and add new sections to this chapter which regulates the practice of dental hygiene in Washington state in order to update expectations for dental hygienists.

Reasons Supporting Proposal: Rule making is necessary to update and modernize current rules, and revise language using plain talk principles. In the time since these rules were originally established, there have been several changes in the dental hygiene clinical environment and advances in testing procedures. Modernization of these rules is needed to ensure a clear and consistent direction for licensed dental hygienists. Rule making established enforceable licensing requirements and safety mechanisms for patients receiving dental hygiene services.

Statutory Authority for Adoption: RCW 18.29.210.

Statute Being Implemented: Chapter 18.29 RCW, RCW 43.70.280.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bruce Bronoske, Jr., 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4843.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Bruce Bronoske, Jr., Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-4901, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules are technical in nature and clarify requirements. The proposed rules do not impose additional costs to businesses.

May 31, 2018

John Wiesman, DrPH, MPH
Secretary

NEW SECTION

WAC 246-815-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Clinical record" means the portion of the patient record that contains information regarding the patient exam, dental hygiene care plan, treatment discussion, treatment performed, patient progress, progress notes, referrals, studies, tests, imaging of any type and any other information related to the dental hygiene care or treatment of the patient.

(2) "Committee" means the dental hygiene examining committee.

(3) "Dental hygienist" means an individual licensed under chapter 18.29 RCW and this chapter.

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

(5) "Financial record" means the portion of the patient record that contains information regarding the financial aspects of a patient's treatment including, but not limited to, billing, treatment plan costs, payment agreements, payments, insurance information or payment discussions held with a patient, insurance company or person responsible for account payments.

(6) "Group home" means a licensed facility that provides its residents with twenty-four hour supervision. Depending on the size, a group home may be licensed as an adult family home under chapter 70.128 RCW or an assisted living facility under chapter 18.20 RCW. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

(7) "Home health agency" has the same meaning as in chapter 70.126 RCW.

(8) "Hospital" has the same meaning as in RCW 70.41.-020.

(9) "Notation" means a condensed or summarized written record.

(10) "Nursing home" has the same meaning as in RCW 18.51.010(3).

(11) "Patient record" is the entire record of the patient maintained by a practitioner that includes all clinical and financial information related to the patient.

(12) "Secretary" means the secretary of the department of health or the secretary's designee.

AMENDATORY SECTION (Amending WSR 15-15-144, filed 7/20/15, effective 8/20/15)

WAC 246-815-020 Dental hygiene licensure—~~(Initial)~~ Eligibility and application requirements. ~~((1))~~ An applicant for a dental hygiene license shall submit to the department the following:

~~((a))~~ (1) An initial application on forms provided by the department;

~~((b))~~ (2) The fee required under WAC 246-815-990;

~~((c))~~ (3) Proof of successful completion of the Washington state dental hygiene drug and law jurisprudence exam as required by the department; ~~((and (d)))~~

(4) Proof of completion of seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8(-

(2) An applicant for a dental hygiene license shall also: ~~(a) Have~~);

(5) Official transcripts verifying successful completion of ~~((a))~~ an approved dental hygiene education program ~~((approved by the secretary under WAC 246-815-030 sent directly from the dental hygiene program to the department))~~ and proof of successful completion of any applicable expanded education programs approved under WAC 246-815-030. Official transcripts must be sent directly to the department by the dental hygiene education program(s). No other proof of successful completion is acceptable;

~~((b) Have)~~ (6) Official verification of passing the National Board Dental Hygiene written examination~~((Results))~~, as offered by the American Dental Association. Official verification must be sent directly to the department from the American Dental Association Department of Testing Services; and

~~((c) Have)~~ (7) Official verification of passing the dental hygiene examinations as required in WAC 246-815-050. ~~((Results))~~ Official verification must be sent directly to the department from the testing agency.

AMENDATORY SECTION (Amending WSR 07-22-109, filed 11/6/07, effective 12/7/07)

WAC 246-815-030 ~~(Education)~~ Dental hygiene and expanded functions education program requirements for licensure ~~(applicants)~~. (1) To be eligible for initial dental hygiene licensure, the applicant must have successfully completed a dental hygiene education program approved by the secretary ~~((of the department of health))~~. The secretary ~~((adopts the standards of the American Dental Association))~~ accepts dental hygiene programs that are accredited by the Commission on Dental Accreditation ~~((("CODA")))~~ (CODA) relevant to the accreditation of dental hygiene schools ~~((in effect through June 2007. In implementing the adopted standards, the secretary approves those dental hygiene education programs that are currently accredited and received initial "CODA" accreditation on or before June 30, 2007.))~~. Provided, that the accredited education program's curriculum includes didactic and clinical competency in:

(a) ~~((Didactic and clinical competency in))~~ The administration of injections of local anesthetic;

(b) ~~((Didactic and clinical competency in))~~ The administration of nitrous oxide analgesia;

(c) ~~((Didactic and clinical competency in))~~ The placement of restorations into cavities prepared by a dentist; and

(d) ~~((Didactic and clinical competency in))~~ The carving, contouring, and adjusting contacts and occlusions of restorations.

(2) Dental hygiene expanded functions education programs approved by the secretary ~~((of the department of health pursuant to the American Dental Association Commission on Dental Accreditation))~~ consistent with CODA standards whose curriculum does not include the didactic and clinical competency ~~((enumerated in))~~ as required under subsection (1)(a) through (d) of this section will be accepted if the applicant has successfully completed an expanded functions education program(s) approved ~~((pursuant to WAC 246-815-110, 246-815-120, and))~~ under WAC 246-815-130.

~~((3))~~ A form will be provided in the department of health licensure application packages for the purpose of education verification.

(4) The standards of the American Dental Association Commission on Dental Accreditation relevant to the accreditation of dental hygiene schools are available from the American Dental Association, 211 East Chicago Ave., Chicago, IL 60611-2678, 312-440-2500, <http://www.ada.org/>.)

AMENDATORY SECTION (Amending WSR 04-20-049, filed 10/1/04, effective 11/1/04)

WAC 246-815-050 Dental hygiene clinical examination. (1) ~~((The dental hygiene examination will consist of both written and practical tests approved by the committee, as described in this section.))~~ An applicant seeking licensure in Washington by examination must successfully complete ~~((and of))~~ the following:

(a) ~~((The))~~ A dental hygiene ~~((national board examination.))~~

~~((b))~~ The Washington drug and law examination.

~~((c))~~ clinical examination approved by the committee;

(i) The Western Regional Examining Board (WREB) dental hygiene ~~((practical))~~ clinical examinations ~~((from))~~ effective May 8, 1992(-);

(ii) The Central Regional Dental Testing Services, Incorporated (CRDTS) dental hygiene clinical examinations effective 2003; and

(iii) The Commission on Dental Competency Assessments (CDCA) clinical examination effective January 1, 2000, through August 21, 2009, or after March 16, 2018.

(b) In lieu of the WREB, CRDTS, or CDCA examination (or any of their subparts), the secretary may accept a substantially equivalent examination (or substantially equivalent examination subparts).

(2) The dental hygiene applicant must complete dental hygiene practical examinations which consist of the following competencies:

~~((i))~~ (a) Patient evaluation clinical competency including an extra-oral and intra-oral examination;

~~((ii))~~ (b) Prophylaxis clinical competency;

~~((iii))~~ (c) Local anesthesia written and clinical competency; and

~~((iv))~~ (d) Restorative clinical competency.

~~((d) In lieu of the WREB examination (or any of its subparts), the secretary may accept a substantially equivalent examination (or substantially equivalent subparts).~~

~~(2) The committee may, at its discretion, give a test in any other phase of dental hygiene. Candidates will receive information concerning each examination.~~

~~(3) The applicant will comply with all written instructions provided by the department of health.)~~

AMENDATORY SECTION (Amending WSR 04-20-049, filed 10/1/04, effective 11/1/04)

WAC 246-815-100 Licensure by interstate endorsement of credentials. ~~((A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29.045 provided the applicant meets the following requirements:))~~ An individual may be eligible for a Washington state dental hygiene license if the applicant:

~~(1) ((The applicant))~~ Has successfully completed a dental hygiene education program ((which is approved by the secretary of the department of health pursuant to)) in compliance with the requirements listed in WAC 246-815-030.

~~(2) ((The applicant has been issued))~~ Holds a valid, current, nonlimited license ((by successful completion of a dental hygiene examination)) in another state.

~~(3) Has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, United States Department of Veteran Affairs, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.~~

~~(4) Has successfully completed a dental hygiene examination where the other state's ((current)) licensing standards ((must be)) are substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and ((minimum level)) standards of competency ((standards)).~~

~~(a) Written tests - The written tests ((include: (i))) mean the National Board of Dental Hygiene examination as required in WAC 246-815-020.~~

~~((ii) A state written test covering the current dental hygiene subjects that are tested for Washington state.))~~

~~(b) Practical tests - All portions ((shall)) must be graded anonymously by calibrated practicing dental hygienists or dental hygienists and dentists. ((The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on pregraded patients and/or dento-forms.)) Examiners will be calibrated to the ((established standard of minimum level)) standards of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions. ((The Western Regional Examining Board (WREB) practical tests.)) In lieu of the WREB or CRDTS practical tests, the secretary may accept substantially equivalent tests. The practical tests include:~~

~~(i) Patient evaluation clinical competency including an extra-oral and intra-oral examination;~~

~~(ii) Prophylaxis clinical competency;~~

~~(iii) Anesthesia clinical competency; and~~

~~(iv) Restorative clinical competency.~~

~~((3) The applicant holds a valid current license, and has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, Veterans' Bureau, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.~~

~~(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.))~~ (c) If the secretary finds that another state's licensing standards are substantively equivalent except for portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. The applicant must successfully complete the portion(s) of the exam to qualify for interstate endorsement.

~~(5) ((Applicants must complete))~~ Has completed seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8.

~~(6) ((The applicant demonstrates to the secretary knowledge of Washington law pertaining to the practice of dental hygiene))~~ Has passed the Washington state drug and law jurisprudence examination.

~~(7) ((The applicant completes the required))~~ Submits a completed application ((materials and pays the required application fee. Applications for licensure by interstate endorsement are available from the department of health dental hygiene program)) on forms provided by the department.

~~(8) ((If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional examination fee as well as the licensure by interstate endorsement fee shall be required.))~~ Pays fees as required in WAC 246-815-990.

AMENDATORY SECTION (Amending WSR 04-20-049, filed 10/1/04, effective 11/1/04)

WAC 246-815-110 Application procedures for approval of non-CODA accredited dental hygiene expanded functions education programs. ~~(1) ((The representative of the education program must complete the required application materials and pay the required nonrefundable fee.~~

~~(2) Applications for approval of dental hygiene expanded functions education programs are available from the department of health, dental hygiene program.~~

(3) The application shall include but is not limited to a self study guide which reflects WAC 246-815-120 and 246-815-130.

(4) ~~The application may include~~) An applicant for approval of a non-CODA accredited dental hygiene expanded functions education program shall submit to the department:

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

(b) Fees as required in WAC 246-815-990; and

(c) A self-study guide which reflects requirements in WAC 246-815-130.

(2) The department may conduct a site visit and evaluation at the discretion of the secretary ~~((of the department of health))~~ prior to approval.

~~((5))~~ (3) An approved dental hygiene expanded function education program shall report in writing all modifications of the approved program to the department ~~((of health and shall be required to pay the nonrefundable evaluation fee if the secretary of the department determines that the modification(s) substantially affects an area included in WAC 246-815-120))~~ at least sixty days prior to modification.

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

WAC 246-815-130 Curriculum requirements for expanded functions dental hygiene education programs approval. (1) Curriculum for expanded function dental hygiene education programs approved by the secretary ~~((of the department of health shall))~~ must include didactic and clinical competency in:

(a) ~~((Instruction in))~~ The administration ~~((of injections))~~ of a local anesthetic(-

(i) The basic curriculum shall require didactic and clinical competency.

(ii) Demonstration of clinical proficiency in each of the following functions:

Infiltration: ASA, MSA, Nasopalatine, greater palatine.

Block: Long buccal, mental, inferior alveolar and PSA)), which must include infiltration, field block and block dental injection techniques for anesthesia of maxillary and mandibular periodontium and teeth.

(b) ~~((Instruction in))~~ The administration of nitrous oxide analgesia. ~~((The basic curriculum shall require didactic and clinical competency.))~~

(c) ~~((Instruction in))~~ Restorative dentistry ~~((and specifically)), including~~ how to place restorations into a cavity prepared by the dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration. ~~((The basic curriculum shall require didactic and clinical competency.))~~

(2) ~~((Representatives of))~~ An expanded function dental hygiene education programs may apply for approval of one or more of ((1)(a)-(e) above)) the expanded functions identified in subsection (1)(a) through (c) of this section. Approval of the specific expanded function(s) educational program will be based on the applicable curriculum listed in ~~((1)(a)-(e) above.~~

~~(3) It shall be the responsibility of the approved expanded functions education program to evaluate the stu-~~

~~dent's curriculum needs on an individual basis for successful completion of their approved program.))~~ subsection (1) of this section.

(3) The expanded functions education program must submit a completed application on forms provided by the department and pay fees required under WAC 246-815-990.

(4) Upon successful completion of approved expanded functions education program, the applicant will be eligible to complete approved clinical examinations required under WAC 246-815-050 in order to meet initial licensure eligibility requirements under WAC 246-815-020.

AMENDATORY SECTION (Amending WSR 15-15-144, filed 7/20/15, effective 8/20/15)

WAC 246-815-140 Continuing education and renewal requirements for dental hygienists. (1) To renew a ~~((license a))~~ dental hygienist license, an individual must:

(a) Complete fifteen clock hours of continuing education each year following the first license renewal;

(b) Maintain a current basic life support (BLS) ~~((and))~~ for health care providers certification; and

(c) Sign a declaration attesting to the completion of the required number of hours as part of the annual renewal requirement.

(2) The department will not authorize or approve specific continuing education courses. Continuing education course work must contribute to the professional knowledge and development of the dental hygienist or enhance services provided to patients.

~~((For the purposes of this chapter, acceptable))~~ (3) Continuing education is defined as any of the following activities:

(a) Continuing education ~~((means))~~ courses offered or authorized by industry recognized local, state, private, national and international organizations, agencies or institutions of higher learning. Examples of sponsors or types of continuing education courses may include, but are not limited to:

~~((a))~~ (b)(i) The Washington State Dental Association, American Dental Association, National Dental Association, Washington ~~((State))~~ Dental Hygienists' Association, American Dental Hygienists' Association, National Dental Hygienists' Association, including the constituent and component/branch societies;

~~((b) Basic life support (BLS))~~ (ii) BLS for health care providers, advanced cardiac life support (ACLS), Occupational Safety and Health Administration (OSHA)/Washington Industrial Safety and Health Act (WISHA), or emergency related training such as courses offered or authorized by the American Heart Association or the American Cancer Society~~((s)),~~ or any other organizations or agencies;

~~((c))~~ (iii) Self-study through study clubs, books, research materials, or other publications. The required documentation for this activity is a summary of what was learned, not to exceed five hours per year;

~~((d))~~ (iv) Distance learning. Distance learning includes, but is not limited to: Correspondence course, webinar, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, e-learning/online-learning, or computer

broadcasting/webcasting that includes an assessment tool upon completion;

~~((e))~~ (v) A licensee who serves as an educator or who lectures in continuing education programs or courses, that contribute to the professional knowledge of a licensed dental hygienist may accumulate hours for the content preparation of the program or course, not to exceed ten hours per year;

~~((f))~~ (vi) Attendance at a continuing education program with a featured speaker(s);

~~((g))~~ (vii) Courses relating to practice organization and management, medical/dental insurance courses, or retirement, not to exceed five hours per year;

~~((h))~~ (viii) Dental hygiene examination standardization/calibration workshops and dental hygiene examination item writer workshops, not to exceed ten hours per year;

~~((i))~~ (ix) Provision of clinical dental hygiene services in a documented volunteer capacity when preceded by educational/instructional training prior to provision of services, not to exceed five hours per year. Volunteering must be without compensation and under appropriate supervision;

~~((j))~~ (x) A licensee who serves as a public health official or employee, contractor for a state or local health agency, community prevention education expert, or works in a field that relates to prevention activities in public health dentistry, may accumulate hours for the content preparation of providing services, education, or training to the underserved, rural, and at risk populations, not to exceed five hours per year; and

~~((k))~~ (xi) College courses.

~~((3))~~ (4) The department may randomly audit up to twenty-five percent of practitioners for compliance with the requirements in this section after the credential is renewed as allowed by chapter 246-12 WAC, Part 7.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-815-160 Standards of dental hygiene ~~((conduct or))~~ **practice.** ~~((The purpose of defining standards of dental hygiene conduct or practice is to identify minimum responsibilities of the registered dental hygienist licensed in Washington in health care settings and as provided in the Dental Hygiene Practice Act, chapter 18.29 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. The standards provide consumers with information about quality care and provides the secretary guidelines to evaluate safe and effective care. Upon entering the practice of dental hygiene, each individual assumes the responsibility, public trust, and a corresponding obligation to adhere to the standards of dental hygiene practice.~~

~~(1) Dental hygiene provision of care.~~

~~The dental hygienist shall:~~

~~(a) Accurately and systematically collect, permanently record, and update data on the general and oral health status of the client.~~

~~(b) Communicate collected data to the appropriate health care professional.~~

~~(c) Take into consideration the dental hygiene assessment, the client treatment goals, appropriate sequencing of procedures, and currently accepted scientific knowledge in developing a dental hygiene plan.~~

~~(i) The dental hygiene plan shall include preventative and therapeutic care to promote and maintain the clients' oral health.~~

~~(ii) Where appropriate, the dental hygiene plan shall be compatible with the treatment plan of other licensed health care professionals.~~

~~(d) Communicate the dental hygiene plan to the client and/or legal guardian.~~

~~The client and/or legal guardian or where appropriate other health care professionals are to be informed of the progress and results of dental hygiene care and clients' self-care.~~

~~(e) Continually reevaluate client progress related to the attainment of their oral health goals. Implement additional dental hygiene treatment and client self-care as appropriate.~~

~~(2) Professional responsibilities.~~

~~The licensed dental hygienist shall have knowledge of the statutes and regulations governing dental hygiene practice and shall function within the legal scope of dental hygiene practice.) A dental hygienist working under the appropriate supervision of a licensed dentist shall perform the following tasks:~~

~~(1) Assessment, which must include:~~

~~(a) Documentation of patient history.~~

~~(i) Recording current and past dental oral health care; and~~

~~(ii) Collection of health history data includes the patient's:~~

~~(A) Current and past health status;~~

~~(B) Pharmacologic considerations;~~

~~(C) Additional considerations;~~

~~(D) Record vital signs and compare with previous readings; and~~

~~(E) Consultation with appropriate health care provider(s) as indicated.~~

~~(b) A comprehensive clinical evaluation:~~

~~(i) An inspection of the head and neck and oral cavity including an oral cancer screening, evaluation of trauma and a temporomandibular joint (TMJ) assessment;~~

~~(ii) Evaluation for further diagnostics including radiographs;~~

~~(iii) Comprehensive periodontal evaluation that includes the documentation of:~~

~~(A) Full mouth periodontal charting;~~

~~(I) Probing depths;~~

~~(II) Bleeding points;~~

~~(III) Suppuration;~~

~~(IV) Mucogingival relationship and defects;~~

~~(V) Recession;~~

~~(VI) Attachment level or loss.~~

~~(B) Presence, degree and distribution of plaque and calculus;~~

~~(C) Gingival health and disease;~~

~~(D) Bone height and bone loss;~~

~~(E) Mobility and fremitus;~~

~~(F) Presence, location and extent of furcation involvement; and~~

~~(G) A comprehensive hard tissue evaluation that includes the charting conditions and oral habits to include:~~

~~(I) Demineralization;~~

- (II) Caries;
- (III) Defects;
- (IV) Sealants;
- (V) Existing restorations and potential needs;
- (VI) Anomalies;
- (VII) Occlusion;
- (VIII) Fixed and removable prostheses; and
- (IX) Missing teeth.

(c) Risk assessments.

(2) A dental hygiene analysis of assessment findings.

The dental hygienist shall:

(a) Analyze and interpret all assessment data to evaluate clinical findings and formulate the dental hygiene care plan;

(b) Determine patient needs that can be improved through the delivery of dental hygiene care; and

(c) Incorporate the dental hygiene care plan into the overall dental treatment plan.

(3) Dental hygiene care planning. The dental hygienist shall:

(a) Identify, prioritize and sequence dental hygiene intervention;

(b) Coordinate resources to facilitate comprehensive quality care;

(c) Collaborate with the dentist and other health and dental care providers and community-based oral health programs;

(d) Present and document dental hygiene care plan to patient;

(e) Explain treatment rationale, risks, benefits, anticipated outcomes, treatment alternatives, and prognosis; and

(f) Obtain and document informed consent or informed refusal.

(4) Care plan implementation. The dental hygienist shall:
(a) Review and implement the dental hygiene care plan with the patient or caregiver;

(b) Modify the plan as necessary and obtain consent;

(c) Communicate with patient or caregiver appropriate for age, language, culture and learning style; and

(d) Confirm the plan for continuing care.

(5) Dental hygiene evaluation. The dental hygienist shall:

(a) Use measurable assessment criteria to evaluate the outcomes of dental hygiene care;

(b) Communicate to the patient, dentists and other health/dental care providers the outcomes of dental hygiene care; and

(c) Collaborate to determine the need for additional diagnostics, treatment, referral education and continuing care based on treatment outcomes and self-care behaviors.

NEW SECTION

WAC 246-815-164 Patient record content. (1) A dental hygienist who treats patients shall maintain legible, complete, and accurate patient records.

(2) The patient record must contain the clinical records and the financial records.

(3) The clinical record must include at least the following information for each entry:

(a) The signature, initials, or electronic verification of the individual making the entry note;

(b) The identity of who provided treatment if treatment was provided;

(c) The date of each patient record entry;

(d) The physical examination findings documented by subjective complaints, objective findings, an assessment of the patient's condition, and plan;

(e) A dental hygiene treatment plan based on the analysis of assessment findings;

(f) Up-to-date dental hygiene and medical history that may affect dental hygiene treatment;

(g) A complete description of all treatment/procedures administered at each visit;

(h) An accurate record of any medication(s) administered;

(i) Referrals and any communication to and from any health care provider;

(j) Notation of communication to or from the patient or minor patient's parent or guardian, including:

(i) Notation of the informed consent discussion. This is a discussion of potential risk(s) and benefit(s) of proposed treatment, and alternatives to treatment, including no treatment;

(ii) Notation of posttreatment instructions or reference to an instruction pamphlet given to the patient;

(iii) Notation regarding patient complaints or concerns associated with treatment, this includes complaints or concerns obtained in person, by phone call, email, mail, or text; and

(iv) Termination of hygienist-patient relationship.

(4) Clinical record entries must not be erased or deleted from the record.

(a) Mistaken handwritten entries must be corrected with a single line drawn through the incorrect information. New or corrected information must be initialed and dated.

(b) If the record is an electronic record then a record audit trail must be maintained with the record that includes a time and date, history of deletions, and edits and corrections to the electronically signed records.

NEW SECTION

WAC 246-815-166 Patient record retention and accessibility requirements. (1) A dental hygienist working for health care facilities or senior centers under RCW 18.29.-056 shall keep readily accessible patient records for at least six years from the date of the last treatment.

(2) A dental hygienist shall respond to a written request from a patient to examine or copy a patient's record within fifteen working days after receipt. A dental hygienist shall comply with chapter 70.02 RCW for all patient record requests.

(3) A dental hygienist shall comply with the Health Insurance Portability and Accountability Act, 45 C.F.R. Part 164.

NEW SECTION

WAC 246-815-265 Service location while working for a health care facility. A dental hygienist working for a

health care facility under RCW 18.29.056 is limited to providing treatment to patients, students and residents of the health care facility. The services performed while employed, retained or contracted by the health care facility must be provided in a location affiliated with one of the health care facilities defined in RCW 18.29.056(2).

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-815-990 Dental hygiene fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination . .	\$100.00
Renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Credentialing application	100.00
Limited license application	100.00
Limited license renewal	50.00
Limited license late renewal penalty	50.00
Expired limited license reissuance	50.00
Duplicate license	15.00
((Certification)) <u>Verification</u> of license	25.00
Education program evaluation	200.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-815-031 Dental hygiene expanded functions education requirement for licensure implementation.
- WAC 246-815-115 Exception application procedures for approval of dental hygiene expanded functions education programs.
- WAC 246-815-120 Standards required for approval of dental hygiene expanded functions education programs.
- WAC 246-815-170 General provisions.
- WAC 246-815-180 Mandatory reporting.

- WAC 246-815-190 Health care institutions.
- WAC 246-815-200 Dental hygienist associations or societies.
- WAC 246-815-210 Health care service contractors and disability insurance carriers.
- WAC 246-815-220 Professional liability carriers.
- WAC 246-815-230 Courts.
- WAC 246-815-240 State and federal agencies.

WSR 18-12-076
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 1, 2018, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-08-052.

Title of Rule and Other Identifying Information: Reasonable assurance, clarifying requirements for educational employees to qualify for unemployment benefits, specifically addressing modifications to the analysis of whether an educational employee has a contract or reasonable assurance of continued employment, as well as clarifying eligibility requirements for educational employees with multiple employers.

Hearing Location(s): On July 13, 2018, at 9:00 a.m., at the Employment Security Department, 212 Maple Park Avenue S.E., Maple Leaf Conference Room, Olympia, WA 98501.

Date of Intended Adoption: July 16, 2018.

Submit Written Comments to: Scott E. Michael, P.O. Box 9046, Olympia, WA 98507-9046, email rules@esd.wa.gov, fax 360-902-9662, by July 13, 2018.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-902-9354, fax 360-586-4600, TTY relay 711, email teckstein@esd.wa.gov, by July 10, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify when educational employees qualify for unemployment insurance benefits within and between academic terms by laying out more specific guidelines when an educational employee has a contract or reasonable assurance for future work; addressing when educational employees work for more than one employer; and explaining the impact of voluntary quits for educational employees that have a contract or reasonable assurance for future work.

Reasons Supporting Proposal: Adoption of the proposed rules will help keep Washington in conformity with federal laws governing its unemployment insurance program, thereby allowing Washington to continue to receive federal funding to administer its state unemployment insurance program.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.44.050, 50.44.053, 50.44.055, chapter 97, Laws of 2018.

Rule is necessary because of federal law, 26 U.S.C. § 3304 (a)(6)(A); United States Department of Labor, Unemployment Insurance Program Letter No. 5-17 (Dec. 22, 2016).

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Michael, Olympia, Washington, 360-902-9587; Implementation and Enforcement: Julie Lord, Olympia, Washington, 360-902-9579.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Scott E. Michael, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-902-9587, fax 360-902-9662, TTY relay 711, email rules@esd.wa.gov, https://www.esd.wa.gov/newsroom/UI-rule-making/reasonable-assurance.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 26 U.S.C. § 3304 (a)(6)(A); United States Department of Labor, Unemployment Insurance Program Letter No. 5-17 (Dec. 22, 2016). The consequence of not adopting the proposed rules is that the employment security department could lose the federal funding it receives to administer the state unemployment insurance program..

May 30, 2018

Cami Feek

Interim Commissioner

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-210-001 Which ~~((educational employees are))~~ employment is subject to RCW 50.44.050? (1) ~~((Except as provided in subsection (2) of this section,))~~ The provisions of RCW 50.44.050 apply only to ~~((services performed in the employ of an))~~ educational institutions or ~~((institution of higher education))~~ educational service districts operated by:

- (a) The state;
- (b) A political subdivision of the state;
- (c) A nonprofit organization or unit; or
- (d) An Indian tribe.

(2) The provisions of RCW 50.44.050 apply to services performed either:

- (a) In the employ of an educational institution; or
- (b) In any educational institution while in the employ of an educational service district established pursuant to chapter 28A.310 RCW.

(3)(a) The provisions of RCW 50.44.050 do not apply if you are employed by a subsidiary business or organization owned or operated by an educational institution when:

(i) The primary purpose of the subsidiary business or organization is other than educational;

(ii) You are not employed in the role of ~~((faculty))~~ instructional, research or principal administrative staff; and

(iii) Your regular employment does not depend on the school's academic calendar.

(b) All three criteria must be met in order for your services to be exempt from the provisions of RCW 50.44.050. For example:

(i) You work for Pack Forest (operated by the University of Washington, College of Forest Resources) or one of the extension programs operated by Washington State University. You are not employed in the role of ~~((faculty))~~ instructional, research or principal administrative staff and your regular employment does not depend on the school's academic calendar. However, the primary purpose of each of these entities is educational. Employment for these entities is subject to the provisions of RCW 50.44.050 regardless of the nature of your employment.

(ii) You work for a radio station that is wholly owned and operated by a college. The primary purpose of the business is other than educational, you are not employed in the role of ~~((faculty))~~ instructional, research, or principal administrative staff, and your regular employment does not depend on the school's academic calendar. You are not subject to the restrictions of RCW 50.44.050.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-210-005 Definitions—Educational employees. ~~((1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services.~~

~~((2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.~~

~~((3) **Full-time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.405.210 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).~~

~~((4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe ben-~~

efits, hours of work, general type of work, and duration of employment.) (1) **Considerably less.** The economic conditions of an offer of employment are considerably less if the individual will not earn at least ninety percent of the total wages earned in the prior academic year or term.

(2) **Classified capacity.** Includes all other services not performed in a certificated capacity, regardless of the legal or educational requirements to perform such services.

(3) **Certificated capacity.** Includes services performed in an instructional, research, or principal administrative capacity.

(4) **Same capacity.** In order for services to be performed in the same capacity, both the current work and the future work must both be in a certificated capacity or both be in a classified capacity, even if the job titles or duties are different. In addition, both the current work and the future work must both be for an educational institution or both be for an educational services district, even if the employers or districts are different. For example:

(a) An assistant principal for the ABC school district has a contract to be a teacher for the XYZ school district the following academic year. These two positions are in the same capacity.

(b) A counselor who performed services in an educational institution for an educational services district is given reasonable assurance to work as a counselor directly for an educational institution the following academic year. These two positions are not in the same capacity.

(5) **Totality of the circumstances.** Analyzing the totality of the circumstances requires considering factors such as funding (including appropriations), enrollment, the nature of the course (required or optional, taught regularly or only sporadically), the claimant's seniority, budgeting and assignment practices of the school, the number of offers made in relation to the number of potential teaching assignments, the period of student registration, and any other contingencies.

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-010 What are the objective criteria used to define "academic year"?—See RCW 50.44.050((5)) (6). Summer term will be considered part of the academic year for an educational institution unless:

(1) Total enrollment of full-time equivalent students during the previous summer term is less than one third of the average academic year enrollment of full-time equivalent students for the fall, winter, and spring terms of the preceding two years; or

(2) Total full-time equivalent staff during the previous summer term is less than fifty percent of the academic year average of the full-time equivalent staff during the fall, winter, and spring terms during the preceding two years.

AMENDATORY SECTION (Amending WSR 02-19-009, filed 9/5/02, effective 10/6/02)

WAC 192-210-015 How will the department decide if an individual has a contract or reasonable assurance (exists) of future work?—See RCW 50.44.053. ((Reasonable assurance is a bona fide offer from an educational insti-

tution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable. For instructional, research, or principal administrative staff at a community or technical college, the additional provisions of WAC 192-210-020 will be considered in determining whether the individual has reasonable assurance.) (1)(a) For individuals who perform services in a certificated capacity, wages and hours from an educational institution or educational services district will count towards the individual's base year and benefit year unless it is highly probable that the individual meets the three prerequisites in subsection (2) of this section and has either a contract for future work under subsection (3) of this section or reasonable assurance of future work under subsection (4) of this section.

(b) For individuals who perform services in a classified capacity, wages and hours from an educational institution or educational services district will count towards the individual's base year and benefit year unless it is highly probable that the individual meets the three prerequisites in subsection (2) of this section and has reasonable assurance of future work under subsection (4) of this section.

(c) When determining if an individual has a contract or reasonable assurance of future work, the department will use the facts as they are known at the time the individual filed his or her weekly claim.

(2) In order for there to be a contract or reasonable assurance of future work, the following three prerequisites must be met:

(a) There is a written, verbal or implied offer of employment made by an individual with actual authority to offer employment;

(b) The offer of employment provides that the employee will perform services in the same capacity during the ensuing academic year or term (or remainder of the current academic year or term) as in the first academic year or term; and

(c) The economic conditions of the offer of employment may not be considerably less in the following academic year or term (or portion thereof) than in the first academic year or term (or portion thereof).

(3) A contract for future work is an agreement that is:

(a) Enforceable by both the employer and employee;

(b) Noncontingent; and

(c) Provides for compensation for either:

(i) An entire academic year; or

(ii) On an annual basis.

(4) Reasonable assurance for future work exists if either:

(a)(i) There are no contingencies in the offer of employment that are within the employer's control;

(A) Contingencies considered to be in the employer's control include, but are not limited to, course programming, funding allocation decisions, final course offerings, and facility availability.

(B) Contingencies considered to be outside of the employer's control include, but are not limited to, enrollment and the availability of funding from an outside source, such as a grant.

(ii) It is highly probable that the contingencies contained in the offer of employment will be met, with primary weight given to the contingent nature of an offer of employment; and

(iii) Under the totality of the circumstances, it is highly probable that there will be a job available for the claimant in the following academic year or term; or

(b) The individual is tenured or holds tenure track status, unless advised otherwise by the institution of higher education. An individual holds tenure track status if he or she is a probationary faculty employee having an opportunity to be reviewed for tenure.

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-210-045 ~~When does ((reasonable assurance)) RCW 50.44.050 apply if ((#)) an individual works for more than one ((school)) employer? ((1)) RCW 50.44.050 prevents the payment of benefits when "any and all" school wages for "any and all" schools for any week of unemployment fall between two successive academic terms or during holiday or vacation break periods.~~

~~(2) If you receive reasonable assurance for the following academic term from any school, the wages from all schools for whom you worked during the preceding academic term or break will be restricted.~~

~~Example: You worked for ABC and XYZ schools during spring 2009. You received reasonable assurance of returning to work during the fall 2009 term from ABC School but not from XYZ School. The wages from both schools must be restricted during the period between academic terms or breaks.~~

~~(3) The period during which wages will be restricted begins during the first full week in which any school for which you worked during the preceding academic term is on break and continues through the last full week in which all schools for which you worked during the preceding academic term have resumed a term of instruction.~~

~~Example: You worked for ABC and XYZ schools during the 2008-2009 academic year. Summer is not part of the academic year for either school. ABC School's summer break begins June 15, 2009, and ends September 2, 2009. XYZ School's break begins June 22, 2009, and ends September 9, 2009. Your school wages must be restricted from June 14, 2009, through September 5, 2009.)~~ An educational institution or educational services district that offers a contract or reasonable assurance of future work will not have its hours or wages count towards a claimant's base year and benefit year. The wages and hours from all other base year employers may count towards a claimant's base year and benefit year, unless another provision applies to exclude the wages and hours. If the claimant does qualify for benefits, the educational institutions or educational services districts that offered a contract or reasonable assurance of future work will not be charged for benefits paid or be required to reimburse the department for benefits paid. For example:

(1) An individual works for both the ABC school and the XYZ school during the base year. The ABC school offers reasonable assurance of future work, while the XYZ school does not. Only the wages and hours from the XYZ school

may count towards the individual's base year and benefit year.

(2) An individual works full time as a computer programmer for a software company during the day. At night, the individual also teaches a programming class at a technical college. At the end of the spring term, the individual is laid off from the software company and receives a contract or reasonable assurance of future work from the technical college. Only the wages and hours from the software company may count towards the individual's base year and benefit year.

NEW SECTION

WAC 192-210-055 **What is the impact of voluntary quits on the between and within terms denial provisions of RCW 50.44.050?** An employee of an educational institution, or an employee of an educational services district that performs services in an educational institution, who voluntarily leaves work for reasons that constitute good cause under RCW 50.20.050 may have the hours and wages from the educational institution or educational services district count towards the base year or benefit year, even if the employee has a contract or reasonable assurance of future work.

NEW SECTION

WAC 192-210-060 **Under what circumstances is an educational employee entitled to retroactive payments of unemployment benefits?** (1) A classified employee who is denied unemployment benefits pursuant to RCW 50.44.050 can receive a retroactive payment of unemployment benefits if:

(a) The employee filed a timely claim for benefits for each week claimed;

(b) Benefits were originally denied for that week solely pursuant to RCW 50.44.050 because the employee received a reasonable assurance of future work; and

(c) Despite the reasonable assurance of future work, work was not actually available in the ensuing academic year or term.

(2) A certificated employee who is denied benefits pursuant to RCW 50.44.050 because the employee received a contract or reasonable assurance of future work cannot receive a retroactive payment of unemployment benefits, even if work is not actually available in the ensuing academic year or term.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college—RCW 50.44.053(3).

WSR 18-12-079**PROPOSED RULES****EASTERN WASHINGTON UNIVERSITY**

[Filed June 4, 2018, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-24-097.

Title of Rule and Other Identifying Information: Creating a new chapter 172-135 WAC, Mandatory medical leave of absence and return.

Hearing Location(s): On September 26, 2018, at 10:00 a.m., at Eastern Washington University, Main Campus, 526 5th Street, Room 201, Showalter Hall, Cheney, WA 99004.

Date of Intended Adoption: October 5, 2018.

Submit Written Comments to: Joseph Fuxa, Eastern Washington University, Main Campus, 526 5th Street, 314 Showalter Hall, Cheney, WA 99004, email jfuxa@ewu.edu, fax 509-359-2874, by September 26, 2018.

Assistance for Persons with Disabilities: Contact Joseph Fuxa, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, by September 26, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New chapter 172-135 WAC, Mandatory medical leave of absence and return, would allow the dean of students, after a careful and collaborative review, to place a student on a mandatory medical leave of absence.

Reasons Supporting Proposal: Eastern Washington University is concerned about the health, welfare, and safety of all of its students. To promote an educational environment where all students can be successful, it is necessary for the university to engage with students whose ability to function successfully or safely as students is compromised. In such circumstances, the university may encourage a student to take voluntary leave. However, when a student's behavior renders the student unable to effectively function in the residential or educational community without harming him/herself, others, or unduly disrupting the university community, these emergency regulations permit the dean of students, after a careful and collaborative review, to place a student on mandatory medical leave of absence.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Eastern Washington University, governmental.

Name of Agency Personnel Responsible for Drafting: Joseph Fuxa, 314 Showalter Hall, 509-359-7496; Implementation and Enforcement: Dr. Mary Cullinan, 214 Showalter Hall, 509-359-6362.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this [these] rules pursuant to subsection (5)(a)(ii), and to date, the joint administra-

tive rules review committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

June 4, 2018

Joseph Fuxa

Labor Relations Manager

Chapter 172-135 WAC**MANDATORY MEDICAL LEAVE OF ABSENCE AND RETURN**NEW SECTION

WAC 172-135-010 Purpose. Eastern Washington University is concerned about the health, welfare, and safety of all of its students. To promote an educational environment where all students can be successful, it is necessary for the university to engage with students whose ability to function successfully or safely as students is compromised. In such circumstances, the university may encourage a student to take voluntary leave. However, when a student's behavior renders the student unable to effectively function in the residential or educational community without harming him/herself, others, or unduly disrupting the university community, the dean of students may, after a careful and collaborative review, place a student on mandatory medical leave of absence in accordance with the procedures set forth in this chapter.

This process is only considered in rare situations when other options have been utilized and considered. A mandatory leave of absence is not the preferred option when addressing students' health, welfare, and safety. Any assessment or action taken under this policy will be based on legitimate safety concerns and not based on speculation, stereotypes, or generalizations about individuals with disabilities.

NEW SECTION

WAC 172-135-020 Definitions. "Dean" refers to the dean of students or designee.

"Director of CAPS" refers to the director of counseling and psychological services or designee.

"Essential function requirements for a student" are those tasks and responsibilities an individual student is required to perform, with or without reasonable accommodation, in order to remain enrolled at the university. These functions are all related to and consistent with educational necessity. The primary foci of the essential function requirements is the ability to learn, retain information, exhibit self-mastery, and demonstrate knowledge pertaining to academic and personal success. The essential functions for general enrollment include:

(a) Mental/psychological requirements:

(i) Communicating effectively, both verbally and non-verbally, and receiving communication effectively;

(ii) Managing and maintaining control over emotions;

(iii) Concentrating on tasks;

(iv) Remembering information and details;

- (v) Making appropriate decisions; and
- (vi) Adjusting to changing environments that include maintaining emotional health and a demeanor suitable for an academic environment.
- (b) Performance requirements:
 - (i) Meeting academic/administrative deadlines, completing tasks as assigned;
 - (ii) Attending and participating in classes and required meetings with university faculty and staff;
 - (iii) Managing stressors associated with studying and, if relevant, residing in a university community.
- (c) Interpersonal and intrapersonal requirements:
 - (i) Maintaining organization related to academics, health, and well-being, including appropriate hygiene and dress;
 - (ii) Adhering to university policies, including the student conduct code and academic integrity policies;
 - (iii) Demonstrating appropriate interactions with others including faculty, staff and fellow students;
 - (iv) Self-evaluating, identifying, and articulating needs and being able to identify and utilize resources in order to meet those needs.
- (d) Other requirements: Additional requirements may be required for some university programs, activities, housing options, majors, and courses.

"Service" means to send notice via email to the student's university email account and via certified letter to the student's last known address. Alternatively, it may be hand delivered to the student.

"Student conduct code" refers to the regulations contained in the student conduct code, chapter 172-121 WAC.

"University" means Eastern Washington University.

"Vice president for student affairs" refers to the vice president for student affairs or designee.

NEW SECTION

WAC 172-135-030 Risk of health, danger, or disruption. (1) Upon notification of a serious health or safety concern involving a student, the dean will make an individualized assessment of whether a student should be placed on a mandatory medical leave of absence. The dean may require a student to take a medical leave of absence if all of the following elements are met:

- (a) A student has a physical, emotional, or psychological condition;
- (b) As a result of such condition:
 - (i) Is not meeting the essential function requirements for a student as set forth in WAC 172-135-020 Definitions;
 - (ii) Is engaging in, or is threatening to engage in, behavior that poses a significant risk of causing substantial harm to the health, safety, or welfare of others or actual risk to his or her own health, safety or welfare, based on an individualized assessment of current medical knowledge or the best available objective evidence, to ascertain: The nature, duration and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk; or

(iii) Is so severely disruptive as to directly and substantially deny or limit another's ability to work, study, participate in, or benefit from the university's programs or activities.

(c) There are no reasonable accommodations that would permit the student to continue participating in the university community without taking a leave of absence or the student has rejected all reasonable accommodations offered by the university and cannot meet the essential function requirements for a student.

(2) In determining whether a student should be placed on a mandatory medical leave of absence, the dean should consult with the director of CAPS, and, where possible, other persons who can provide relevant information about a student's condition and recent behaviors. The dean should consider whether the student could be provided with any reasonable accommodations that would allow the student to perform the essential function requirements of a student and whether there are other conditions that could be imposed on the student to address the health and safety concerns.

(3) While the dean is gathering all of the relevant information, the dean may issue interim conditions on the student's attendance, campus participation, or ability to reside on campus. The dean may require a student to timely provide documentation from a treating medical provider that the student is able to perform the essential function requirements for a student before lifting the interim conditions. The dean will respect the student's confidentiality and will only require a release of medical information for access to the student's medical and mental health records as is reasonably necessary to complete the dean's individualized assessment. Before requesting such a release, absent exigent circumstances, the dean or designee will explain the individualized assessment process and appeal rights to the student in a mode of communication accessible to the student.

(4) Prior to the dean requiring a student to take a medical leave of absence, the student shall be provided, where reasonably possible, with an opportunity to present information about his or her circumstances and/or treatment, where reasonably possible, to the dean. The dean will discuss with the student the option of pursuing a voluntary withdrawal in lieu or proceeding with the process for a mandatory medical leave of absence. The student waives his or her opportunity to provide information to the dean if he or she is unwilling or unable to meet with the dean in a timely manner, or is unable or unwilling to provide written documentation or a release to the dean.

NEW SECTION

WAC 172-135-040 Written notification and conditions of leave. (1) Notice: The dean shall issue a written notification of the mandatory medical leave of absence. The written notice shall include:

- (a) Effective date of the leave;
 - (b) Reasons for requiring the leave;
 - (c) Conditions during the leave of absence, if any;
 - (d) Conditions for reenrollment, if any;
 - (e) A university point of contact during the absence; and
 - (f) Information about the appeals process.
- (2) Service: The notice shall be served on the student.

(3) Conditions: If the dean issues a mandatory medical leave of absence, the dean may also impose conditions on the student during the mandatory leave as well as conditions for returning to the university after the mandatory leave. The goal of such conditions is to prepare the student for a successful return to the university. Such conditions may include, but are not limited to:

- (a) Restrictions on access to university property;
- (b) Restrictions on participation in university programs or activities;
- (c) Release of treatment records;
- (d) Mandatory medical or psychological assessment of student to address the identified health or safety risks;
- (e) Compliance with treatment recommendations;
- (f) Documentation of ability to meet the essential functions of a student prior to returning; and
- (g) Consultation and assessment with the dean or designee prior to being able to register for classes and the end of the leave period.

(4) Length: The length of the mandatory medical leave of absence will be determined on a case-by-case basis and identified in the notice given to the student. A student placed on a mandatory leave of absence must normally remain out of school for the remainder of the academic year.

(5) Appeal: The notice of mandatory medical leave of absence is subject to the appeal procedures set forth in this chapter.

NEW SECTION

WAC 172-135-050 Financial aid, tuition, and grades.

A student placed on a mandatory medical leave of absence will automatically be granted an exceptional circumstances withdrawal for medical purposes from the university for the quarter in which the student is removed in accordance with EWU Policy 303-30. The student will receive a "W" for any courses in which he or she is currently enrolled at the time of the notice of mandatory medical leave. Tuition and fee payments for that quarter will be reversed/refunded. Housing and dining charges will be prorated to the effective date of the student's leave.

NEW SECTION

WAC 172-135-060 Returning from a mandatory medical leave of absence. A student requesting to return to the university after a mandatory leave of absence must notify the dean of his/her intention to return or reenroll approximately two months in advance of the anticipated return. The student must then meet with the dean or dean's designee. The dean will determine the student's readiness to return to assure the health, safety, and well-being of the student and the entire campus community. The dean will conduct an individualized review of the student's records to determine his or her readiness to return. The dean may request documentation to support the student's return including, but not limited to, medical evaluations, treatment plans, release of medical records, personal statements, and evidence of the ability to meet academic and conduct requirements. A returning student must provide medical documentation that he/she is able to perform the essential functions of a student, with or without an

accommodation. The dean will provide the student with a written determination of whether or not the student may return, and any conditions imposed on such return. If the dean determines a student is not ready to return, the dean may issue a new notice of mandatory leave of absence. The new notice is subject to the appeal process set forth in this chapter.

NEW SECTION

WAC 172-135-070 Appeal. (1) Filing: A student may appeal the dean's decision to impose a mandatory medical leave of absence. The appeal must be submitted in writing to the vice president for student affairs within twenty-one calendar days from service of the dean's decision. The appeal shall be in writing and shall include:

- (a) Student's name;
 - (b) Basis for disagreeing with the dean's determination, including any supporting documentation; and
 - (c) What remedy the student is seeking.
- (2) Appeal authority: The vice president will forward the appeal to the students of concern board. The students of concern board shall consist of the director of CAPS (or other designated mental health professional), a faculty member, and the director of disability support services or designee.

(3) Appeal period: During the appeal period, the dean's imposition of mandatory medical leave of absence remains in effect until terminated, in writing, by the students of concern board or the vice president.

NEW SECTION

WAC 172-135-080 Appeal hearing. (1) Upon receipt of a timely appeal by the student, the vice president shall convene the students of concern board and notify the student of the date, time, and location of the appeal hearing in writing. The notice will include information about how to request accommodations or interpreters. The notice must be served on the student at least seven calendar days prior to the hearing. The vice president may coordinate with the student to facilitate scheduling, but is not required to do so. The vice president shall serve as the presiding officer for the students of concern board. The appeal hearing shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) Evidence.

(a) Types of evidence: The students of concern board shall be provided with the documentation reviewed by the dean that formed the basis of the mandatory medical leave of absence notice. The student may provide the board with additional documentation for the board to consider, may testify before the board, and may present witnesses to the board. Evidence, including hearsay evidence, is admissible if in the judgment of the board it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

(b) Review of evidence: The student has the right to view all material presented to the board.

(c) Oath: Any testimony of persons before the board shall be made under oath or affirmation.

(d) Witnesses: The student may present witnesses at the board meeting. The presiding officer and board may also ask

other witnesses and professionals to attend the hearing and provide the board with additional information beyond what was contained in the written documentation provided to the board. If the student wishes to call a witness, the student is responsible for ensuring the witness is available and present at the time of the hearing.

(e) Exclusion: As the hearing will cover sensitive material, the presiding officer may exclude anyone from the hearing room other than the student, the student's advisor, the presiding officer, and the board.

(f) Accommodations: The student should inform the vice president of any possible need for an interpreter or any accommodation requests at least three days prior to the hearing.

(g) Questioning: The student and the board may ask questions of the witnesses, except the presiding officer may preclude any questions that are inappropriate, irrelevant, immaterial, or unduly repetitious. The presiding officer should explain to the student the reasons for rejecting any questions and will maintain a record of the questions submitted and the determinations made.

(3) Advisor: A student may be assisted by one advisor of his or her choice.

(4) Hearing on the record: A student may waive the opportunity for an in-person hearing and request the board conduct the hearing based solely on written documentation. In such a case, the student may submit written documentation of any additional evidence the student wishes the board to consider in addition to the materials provided by the dean.

(5) Records: The presiding officer shall keep a record of all materials submitted to and reviewed by the board. The presiding officer shall make and keep a recording of the hearing and subsequent transcript, if any. Records shall be kept for seven years and shall be kept confidential to the extent provided by law.

(6) Deliberations and decision: Following the appeal hearing, the board shall meet in private and, within seven business days, determine by majority vote whether to:

(a) Affirm the dean's decision;

(b) Affirm the dean's decision but alter the conditions imposed; or

(c) Reverse the dean's decision and allow the student to remain enrolled with or without conditions.

(7) Service: The board's decision shall be in writing and shall set forth the reasons for the board's decision. A copy of the decision shall be served on the student and a copy provided to the vice president.

(8) Final decision: The board's decision is final and no further appeals may be made under these regulations. Judicial review of the university's decision may be available under chapter 34.05 RCW.

NEW SECTION

WAC 172-135-090 Relationship to the student conduct code and other policies. (1) A mandatory medical leave of absence is an administrative decision and is not a disciplinary action. A student may still be held responsible for his or her conduct if the conduct constituted a violation of the student conduct code.

(2) A student who is placed on mandatory leave remains responsible for adhering to and complying with all university regulations, policies, and procedures. Students on probation for disciplinary or academic reasons will resume their probationary status upon their return for the duration of the assigned probationary period.

WSR 18-12-080

PROPOSED RULES

PARAEDUCATOR BOARD

[Filed June 4, 2018, 2:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-005.

Title of Rule and Other Identifying Information: Creates new sections for chapter 179-15 WAC describing requirements for the subject matter special education certificate for paraeducators.

Hearing Location(s): On July 25, 2018, at 8:30, at Radisson Hotel, 18118 International Boulevard, Seattle, WA 98188.

Date of Intended Adoption: July 25, 2018.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email david.brenna@k12.wa.us, fax 360-586-4548, by July 17, 2018.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, by July 17, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New regulations for the special education subject matter certificate for paraeducators as required in HB [ESHB] 1115, 2017.

Reasons Supporting Proposal: Statutory requirement.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State legislature, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, WA 98504, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Regulatory change does not have a fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

May 24, 2018

David Brenna

Senior Policy Analyst

Chapter 179-15 WAC

SPECIAL EDUCATION SUBJECT MATTER CERTIFICATE

NEW SECTION

WAC 179-15-010 Purpose. (1) The purpose of this chapter is to define a paraeducator's minimum requirements and process to attain, and the validity period for, the special education subject matter certificate;

(2) The special education subject matter certificate provides increased training to paraeducators to meet the demands of special education instructional support; and

(3) Provided that the special education subject matter certificate is not a prerequisite for a paraeducator working in any program.

NEW SECTION

WAC 179-15-020 Minimum requirements. Prior to completing the special education subject matter certificate, the paraeducator must have completed the fundamental course of study.

NEW SECTION

WAC 179-15-030 Process. (1) To attain the paraeducator special education subject matter certificate, the paraeducator must complete twenty continuing education credit hours of training that meet the learning objectives of the course outline as described in WAC 179-15-060;

(2) Training for the certificate must include the training competencies that align with WAC 179-15-050; and

(3) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the special education subject matter certificate.

NEW SECTION

WAC 179-15-040 Validity period. The special education subject matter certificate expires after five years, and as follows:

(1) A certificate issued prior to June 30th of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was completed on June 30th of the same calendar year regardless of the date of issuance; and

(2) A certificate issued July 1st or later in the calendar year shall have the expiration date of the certificate calculated on the basis that such certificate was completed on June 30th of the next calendar year regardless of the date of issuance.

NEW SECTION

WAC 179-15-050 Knowledge and skill competencies for the standards of practice. The knowledge and skill competencies describe the learning objectives paraeducators should exhibit when working with students. Competencies are associated with each of the standards written in WAC

179-07-030 and are in addition to the knowledge and skill competencies written in WAC 179-07-040:

(1) Supporting instructional opportunities:

(a) Knowledge competencies:

(i) Knowledge of fundamental purpose of Individuals with Disabilities Education Act is to ensure that all children with disabilities have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them to further education, employment and independent living;

(ii) Knowledge of common special education terminology and acronyms (e.g., Individuals with Disabilities Education Act (IDEA), individualized education program, section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA), functional behavior assessment (FBA), behavior intervention plan (BIP), and least restrictive environment (LRE)) that relate to required assignment;

(iii) Knowledge of basic special education process (e.g., free and appropriate public education, individualized education program, and section 504 of the Rehabilitation Act of 1973);

(iv) Knowledge of the legal requirements for supporting students eligible for and receiving special education services;

(v) Knowledge of the purpose of individualized education program goals, related supports (e.g., accommodations and modifications) and/or related documents (e.g., health care plan) if applicable or pertinent to assigned duties;

(vi) Knowledge of the importance and role of families in the educational process of students eligible and receiving special education services; and

(vii) Knowledge of the importance of language development in academic and nonacademic learning environments for students eligible and receiving special education services.

(b) Skill competencies:

(i) Ability to implement instructional strategies and techniques that support specially designed instruction and specific learning needs as developed and directed by certificated/licensed staff;

(ii) Ability to assist students with assistive technology as directed by certificated/licensed staff; and

(iii) Ability to assist in recording and maintaining data (e.g., academic, behavior, social/emotional, or health) to support individualized education program goals and behavior plans as directed by certificated/licensed staff.

(2) Demonstrating professionalism and ethical practices:

(a) Knowledge competencies:

Knowledge of district expectations and/or policies regarding appropriate communication with families and students eligible for and receiving special services as directed by certificated/licensed staff.

(b) Skill competencies:

(i) Ability to practice ethical and professional standards of conduct, including the requirements of confidentiality;

(ii) Ability to comply with the requirements of confidentiality for educational and medical records;

(iii) Ability to comply with legal requirements regarding abuse and neglect;

(iv) Ability to comply with district policies and procedures regarding students eligible for and receiving special education services;

(v) Ability to support high expectations and quality of life potential for students eligible for and receive special education services;

(vi) Develop and maintain professional relationships with both general and special education colleagues;

(vii) Collaborate with others providing services to students eligible for and receiving special education services;

(viii) Practice within their professional knowledge and skills and seek appropriate support when needed; and

(ix) Pursue and participate in professional staff development and/or learning opportunities.

(3) Supporting a positive and safe learning environment:

(a) Knowledge competencies:

(i) Knowledge of legal, ethical practices, and procedural safeguards regarding positive behavioral supports, restraints, and/or isolation of students eligible for and receiving special education services;

(ii) Knowledge that all student behavior (both desired and undesired) is a form of communication and should be acknowledged with an effective response;

(iii) Knowledge of the importance of consistency, predictability and structures in the learning environment and the impact on student behavior and learning outcomes; and

(iv) Knowledge of the basic behavior change process and intervention strategies (e.g., antecedent, behavior, and consequence).

(b) Skill competencies:

(i) Ability to support the legal, ethical practices, and procedural safeguards regarding positive behavioral support, restraint, and isolation of students eligible for and receiving special education services as directed by certificated/licensed staff;

(ii) Ability to implement strategies to support students to maximize their independence across all learning environments;

(iii) Ability to support students in following prescribed classroom routines and transitions with consistency and predictability as determined by certificated/licensed staff;

(iv) Ability to effectively implement a behavior plan for students eligible for and receiving special education services and determined by certificated/licensed staff; and

(v) Ability to carry out assigned health related care or duties with dignity and respect for students they support as directed by school nurse.

(4) Communicating effectively and participating in the team process:

(a) Knowledge competencies:

(i) Knowledge of how to forward and direct concerns or issues from students and/or families of students eligible for receiving special education services; and

(ii) Knowledge of district expectations and appropriate boundaries of communication in various settings (inside and outside of school day) with students and families to protect student confidentiality and privacy following the established chain of command as determined by certificated/licensed staff and district policy.

(b) Skill competencies:

(i) Ability to support in individualized education program conferences and team meetings as determined by each individualized education program team;

(ii) Ability to communicate and forward family or student concerns/issues to designated certificated/licensed staff or administrator;

(iii) Ability to follow individualized education program goals and communicate within appropriate boundaries to protect student confidentiality and privacy as directed by certificated/licensed staff.

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270:

(a) Knowledge competencies:

Knowledge of culturally responsive strategies for delivering specially designed instruction, accommodations, adaptations, and modifications as designed and determined by certificated/licensed staff.

(b) Skill competencies:

Ability to assist or implement culturally responsive strategies with students to facilitate effective integration into various settings (e.g., libraries, classrooms, playgrounds, community, and assorted modes of transportation) as directed by certificated/licensed staff.

NEW SECTION

WAC 179-15-060 Course outline for the special education subject matter certificate. Providers and facilitators must follow the current course outline as published by the professional educator standards board when delivering training for the special educator subject matter certificate.

WSR 18-12-083

PROPOSED RULES

EDMONDS COMMUNITY COLLEGE

[Filed June 5, 2018, 7:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-013.

Title of Rule and Other Identifying Information: Public records policy, chapter 132Y-320 WAC.

Hearing Location(s): On July 10, 2018, at 2:00 - 4:00 p.m., at Edmonds Community College, Gateway Hall, Room 352, 6600 196th Street S.W., Lynnwood, WA 98036.

Date of Intended Adoption: September 13, 2018.

Submit Written Comments to: Dennis Curran, Vice President for Human Resources, 20000 68th Avenue West, Lynnwood, WA 98036-5999, email dennis.curran@edcc.edu, fax 425-640-1359.

Assistance for Persons with Disabilities: Contact Nadescha Bunje, executive assistant to the vice president for human resources, phone 425-640-1036, fax 425-640-1359, email nadescha.bunje@edcc.edu.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to align the code with recent updates in the Public Records Act concerning fees for providing copies of

public records. The proposal also provides the necessary findings allowing Edmonds Community College to adopt the amended statutory default fee schedule that went into effect on July 23, 2017. The additional purpose of this proposal is to update the rule to reflect current college policies and procedures around public records requests.

Reasons Supporting Proposal: The 2017 legislature amended RCW 42.56.120, section 3 to require that, effective July 23, 2107 [2017], an agency using the new law's amended statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. The college has elected not to calculate actual costs for copying records because to do so would be unduly burdensome due to the costs involved in conducting a cost study, which would divert resources away from other critical programs. The college has also implemented new policies and procedures around public records requests in response to the broad adoption of technologies including the internet and email. The proposal will support the implementation of these updated policies and procedures.

Statutory Authority for Adoption: RCW 28B.50.140, 42.56.100, 42.56.040 (1)(d), 42.56.120.

Statute Being Implemented: RCW 42.56.120.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Edmonds Community College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dennis Curran, Vice President for Human Resources, Clearview Building, Room 122, 425-640-1647.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required as this agency is not listed under RCW 34.05.328 (5)(a)(i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

June 4, 2018
Dennis Curran
Vice President
for Human Resources

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-010 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 23 with the provisions of chapter ~~((42.17))~~ 42.56 RCW, commonly called ~~((Initiative No. 276, and in particular with RCW 42.17.250 – 42.17.340 of that act dealing with public records))~~ the Public Records Act.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "Community College District No. 23" is an agency organized by statute pursuant to RCW 28B.50.040 and shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the board of trustees and employees of the district.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of ~~((five))~~ six members, each appointed by the governor to a term of five years. The trustees exercise the powers and duties granted them under RCW 28B.50.140. The sixth trustee, also appointed by the governor, is a student who serves a one-year term.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-050 Public records available. (1) All public records of the district, as defined in WAC 132Y-320-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42.17.310))~~ 42.56.210 through 42.56.470 and WAC 132Y-320-100~~((;))~~ Exemptions. Records may be reviewed in person at the district office during regular office hours at no charge. Fees for providing copies of records may apply, in accordance with WAC 132Y-320-090.

(2) Requestors seeking to review records in person are asked to contact the public records officer by email, phone, or mail to schedule an appointment. Contact information for the public records officer is as follows:

Public Records Officer
Edmonds Community College
20000 68th Avenue West
Lynnwood, WA 98036
425-640-1400
records@edcc.edu

(3) The regular business hours of the public records office are from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and college closures.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative offices of the district. That person may in turn designate persons in the administrative office to implement this section. The public records officer and their designee(s) shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter ~~((42.17))~~ 42.56 RCW.

The public records officer will also be responsible for providing full access to public records made available for inspection, for protecting the records from damage or disorganization, and for preventing excessive interference with essential college functions. Public records made available for inspection may not be damaged or altered in any way or removed from the office without the permission of the public records officer.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-080 Requests for public records. ~~((In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedures:~~

~~(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office.))~~ (1) The public records officer or their designee will provide the fullest assistance to any member of the public requesting to inspect the records of the district. However, a person seeking records must make a specific request for identifiable records and must clearly state that the inquiry is a public records request. The district is under no legal obligation to create a new record to satisfy a records request.

(2) The district encourages requestors to use the public records request form made available by the public records office on the district's web site at www.edcc.edu. The form ~~((shall))~~ may be submitted online, by email, mail, fax, or presented to the public records officer, or to any member of the district's staff if the public records officer is not available, at the administrative offices of the district during customary office hours. If a request is made verbally, and the requestor has provided an email or mailing address, the public records officer will follow up with an email or letter confirming receipt of the request.

At a minimum, the request ~~((shall))~~, regardless of how it is submitted, should include the following information:

(a) The name of the person requesting the record;
(b) The mailing address, email address, or phone number of the person requesting the record;

(c) The time of day and calendar date on which the request was made;

~~((e))~~ (d) The nature of the request;

~~((d))~~ If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

~~((e))~~ If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record requested.

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.))~~ (e) A description of the specific record requested;

(f) The manner in which the requestor would like to review the records.

(3) The public records officer or their designee will take action on a request for public records in as timely a manner as possible. In accordance with RCW 42.56.520, the requestor will receive a response within five days of receipt of the request by the district. If the request cannot be completed within five days, the public records officer will provide a reasonable time estimate for a complete response to the request. If the request is particularly large or complex, resulting in a large number of responsive documents and/or requiring significant redaction, the public records officer and the requestor may enter into an agreement by which the records are made available in installments at specified intervals.

(4) If the requestor fails to respond within thirty days to a request from the public records officer for clarification of all or part of the public records request, the request or part of the request requiring clarification will be considered withdrawn and no further action will be taken.

(5) The requestor must claim or review the assembled records within thirty days of receiving notification that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the district will close the request and refile the assembled records.

NEW SECTION

WAC 132Y-320-085 Fees. (1) In accordance with RCW 42.56.070(7) and 42.56.120, the district may charge fees for providing copies of public records. The district has determined that calculating the actual costs for providing copies would be unduly burdensome. This determination is based on the large number of factors involved in calculating the actual cost and the frequency with which these factors change. The district does not currently have accurate data regarding these factors, nor does it have the resources or appropriated funds to conduct an actual cost study. The district cannot divert resources away from other critical district

programs in order to perform such a cost study. Additionally, such a study would likely need to be repeated on a regular basis. Therefore, the district adopts the schedule of fees provided in RCW 42.56.120(2).

(2) No fee shall be charged for the inspection of public records, however, in some cases the district will charge a fee for providing copies of public records. These fees are summarized in the fee schedule available on the district's web site at www.edcc.edu.

These charges represent the amount necessary to reimburse the district for its actual costs incident to such copying and/or electronic document preparation. Additionally, the district may impose a customized service charge to cover its costs if the request requires the use of IT expertise to prepare data compilations or if such customized access services are not used by the agency for other business purposes. The district may require a ten percent deposit in advance if the fee for producing copies of responsive records will exceed one hundred dollars. All fees must be paid by credit or debit card, money order, cashier's check or cash in advance. The charges above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

Upon request, the district will provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3) If the requestor fails to pay fees incurred for copying by the specified payment date, the district will close the request. In such a case, the requestor will receive notification at least ten business days in advance that the request will be closed for nonpayment.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132Y-320-080 is exempt under the provisions of chapter ~~((42.17))~~ 42.56 RCW.

~~((2))~~ In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware that some statutes outside the Public Records Act restrict the availability of some documents held by Community College District No. 23 for inspection and copying.

(2) Pursuant to RCW ~~((42.17.310))~~ 42.56.210, the district also reserves the right to ~~((delete))~~ redact identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ~~((42.17))~~ 42.56 RCW and/or other applicable statutes. The public records officer or their designee will fully justify such ~~((deletion))~~ redaction in writing.

(3) All denials of requests for public records ~~((must))~~ will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review within ten business days. The written request shall specifically refer to the written statement by the public records officer or ~~((other staff member))~~ which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or ~~((other staff member denying the request))~~ their designee shall refer ~~((#))~~ the request for review to the president of the college. The president or ~~((his))~~ their designee shall ~~((immediately))~~ consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within ~~((two))~~ five business days following ~~((the original denial.~~

~~(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first))~~ receipt of the appeal by the district. The time for review of the denial may be extended by mutual agreement of the district and the requestor.

NEW SECTION

WAC 132Y-320-135 Notification of affected persons.

If the requested record is not exempt from release under WAC 132Y-320-100 and contains information which could identify an individual or agency, the district may notify the individual or agency thus identified that release of the record has been requested. In such cases the district's initial response to the request will allow a reasonable time for the identified individual or agency to seek court protection from release of the record.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
132Y-320-080	132Y-320-075
132Y-320-100	132Y-320-095
132Y-320-110	132Y-320-105
132Y-320-130	132Y-320-125

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Y-320-070 Office hours.

WAC 132Y-320-090 Copying.

WAC 132Y-320-120 Protection of public records.

WAC 132Y-320-990 Appendix A—Request for public record to Community College District No. 23.

**WSR 18-12-085
PROPOSED RULES
OFFICE OF THE**

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2017-06—Filed June 5, 2018, 8:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-081.

Title of Rule and Other Identifying Information: Title insurance rating and advisory organizations.

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at the Office of the Insurance Commissioner, 5000 Capitol Boulevard S.E., Tumwater, WA 98501.

Date of Intended Adoption: July 18, 2018.

Submit Written Comments to: Jim Tompkins, P.O. Box 40260, Olympia, WA 98504-0260, email rulescoordinator@oic.wa.gov, fax 360-586-3109, by July 9, 2018.

Assistance for Persons with Disabilities: Contact Lorie Villaflores, phone 360-725-7087, TTY 360-586-0241, email LorieV@oic.wa.gov, by July 9, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commissioner proposes to adopt rules to: (1) Establish the fee for a license as a title rating organization, (2) the licensing requirements that an applicant for a license as a title rating organization must comply with, (3) requiring a title rating organization to periodically update its title insurance rate filings, and (4) enable the commissioner to recover the costs of the commissioner's examination of a title rating organization from the title rating organization.

Reasons Supporting Proposal: During the 2017 legislative session, the legislature enacted chapter 103, Laws of 2017 (EHB 1450) for creating and establishing the rights and duties for title insurance rating and advisory organizations. This act provided for the commissioner to adopt rules to: (1) Establish the fee for a license as a title rating organization, (2) the licensing requirements that an applicant for a license as a title rating organization must comply with, (3) requiring a title rating organization to periodically update its title insurance rate filings, and (4) enable the commissioner to recover the costs of the commissioner's examination of a title rating organization from the title rating organization.

Statutory Authority for Adoption: RCW 48.02.060, 48.29.005, and 48.29.450.

Statute Being Implemented: Chapter 103, Laws of 2017.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Jim Tompkins, P.O. Box 40260, Olympia, WA 98504-0260, 360-725-7036; Implementation: Molly Nollette, P.O. Box 40255, Olympia, WA 98504-0255, 360-725-7117; and

Enforcement: Toni Hood, P.O. Box 40255, Olympia, WA 98504-0255, 360-725-7050.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Micah Sanders, P.O. Box 40260, Olympia, WA 98504-0260, phone 360-725-7040, fax 360-586-3109, email micha@sanders@oic.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The title insurers that must comply with the proposed rule are not small businesses, under chapter 19.85 RCW.

June 5, 2018

Mike Kreidler

Insurance Commissioner

Chapter 284-29B WAC

RATING ORGANIZATIONS FOR TITLE INSURANCE

NEW SECTION

WAC 284-29B-010 Licensing requirement for rating organizations for title insurance. In addition to the information required by RCW 48.29.410, an application for a license as a rating organization for title insurance must include:

(1) An agreement that it is subject to the jurisdiction of the state of Washington and governed by Title 48 RCW.

(2) An agreement to maintain the records of the rating organization in a form that is accessible to the commissioner for examination and statutory and rule compliance purposes.

(3) The designation of a records custodian who can provide access to the records of the rating organization, including the custodian's address, phone number, and email address.

(4) A designation of an individual officer of the rating organization for title insurance to be the primary contact on behalf of the organization and be in charge of the organization's compliance with the insurance laws and rules of this state. The designation must include this individual's address, phone number, and email address.

NEW SECTION

WAC 284-29B-020 Licensing fee for rating organizations for title insurance. The licensing fee for a rating organization for title insurance is two hundred fifty dollars.

NEW SECTION

WAC 284-29B-030 Examination of rating organizations for title insurance. (1) As often as the commissioner deems advisable and at least once in five years, the commissioner shall fully examine each rating organization for title insurance.

(2) A licensed rating organization for title insurance must reimburse the state upon presentation of an itemized

statement for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination.

(3) Every rating organization for title insurance being examined, its officers, employees, and representatives must produce and make freely accessible to the commissioner the accounts, records, documents, and files in his or her possession or control relating to the subject of the examination, and must otherwise facilitate the examination.

NEW SECTION

WAC 284-29B-040 Requirements for a licensed rating organization for title insurance to update its rate filings.

(1) A licensed rating organization for title insurance must periodically update and file with the commissioner its title insurance base rates, or their equivalent. Each base rate or equivalent filing must be submitted to the commissioner no later than two and one-half years after the effective date of the last approved base rate filing, with a proposed effective date no later than three years after the effective date of its last approved base rate filing.

(2) This section does not prohibit a rating organization for title insurance from updating and filing with the commissioner changes to its title insurance rates, manual of rules and rates, rating plans, rate schedules, minimum rates, class of rates, or rating rules at any time.

(3) After the commissioner has approved a rating organization for title insurance's filing of rates, manuals of rules and rates, rating plans, rate schedules, minimum rates, classes of rates, and rating rules and the filing has become effective, the new rates in the filing supersede all earlier corresponding rates filed by that rating organization for title insurance. Insurers must not use rating organization for title insurance rates that have been superseded.

(4) Rates, manuals of rules and rates, rating plans, rate schedules, minimum rates, classes of rates, and rating rules filed by a rating organization for title insurance and approved by the commissioner are considered no longer effective three years after the effective date of the rating organization for title insurance's most recent approved base rates, or their equivalent, filing.

(5) In the event that a rating organization for title insurance fails to timely file to update its base rates, or their equivalent, under subsection (1) of this section or fails to receive approval for an update to its base rates, or their equivalent, before its rates become no longer effective, title insurers that are members of the rating organization for title insurance would not have any rates in effect. In this event, each title insurer:

(a) May continue using the rating organization for title insurance's rates for up to one year after the date specified in subsection (4) of this section; and

(b) Must submit to the commissioner a new filing of title insurance rates under RCW 48.29.147 with a proposed effective date at most one year after the rating organization for title insurance's rates become no longer effective. The title insurer must submit this filing to the commissioner at least one hun-

dred twenty days before the proposed effective date of the filing. This filing will not be required if the title insurer is using new rates filed by the rating organization for title insurance and approved by the commissioner.

NEW SECTION

WAC 284-29B-190 Effect of new rates on outstanding commitments for title insurance. (1) Prior to issuing their title insurance policies, either directly or through a duly appointed title insurance agent, title insurers generally issue title insurance commitments as defined in RCW 48.29.010 (3)(f) which are effective for a period no longer than ninety days (RCW 48.18.230).

(2) When the commitment states a specified policy amount and premium and the transaction closes within ninety days from the date of the issuance of the commitment:

(a) The title insurer may use the rate that was in effect on the date the commitment was issued and stated in the commitment even if new rates have become effective in the interim; or

(b) If the proposed policy amount and premium change from that specified in the original commitment, then the title insurer may use the rate that was in effect on the date the commitment was issued even if new rates have become effective in the interim.

(3) If the commitment does not state a specified policy amount and premium, then the rates in effect upon the issuance of any supplement or amendment to the commitment or amended commitment setting forth the policy amount and premium must be used.

WSR 18-12-086

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(By the Code Reviser's Office)

[Filed June 5, 2018, 9:29 a.m.]

WAC 388-76-10510, 388-76-10515, 388-76-10520, 388-76-10522, 388-76-10525, 388-76-10530, 388-76-10532, 388-76-10540, 388-76-10545, 388-76-10555, 388-76-10560, 388-76-10561, 388-76-10565, 388-76-10585, 388-76-10595, 388-76-10600, 388-76-10615, 388-76-10616, 388-76-10685, 388-76-10700, 388-76-10720, 388-76-10750, 388-76-10765, 388-76-10770, 388-76-10784, 388-76-10795, 388-76-10800, 388-76-10805, 388-76-10810, 388-76-10830, 388-76-10835, 388-76-10840, 388-76-10850, 388-76-10870, 388-76-10885, 388-76-10890, 388-76-10895, 388-76-10900 and 388-76-10905, proposed by the department of social and health services in WSR 17-23-030, appearing in issue 17-23 of the Washington State Register, which was distributed on December 6, 2017, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 18-12-087

**WITHDRAWAL OF PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

(By the Code Reviser's Office)

[Filed June 5, 2018, 9:29 a.m.]

WAC 284-20C-005, 284-110-010, 284-110-020, 284-110-030 and 284-110-040, proposed by the office of the insurance commissioner in WSR 17-23-191, appearing in issue 17-23 of the Washington State Register, which was distributed on December 6, 2017, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 18-12-088

**WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION**

(By the Code Reviser's Office)

[Filed June 5, 2018, 9:30 a.m.]

WAC 230-05-170, proposed by the gambling commission in WSR 17-23-195, appearing in issue 17-23 of the Washington State Register, which was distributed on December 6, 2017, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 18-12-089

**WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION**

(By the Code Reviser's Office)

[Filed June 5, 2018, 9:31 a.m.]

WAC 230-05-102, 230-07-155, 230-07-160, 230-09-056, 230-10-457 and 230-13-169, proposed by the gambling commission in WSR 17-23-198, appearing in issue 17-23 of the Washington State Register, which was distributed on December 6, 2017, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 18-12-093

**PROPOSED RULES
LOWER COLUMBIA COLLEGE**

[Filed June 5, 2018, 12:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-05-043.

Title of Rule and Other Identifying Information: Repealing chapter 132M-136 WAC and replacing with new chapter 132M-139 WAC, Use of college facilities—Expressive activities and chapter 132M-141 WAC, Rental of college facilities.

Hearing Location(s): On August 22, 2018, at 8:30 a.m., at 1600 Maple Street, Administration Building, Room 100, Heritage Room, Longview, WA 98632.

Date of Intended Adoption: August 22, 2018.

Submit Written Comments to: Linda Clark, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, email rulemaking@lowercolumbia.edu, fax 360-442-2129, by August 15, 2018.

Assistance for Persons with Disabilities: Contact Linda Clark, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email rulemaking@lowercolumbia.edu, by August 15, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repealing chapter 132M-136 WAC and replacing with chapter 132M-139 WAC, Use of college facilities for expressive activities and chapter 132M-141 WAC, Rental of college facilities. This change is made to accommodate current practices and changes in case law regarding expressive activities on college campuses. The change designates certain areas of campus as public use areas, times of the day for use of these areas, and restrictions and requirements for use. The change modifies restrictions on distribution of materials on campus. The change modifies restrictions for rental of college facilities.

Reasons Supporting Proposal: The purpose of the proposed relocation to different chapters is to separate out specific areas in the chapter, which will allow for ease in a community member finding applicable information. The proposed changes includes a chapter on the use of college facilities for expressive activities which outlines the steps for individuals wishing to use the college facilities for activities that are not college related and where they do not rent the facilities. Rather, these groups would use a designated space on campus under specific conditions for expressive activities. The chapter regarding the rental of college facilities relates to the rental/use of college facilities by noncollege groups. Repealing chapter 132M-136 WAC and replacing with chapters 132M-139 and 132M-141 WAC, accommodates current practices and changes in case law regarding expressive activities on college campuses.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Lower Columbia College, public.

Name of Agency Personnel Responsible for Drafting: Kendra Sprague, 1600 Maple Street, Administration Building 115, Longview, WA 98632, 360-442-2121; Implementa-

tion and Enforcement: Nolan Wheeler, 1600 Maple Street, Administration Building 203, Longview, WA 98632, 360-442-2201.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules [review] committee has not made that section applicable to the adoption of this rule.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This change is not anticipated to impose any additional cost on business.

June 1, 2018
Kendra Sprague
Vice President of Foundation,
Human Resources and Legal Affairs

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132M-136-020 Distribution of materials policy.
- WAC 132M-136-030 Outside speaker policy.
- WAC 132M-136-050 Outside organizations meeting with students.
- WAC 132M-136-060 Use of college facilities.
- WAC 132M-136-080 Use of college services and equipment by outside groups.
- WAC 132M-136-100 Commercial activities.

Chapter 132M-139 WAC

USE OF COLLEGE FACILITIES—EXPRESSIVE ACTIVITIES

NEW SECTION

WAC 132M-139-100 Title. This chapter shall be known as use of college facilities for expressive activities.

NEW SECTION

WAC 132M-139-105 Definitions. (1) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(2) "College groups" means individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "Expressive activity" includes, but is not limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor

areas, protests, meetings to display group feelings or sentiments and/or other types of assemblies to share information, perspective or viewpoints.

(4) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "Public use areas" means those areas of each campus that the college has chosen to open as places where noncollege groups may assemble for expressive activity protected by the First Amendment, subject to reasonable time, place, or manner restrictions.

NEW SECTION

WAC 132M-139-110 Statement of purpose. Lower Columbia Community College District is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities to which the college's facilities and grounds are dedicated. Accordingly, the college designates the common areas of the college as a limited public forum dedicated to the use of college groups, subject to the time, place, and manner limitations and restrictions set forth in this policy.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college has designated certain facilities as public use areas open to noncollege groups as set forth herein.

NEW SECTION

WAC 132M-139-115 Use of facilities. (1) Subject to the regulations and requirements of this policy, groups may use the campus limited forums for expressive activities between the hours of 7:00 a.m. and 10:00 p.m.

(2) Any sound amplification device may only be used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories, or any previously scheduled college event or activity.

(3) Groups are encouraged to notify the campus public safety department no later than twenty-four hours in advance of an event. However, unscheduled events are permitted so long as the event does not materially disrupt any other function occurring at the facility.

(4) All sites used for expressive activity should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(5) All fire, safety, sanitation, or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activity conducted pursuant to this policy.

(6) The event must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, employees, or invitees to the college.

(7) The event must not substantially and materially interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees, or invitees to the college.

(8) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, carrying on cooking activities, or storing personal belongings for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(9) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club.

(10) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

(11) Individuals or organizations in college facilities, buildings and grounds when campus is closed may be asked to leave if not participating in an activity sanctioned by chapter 132M-139 WAC. The college does not discriminate based on race, color, or national origin in the removal of individuals or organizations from campus. College hours may be found at lowercolumbia.edu/contact.

NEW SECTION

WAC 132M-139-120 Additional requirements for noncollege groups. (1) The college designates the following area as the sole limited public forum area for use by noncollege groups for expressive activity on campus: Quad area in front of admissions building. The public use area may be scheduled. Scheduled groups have priority of use over unscheduled groups.

(2) Noncollege groups that seek to engage in expressive activity on the designated public use area are encouraged to provide notice to the campus public safety office no later than

twenty-four hours prior to the event, along with the following information solely to ensure:

(a) The area is not otherwise scheduled; and

(b) To give the college an opportunity to assess any security needs:

(i) The name, address, and telephone number of a contact person for the individual, group, entity, or organization sponsoring the event;

(ii) The date, time, and requested location of the event;

(iii) The nature and purpose of the event; and

(iv) The estimated number of people expected to participate in the event.

NEW SECTION

WAC 132M-139-125 Distribution of materials. (1) Information may be distributed as long as it is not obscene or libelous or does not advocate or incite imminent unlawful conduct. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information. Noncollege groups may distribute materials only at the site designated for noncollege groups.

(2) All college groups and noncollege groups wishing to post material on college bulletin boards shall contact the director of student programs.

(3) Any student who violates any provision of this section shall be subject to disciplinary action.

(4) Any distribution of materials regulated by established policies and authorized under this section by the director of student programs shall not be construed as support or approval of the content by the college or by the board of trustees of Washington Community College District No. 13.

NEW SECTION

WAC 132M-139-130 Criminal trespass. (1) Noncollege groups who violate these rules, any provision of the conduct code, or whose conduct jeopardizes the health or safety of others, will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus president or designee to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under the criminal trespass provisions of chapter 9A.52 RCW or municipal ordinance.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice president of administration or designee within ten calendar days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice president of adminis-

tration or designee will be the final decision of the college and should be issued within five business days.

Chapter 132M-141 WAC

RENTAL OF COLLEGE FACILITIES

NEW SECTION

WAC 132M-141-100 Title. WAC 132M-141-100 through 132M-141-140 will be known as rental of college facilities.

NEW SECTION

WAC 132M-141-105 Statement of purpose. Lower Columbia College reserves its facilities, buildings and grounds for those activities that are related to its broad educational mission. As such, individuals or organizations in college facilities, buildings and grounds when campus is closed may be asked to leave if not participating in an activity sanctioned by chapter 132M-139 or 132M-141 WAC. College hours may be found at lowercolumbia.edu/contact. At other times, the college facilities may be made available to other individuals and organizations as stated in this chapter. The purpose of these regulations is to establish procedures and reasonable controls for the use of college facilities for non-college groups and for college groups where applicable.

In keeping with this general purpose, and consistent with RCW 28B.50.140 (7) and (9), facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching or public service programs.

Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to ensure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by either individuals or groups within the college community must be made through the designated facility rental coordinator.

NEW SECTION

WAC 132M-141-110 Insurance. College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the college grants permission to use its facilities it is with the express understanding and condition that the indi-

vidual or organization assumes full responsibility for any loss or damage.

Noncollege groups may otherwise use college facilities for expressive activity as identified in chapter 132M-139 WAC.

NEW SECTION

WAC 132M-141-115 Request for use of facilities.

Requests to use college facilities shall be made to the designated facilities rental coordinator, who shall be the agent of the college in consummating use agreements.

NEW SECTION

WAC 132M-141-120 Scheduling and reservation practices. The primary purpose of college facilities is to serve the instructional programs of the college. However, the facilities, when not required for scheduled college use, may be available for use in accordance with current fee schedules and other relevant terms and conditions for such use.

College facilities may not be used by individuals or groups from outside the college unless the facilities including buildings, equipment, and land have been reserved.

In determining whether to accept a request for the use of college facilities, the designated facilities rental coordinator shall use as guidelines the mission of the college and the following items, listed in priority order:

- (1) Lower Columbia College instruction, scheduled programs and activities.
- (2) Major college events.
- (3) Noncollege (outside individual or organization) events.

Arrangements for use of college facilities must be made through the designated facilities rental coordinator. Application for the use of facilities and grounds shall be made no later than ten working days prior to the date the event is scheduled to occur.

NEW SECTION

WAC 132M-141-125 Limitations of use. (1) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions, or service-related activities), groups must obey or comply with directions of an authorized representative of the college.

(2) If at any time actual use of college facilities by an individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

(3) Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations and all laws and ordinances. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates likelihood that college rules and regulations will not be obeyed. The college may also deny use to a requesting individual or organization which has used the facilities in the past and has dam-

aged college property, left college buildings and grounds in excessive disorder, or failed to cooperate with college staff concerning use of the facilities.

(4) No person may enter onto college grounds or facilities possessing a firearm or other dangerous weapon, even if licensed to do so, except duly appointed and commissioned law enforcement officers.

(5) Promotional materials or posting for any event being held in a college facility must follow the same procedure as outlined in WAC 132M-139-125.

(6) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

(7) The college facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college and are either sponsored by an appropriate college unit or conducted by contractual agreement with the college.

(8) Activities will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples or brochures in violation of WAC 132M-139-125.

(9) Alcoholic beverages will not be served without the approval of the vice president for administrative services or designee(s). It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor and cannabis board and adhere to their regulations including all state and local regulations and laws, and those of Lower Columbia College.

(10) Authorization for use of college facilities shall not be considered as endorsement of or approval of any group or organization nor the purposes they represent. The name of the college shall not be associated with any program or activity for which the college facilities are used without specific written approval from the president or his or her designee(s).

(11) Rental of college facilities carries no right of advertising on college premises other than the right to post a sign for the purpose of directing people to the place of assembly.

(12) Unless otherwise provided by contractual agreement, an authorized member of the college staff shall be required to be available at times when college facilities are in use by a group. If service beyond normal business hours is required as a result of any meeting, such time shall be paid by the using organization at the currently established rate. The college may require and charge users for security services at the college's discretion.

(13) Audio-visual equipment and materials are intended to support and supplement the college's curriculum. Equipment shall not be rented to external users, unless official prior approval has been granted and currently established rates are charged. The existence of equipment in a rented space does not mean the user has the right to use it.

NEW SECTION

WAC 132M-141-130 Denial of use. Lower Columbia College is a state agency and exists to serve the public. However, the college may deny use of its facilities to any individual, group, or organization if the requested use would:

(1) Interfere or conflict with the college's instructional, student services, or support programs;

(2) Interfere with the free flow of pedestrian or vehicular traffic on campus;

(3) Involve illegal activity;

(4) Create a hazard or result in damage to college facilities; or

(5) Create undue stress on college resources.

The college president hereby delegates his or her designee(s) the right to cancel the facilities rental agreement at any time and to refund any payment to the college for the use of college facilities. If imminent danger exists or unlawful activity is practiced by the using organization, or if there is any violation of any term, condition, or provision of the use arrangement, the college may terminate an agreement immediately and without notice.

NEW SECTION

WAC 132M-141-135 Other requirements. When using college facilities, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

When the college grants permission to an individual or organization to use its facilities, it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

NEW SECTION

WAC 132M-141-140 Facility rental/use fees. Fees will be charged in accordance with the rates available from the designated facilities rental coordinator. The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

Nonprofit organizations such as, but not limited to, those directly concerned with public schools and those sponsored by public schools or affiliated organizations may be allowed reasonable use of college facilities without the payment of a rental fee.

The college reserves the right to have trained college staff operate any and all technical equipment at the user's expense. Rates and fees for use of facilities are available by contacting the designated facilities rental coordinator.

NEW SECTION

WAC 132M-141-145 Outside speakers. (1) The college subscribes to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. The following is established governing the appearance on campus of speakers not themselves members of the college community.

(2) Any recognized ASLCC student organization with written sanction of the director of student programs, may invite individuals to speak on campus.

(3) The appearance of an invited speaker on the campus does not involve an endorsement, either implicit or explicit, of their views by this college, its students, its faculty, its administration, or its board.

(4) The vice president of student services will be notified at least ten days prior to the appearance of an invited speaker.

WSR 18-12-102
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 5, 2018, 3:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-12-023.

Title of Rule and Other Identifying Information: Amendments to the elevator licensing rules in chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators, and other conveyances.

Hearing Location(s): On July 10, 2018, at 9:00 a.m., at the Department of Labor and Industries (L&I), Tukwila Office, 12806 Gateway Drive South, Tukwila, WA 98168; on July 11, 2018, at 9:00 a.m., at the Red Lion River Inn, 700 North Division Street, Spokane, WA 99202; on July 12, 2018, at 9:00 a.m., at the Red Lion Hotel Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901; and on July 13, 2018, at 9:00 a.m., at Towne Place Suites Marriott, 17717 S.E. Mill Plain Boulevard, Vancouver, WA 98683.

Date of Intended Adoption: July 31, 2018.

Submit Written Comments to: Alicia Curry, P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-5292, by 5 p.m., on July 13, 2018.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by 5 p.m., on June 22, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: L&I is proposing changes to the elevator licensing rules in chapter 296-96 WAC. The department performed a formal review of the licensing rules to update and clarify the rules, and to make housekeeping changes.

Proposed amendments to this chapter will:

- Amend the existing licensing requirements for elevator mechanics and elevator contractors, for example:
 - Modifying the renewal period of temporary elevator mechanic licenses (category 09) to allow twelve licenses in a twelve-month period;
 - Requiring applicants to demonstrate more than seventy-five percent of the education and training hours to qualify for a temporary license (category 09) if multiple licenses are requested;
 - Integrating the education and training requirements for elevator mechanics from policy; and

- Adding "removal" to the elevator mechanic licensing category descriptions to differentiate between removal and decommissioning of conveyances to reflect existing practices.
- Adopt proposals requested by stakeholders, for example:
 - Modified requirements to the ratio, general direction, and education and experience requirements for category 04 elevator mechanics; and
 - Providing a new emergency license for elevator mechanics that is limited for use during a state of emergency.
- Establish a new fee for the emergency license.
- Amend language to update and clarify the rules, for example:
 - Clarifying the existing requirements and processes for obtaining a license, renewals, and revocation;
 - Clarifying the ratio of helper/apprentice to licensed elevator mechanics for various licensing categories;
 - Clarifying the fees that may apply and be collected by an outside testing vendor for some elevator mechanic examinations;
 - Clarifying that not all conveyances are under "full maintenance" contracts, thereby limiting the responsibility of the contractor; and
 - Removing language from the licensing category descriptions, to eliminate interchangeable terms and confusion on work that requires a license.
- Amend language for greater consistency with statutory requirements, such as specifying those that perform conveyance work that must have an appropriate license(s).
- Eliminate duplicative language with the national conveyance safety standards to simplify the rules.
- Amend language for general housekeeping, reformatting, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

Reasons Supporting Proposal: The elevator program performed emergency rule making creating a temporary limited category 03 license that is restricted to work performed on hand-powered manlifts in grain terminals. An initial emergency rule (WSR 17-12-022) and CR-101 preproposal statement of inquiry (WSR 17-12-023) were filed on May 30, 2017, to:

- Consider permanent rule making related to a temporary limited category 03 license for hand-powered manlifts in grain terminals;
- Review all the elevator mechanic licensing rules; and
- Review elevator licensing policies to consider converting longstanding policies into rule.

A second emergency rule (WSR 17-20-028) to renew the rule was filed on September 27, 2017. The emergency rule was needed to address the shortage of licensed mechanics in the grain industry for the upcoming harvest season.

The elevator program has solicited input from stakeholders in the development of permanent rules and for other changes to the licensing rules.

Statutory Authority for Adoption: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Statute Being Implemented: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Dotty Stanlaske, Program Manager, Tumwater, Washington, 360-902-6456; Implementation and Enforcement: David Puente, Jr., Assistant Director, Tumwater, Washington, 360-902-6348.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Alicia Curry, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules include five amendments that do not meet any of the Regulatory Fairness Act exemptions listed above. The department concludes, based on the best information available and detailed in the cost-benefit analysis, that the five proposed rule amendments do not impose any new costs on the parties involved.

June 5, 2018

Joel Sacks

Director

Part 1 - Licensing Requirements

Note: This part covers licensing requirements for elevator contractors and individuals working on conveyances.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00900 ((In general, who is required to be licensed under this chapter?)) General license require-

ments. (1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing, repairing or maintaining conveyances without having a current and valid elevator contractor or mechanic license, issued by the department in accordance with this chapter.

(2) Any person, firm, or company wishing to engage in the business of conveyance work regulated under chapter 70.87 RCW and this chapter ~~((must))~~ shall be a licensed elevator contractor.

~~((2))~~ (3) Any person wishing to perform conveyance work regulated under chapter 70.87 RCW and this chapter ~~((must))~~ shall be a licensed elevator mechanic employed by a licensed elevator contractor except as allowed in RCW 70.87.270 and WAC 296-96-00902.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00902 ((Are there)) Exceptions ((from the)) to elevator mechanic ((licensing)) license requirements((?)). ~~((Yes-))~~ (1) An elevator mechanic license((s)) issued under chapter 70.87 RCW and this chapter ((are)) is not required for:

(a) Individuals who install signal systems, fans, electric light fixtures, illuminated thresholds, finished cab flooring materials that are identical to existing materials and feed wires to the terminals on the elevator main line control provided that the individual does not require access to the pit, hoistway, or top of the car for the installation of these items.

(b) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) Elevator mechanic licenses may not be required for certain types of incidental work that is performed on conveyances when the appropriate lockout and tagout procedures have been performed by a licensed elevator mechanic in the appropriate category. The department ~~((must))~~ shall be notified in writing and ~~((must))~~ shall approve the scope of work prior to it being performed.

(3) An elevator mechanic license in accordance with RCW 70.87.230, is not required when dismantling or removing a conveyance, ~~((as long as))~~ if the building or structure ((as defined by its foundation outline is totally)) is secure from public and unauthorized access, and:

(a) The entire building or portion thereof containing the conveyance(s) is completely demolished down to and including the foundation; or

(b) The entire building or portion thereof containing the conveyance(s) is returned to the basic supporting walls, floors, and roof.

Otherwise, the work is to be performed by a licensed elevator mechanic who works for a licensed elevator contractor.

(4) For license categories (01), (02), (03), (05), (06), (07), and (08) an individual is not required to be licensed if the individual is employed as a helper/apprentice working under the general direction of a licensed elevator mechanic provided the licensed mechanic:

(a) Is working in the same license category or as a category (01) mechanic; and

(b) Is on the same job site as the helper/apprentice at least seventy-five percent of each working day when performing installations, alterations, repairs and callbacks;

There shall not be more than one helper/apprentice assigned to a licensed elevator mechanic at any time;

(c) Provides the necessary education, assistance and supervision to ensure that the maintenance work is performed safely and to code.

(5) For license category (04), an individual is not required to be licensed if the helper/apprentice is working under the general direction of a licensed elevator mechanic provided the mechanic:

(a) Is working in the same license category or as a category (01) mechanic; and

(b) Is on the same job site as the helper/apprentice at least one hundred percent of each working day when performing installation, alterations, repairs and callbacks.

There shall not be more than three helpers/apprentices assigned to a licensed elevator mechanic at any time.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00903 ~~((Are there))~~ **Exceptions** ~~((from the))~~ **to elevator contractor** ~~((licensing))~~ **license requirements** ~~((?))~~. ~~((Yes-))~~ Elevator contractor licenses issued under chapter 70.87 RCW and this chapter are not required for:

(1) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) A public agency that employs licensed elevator mechanics to perform maintenance.

(3) Demolition of a conveyance as outlined in RCW 70.87.230 and WAC 296-96-00902.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00904 ~~((What must you do to become and remain a licensed))~~ **License requirements for elevator contractors** ~~((?))~~. (1) ~~((Obtain and maintain a valid specialty or general contractor registration under chapter 18.27 RCW to engage in the business of conveyance work.~~

~~((2))~~ Any sole proprietor, firm or corporation wishing to engage in the business of installation, alteration, service, replacement of maintenance of equipment covered by this chapter within the state of Washington shall apply for a license with the department of labor and industries.

The entities above shall obtain and maintain a valid specialty or general contractor registration under chapter 18.27 RCW to engage in the business of conveyance work.

(2) The potential licensee shall complete and submit a department-approved application. As part of the application the following shall be provided:

(a) ~~((Specify))~~ The employee who is the licensed elevator contractor's primary point of contact.

(b) The number of years the applicant has been engaged in the business of installing, constructing, altering, replacing,

maintaining, removing, dismantling and/or servicing conveyances.

(c) Documentation that at least one licensed elevator mechanic is employed by the applicant.

(3) The person representing the company, firm or ~~((company))~~ corporation who is applying for the elevator contractor's license ~~((must))~~ shall be considered the company's primary point of contact and shall:

~~((+))~~ (a) Provide acceptable proof to the department that shows that the person representing the company, firm, or ~~((company))~~ corporation has five years of work experience in performing conveyance work as verified by current and previous state of Washington elevator ~~((contractor))~~ licenses ~~((to do business))~~; or

~~((+))~~ (b) Pass a written examination administered by the department on chapter 70.87 RCW and this chapter. ~~((+))~~ the case of a firm or company, the exam will be administered to the designated primary point of contact.

~~((+))~~ (c) Failure to pass the examination will require the submittal of a new application.

~~((+))~~ (4) Pay the fees specified in WAC 296-96-00922.

~~((+))~~ (5) The department may deny application or renewal of a license under this section if the applicant owes outstanding final judgments to the department.

~~((+))~~ (6) If the primary point of contact identified in subsection (2)(a) of this section separates employment, his/her relationship or designation is terminated, or death of the designated individual occurs, the elevator contractor ~~((must))~~ shall, within ninety days, designate a new individual who has ~~((successfully completed the elevator contractor examination and))~~ met the requirement noted above to serve as the elevator contractor's primary point of contact. The elevator contractor shall inform the department of the change in writing or the ~~((elevator contractor))~~ contractor's license will be automatically suspended.

~~((+))~~ ASME A17.1-8.11.1.7 Unique or product specific procedures or methods. (7) Where unique or product-specific procedures or methods are required to inspect or test equipment, such procedures or methods shall be:

(a) Provided in the maintenance control program.

(b) Provided by the manufacturer or installer or their license may be suspended.

~~((b))~~ (c) Available to owners for their use or used by their qualified service provider.

~~((+))~~ (d) Accessible on-site to elevator personnel (see also ASME A17.1-8.6.1.2.1(f)).

(e) Where special tools or devices are necessary for maintenance and testing of conveyances, they shall remain on-site for the life of the conveyance.

~~((+))~~ ASME A17.1-8.6.1.2.1 A written maintenance control program shall be in place to maintain the equipment in compliance with the requirements of ASME A17.1-8.6 and this chapter. (8) Contractor licenses may be revoked for failure to comply with this subsection.

Legal maintenance contracts notwithstanding, all elevator companies and other approved maintenance providers (see RCW 70.87.270) who continuously demonstrate non-compliance with the maintenance, examination, testing, documentation, and performance of work outlined in ASME

A17.1/CSA B44 and this chapter (~~(specifically Part D, Section VI,))~~ shall:

(a) Be notified in writing by the department outlining the reason or reasons for noncompliance;

(b) Respond to the department inquiry within fifteen days;

(c) Outline a solution(s) agreeable to the department within thirty days;

(i) Otherwise the elevator company's license may be suspended until such a time as they can demonstrate compliance; and

(ii) Other approved maintenance providers shall cease maintenance, examination, and testing until such a time as they can demonstrate compliance. Continuous demonstrations of maintenance, examination, and testing noncompliance shall result in approval being revoked.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00906 (~~What must you do to become a licensed~~) **License requirements for elevator mechanics**(~~(?)~~). (1) Any person wishing to engage in the installation, alteration, service, replacement or maintenance of equipment covered by this chapter within the state of Washington shall apply for a license with the department of labor and industries.

(2) Applicants for a category (01) license as identified under WAC 296-96-00910 shall demonstrate at least one of the following qualifications in order to obtain a license without an exam:

(a) Successfully completed an apprenticeship training program for elevator mechanics and have passed the final examination required by such program; or

(b) Performed at least five thousand four hundred hours of acceptable work experience in construction, installation, maintenance, service or repair of elevators or other conveyances subject to this chapter, as verified by current and prior employers, and have passed a nationally recognized elevator mechanic's examination, such as that administered by the National Elevator Industry Education Program or as approved by the department; or

(c) Possess an elevator mechanic's license from another state that has standards substantially equal to those established in this chapter.

(3) Any person wishing to obtain a category (01) license coming from another state without licensing may obtain a license with examination by paying the required fee and submitting an application with documentation demonstrating the applicant has worked as an elevator mechanic without supervision for at least five thousand four hundred hours.

(4) Conditions for temporary elevator mechanics: In the event an elevator contractor encounters a verifiable shortage of licensed mechanics, an elevator contractor may request that the department issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Each license shall recite that it is valid for thirty days to the holder as long as he or she is

employed by the licensed elevator contractor that certified the individual as qualified.

As part of the initial licensing process the applicant shall: Have seventy-five percent of both education and training hours to obtain a license (see WAC 296-96-00908).

(5) Conditions for emergency elevator mechanics: If the governor should declare a state of emergency due to a disaster, or an act of God, or other extenuating circumstances and the number of persons in the state holding valid licenses is insufficient to cope with the emergency, an elevator contractor may request emergency elevator mechanic licenses for persons who are not licensed to perform work subject to this chapter but are certified by the elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Each such license shall be valid for a period of thirty days and renewable as long as the emergency exists.

(6) The department may deny renewal or application, or suspend an individual's license if they have an outstanding final judgment.

(7) Qualify for licensing:

(a) For conveyance work covered by all categories identified in WAC 296-96-00910 except personnel hoists (04), material lifts (05), residential conveyances (06), residential inclined elevators (07) and temporary licenses (09), the applicant (~~(must)~~) shall comply with the applicable mechanic licensing requirements as follows:

(i) Test.

(A) The applicant (~~(must)~~) shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry under the general direction of a licensed elevator mechanic performing conveyance work in the same category as verified by current and previous employers licensed to do business in this state or as an employee of a public agency;

Acceptable proof may include department-approved forms documenting years of experience, affidavits, letters from previous employers, declarations of experience, education credits, copies of contractor registration information, etc. Additional documentation may be requested by the department to verify the information provided on the application; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter; or

(ii) National exam/education.

(A) Have obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(B) Have obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of chapter 70.87 RCW and this chapter, and registered with the Washington state apprenticeship and training council under chapter 49.04 RCW; or

(iii) Reciprocity. The applicant (~~(must)~~) shall provide acceptable proof to the department that shows that the appli-

cant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(b) For conveyance work performed on personnel hoists as identified in WAC 296-96-00910(4):

(i) Test. The applicant shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years (for the purpose of this category one year will be equivalent to seven hundred hours) documented experience and education credits in conveyance work under the general direction of a licensed elevator mechanic as described in category (04) performing conveyance work in the same category as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW, A10.4 and this chapter.

(iii) Reciprocity. The applicant shall provide acceptable proof to the department that shows the applicant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(c) For conveyance work performed on material lifts as identified in WAC 296-96-00910(5):

(i) Test. ((+)) The applicant and the licensed elevator contractor/employer ((must)) shall comply with the provisions of RCW 70.87.245; and

(ii) The applicant ((must)) shall pass an examination administered by the department on chapter 70.87 RCW and this chapter;

((+)) (d) For residential conveyance work covered by category (06) as identified in WAC 296-96-00910:

(i) Test. ((+)) The applicant ((must)) shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than two years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

((+)) (e) For residential inclined conveyance work covered by category (07) as identified in WAC 296-96-00910;

(i) Test. ((+)) The applicant ((must)) shall provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years' documented experience and education credits in conveyance work as described in category (01) performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(ii) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

((+)) (f) For temporary mechanic licenses as identified in WAC 296-96-00910 category (09) the applicant ((must)) shall provide acceptable proof from a licensed elevator contractor that attests that the ((temporary mechanic is certified as qualified and)) individual is competent to perform work under chapter 70.87 RCW and this chapter.

((+)) (8) Complete and submit a department-approved application.

An applicant who is required to take an examination under the provisions of this section may not perform the duties of a licensed elevator mechanic until the applicant has been notified by the department that he/she has passed the examination.

((+)) (9) Pay the fees specified in WAC 296-96-00922.

((+)) (10) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department or does not meet the minimum criteria established in the elevator laws and rules.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00907 (ASME A17.1 8.11.1.5) Making safety devices ineffective. ~~((No person shall at any time make any required safety device or electrical protective device ineffective, except where necessary during tests and inspections. Such devices must be restored to their normal operating condition in conformity with the applicable requirements prior to returning the equipment to service (see ASME A17.1 2.26.7).))~~ If a required safety device or electrical protective device is found ineffective during ~~((the course of))~~ normal operation the conveyance ~~((must))~~ shall be immediately taken out of service. If the authorized mechanic or elevator company is found responsible for disabling the device(s) and placing the conveyance back into service they may have their ~~((license))~~ license(s) suspended until they can demonstrate conformity to ~~((the))~~ this chapter (examples include, but are not limited to: Safety circuit, door and gate, terminal slowdowns, door reopening devices, anti-egress devices, or over current protection devices).

NEW SECTION

WAC 296-96-00908 Elevator mechanic experience and education requirements. (1) General.

(a) Applicants for an elevator mechanic license shall have an acceptable combination of documented experience and education credits in the category of license sought as prescribed in Table 1 of this section to qualify for licensing.

(b) An acceptable combination of documented experience and education credits is determined by the department.

(c) The total number of hours for acceptable years' experience performing conveyance work is determined by the department.

(2) Acceptable education credit requirements.

(a) Applicants for an elevator mechanic license shall earn a certain number of education credits every year. The number of education credits required depends upon the number of hours required for the license category.

(b) An "education credit," for the purposes of this chapter, is equivalent to one hour of educational training.

(c) Credit may be earned by one or more of the following methods:

- (i) In-person college or trade school course work;
- (ii) On-line courses;
- (iii) Industry-sponsored programs;
- (iv) Company and manufacturer-specific training.

(d) Education credits may be carried over from one twelve-month period to a subsequent twelve-month period until the appropriate number of work experience hours can be obtained for the applicant to qualify for the written examination.

(e) Elevator companies are responsible for determining the best way to train their employees in order to meet the educational requirements for the particular category of license sought.

(3) Acceptable experience requirements.

(a) Applicants for an elevator mechanic license shall obtain hands-on work experience on conveyance system installations, maintenance, repair, service, and testing with the exception of the category (08) license.

(b) Applicants pursuing the category (08) license shall obtain hands-on work experience on conveyance system maintenance and nonalteration repair and replacement.

(4) Acceptable proof of experience and education credits.

(a) The applicant shall provide the department with a complete list of education credits and copies of certificates of successful completion before the applicant can take the written examination administered by the department.

(b) For an initial license, the applicant may need to take and pass the written examination. To qualify for the written examination or a license, the applicant shall earn a certain number of education and work experience hours. The department recommends these hours include the following subjects depending on the type of licensing category:

- Basic safety, electricity, rigging and hoisting.
- Basic introduction to maintenance practices.
- Electrical theory, electronics, and electrical operation.
- Electrical wiring, equipment, installation and maintenance.
- Conveyance safety testing.
- Suspension maintenance and testing.
- Installation of pits, rails, machine rooms, and hoistways.
- Hydraulic theory, operation, and installation.
- Elevator doors and door operators.
- Conveyance installation and related construction.
- Escalators/moving walks installation, maintenance and testing.
- Applicable national and state codes (ASME, NFPA, ADA, WAC, etc.).

(c) A detailed list of courses meeting the requirements of this chapter will be maintained by the department.

(5) Experience and education hours required by category. Applicants for an elevator mechanic license shall complete the following education and work experience hours in the applicable licensing category to qualify for written examination or a license:

**Table 1
Experience and Education Hours**

License Category	Minimum Hours of Education Credits Required to be Eligible for Licensing	Total Minimum Hours of Combined Education Credits and Work Experience to be Eligible for Licensing
Category (01)	144 hours per twelve-month period for three consecutive twelve-month periods for a total of 432 hours	1,800 hours per twelve-month period for three consecutive twelve-month periods for a total of 5,400 hours
Category (02)	90 hours per twelve-month period for three consecutive twelve-month periods for a total of 270 hours	1,800 hours per twelve-month period for three consecutive twelve-month periods for a total of 5,400 hours
Category (03)	90 hours per twelve-month period for three consecutive twelve-month periods for a total of 270 hours	1,800 hours per twelve-month period for three consecutive twelve-month periods for a total of 5,400 hours
Category (04)	80 hours total	700 hours will be the equivalency of 1 year for a total of 2,100 hours (3 years)
Category (05) ¹	N/A	N/A
Category (06)	40 hours per twelve-month period for two consecutive twelve-month periods for a total of 80 hours	1,200 hours per twelve-month period for two consecutive twelve-month periods for a total of 2,400 hours
Category (07)	40 hours per twelve-month period for one twelve-month period for a total of 40 hours	1,800 hours per twelve-month period for three consecutive twelve-month periods for a total of 5,400 hours

License Category	Minimum Hours of Education Credits Required to be Eligible for Licensing	Total Minimum Hours of Combined Education Credits and Work Experience to be Eligible for Licensing
Category (08)	144 hours per twelve-month period for three consecutive twelve-month periods for a total of 432 hours	1,800 hours per twelve-month period for three consecutive twelve-month periods for a total of 5,400 hours
Category (09) ²	75% of the educational hours in the category of the license sought	75% of the experience hours in the category of the license sought
Category (10) Emergency License	As certified by the elevator contractor	As certified by the elevator contractor

Notes: ¹Category (05): The applicant shall meet the experience and education requirements per RCW 70.87.245.

²Category (09): The applicant shall meet the experience and education requirements per WAC 296-96-00906 and 296-96-00912.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00910 (~~What are the~~) **Elevator mechanic license categories**(~~(?)~~). The following are the licensing categories for qualified elevator mechanics or temporary elevator mechanics:

(1) **Category (01):** A general elevator mechanic license encompasses (~~mechanical and electrical operation, construction,~~) the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of all types of elevators and other conveyances in any location covered under chapter 70.87 RCW and this chapter.

(2) **Category (02):** This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following commercial and residential conveyances:

(a) Residential conveyances:

- (i) Wheelchair lifts*;
- (ii) Dumbwaiters;
- (iii) Incline chairlifts*;
- (iv) Residential elevators(=);

*License is not required to remove these.

(b) Commercial conveyances:

- (i) Wheelchair lifts;
- (ii) Dumbwaiters; (~~and~~)
- (iii) Incline chairlifts(=); and
- (iv) LULA elevators.

(3) **Category (03):** This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following conveyances in industrial sites and grain terminals:

- (a) Electric and hand powered manlifts;
- (b) Special purpose elevators; and
- (c) Belt manlifts.

(4) **Category (04):** This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of the following conveyances:

- (a) Temporary personnel hoists;
- (b) Temporary material hoists; and

(c) Special purpose elevators.

(5) **Category (05):** This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of material lifts.

(6) **Category (06):**

(a) This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, and repair of the following conveyances:

- (i) Residential wheelchair lifts;
- (ii) Residential dumbwaiters; and
- (iii) Residential incline chairlifts.

(b) Work experience on conveyances in (a)(i), (ii), and (iii) of this subsection may not be all inclusively applied toward the category (02) license requirements.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements (~~provided that~~) if the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the (~~general~~) public. Such exempt work does not count toward work experience for licensure.

(7) **Category (07):** This license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, and repair of residential inclined elevators.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements (~~provided that~~) if the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the (~~general~~) public. Such exempt work does not count toward work experience for licensure.

(8) **Category (08):** This license is limited to maintenance and nonalteration repair and replacement of all conveyances and is further limited to employees of public agencies to obtain and maintain the license. This work should not count towards other licenses.

(9) **Category (09):** (~~This~~) A temporary license is limited to the (~~mechanical and electrical operation, construction,~~) installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of conveyances(~~:- This license is limited to individuals that are certified as qualified and competent by licensed elevator contractors and have met the education and training requirements in the category~~

of license for the work performed. See policy number 07-16-104. The individual must be an employee of the licensed elevator contractor. The contractor shall furnish acceptable proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular elevators or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued under chapter 70.87 RCW and this chapter.

Note: See policy number 07-16-104.)

in the category for which the license is sought. The license shall be issued pursuant to the conditions of RCW 70.87.250.

(10) Category (10): An emergency license is limited to the installation, alteration, maintenance, inspection, relocation, decommission, removal, and repair of conveyances by elevator mechanics that are certified by an elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision and is further limited for use during a state of emergency.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00912 ((How long is the elevator contractor, elevator mechanic, and temporary mechanics licensing period and what is required for renewal?))

License renewal requirements. ((1) Elevator contractors.

(a) The renewal period is two years from the date of issuance.

(b) As part of the renewal process the elevator contractor must:

(i) Complete and submit a department approved application.

(ii) Designate an employee as a primary point of contact.

(iii) Pay the fees specified in WAC 296-96-00922.

(2) Elevator mechanics (category 01-08).

(a) The renewal period is two years from the date of your birthday. The initial license may be for a shorter period as follows. If your birth year is:

(i) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(ii) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

(b) As part of the renewal process you must:

(i) Complete and submit a department approved application.

(ii) Have attended an approved continuing education course and submitted a certificate of completion for the course. The course must consist of not less than eight hours of instruction that must have been attended and completed within one year immediately preceding any license renewal.

(iii) Pay the fees specified in WAC 296-96-00922.

(3)) (1) An elevator contractor or elevator mechanic license issued pursuant to this chapter shall be valid for a period of two years and may be renewed by submission of a renewal application to the department, payment of a renewal fee as specified in WAC 296-96-00922 and proof of compliance with the requirements of this chapter.

(a) Elevator contractor licenses expire on the calendar date two years from issuance.

Upon renewal the elevator contractor shall verify the primary point of contact information is correct.

(b) Elevator mechanic licenses expire on the licensee's birth date in the calendar year two years from the year of application. It is noted that the initial license term may be valid for a longer or shorter period of time depending on when the licensee's birthday falls compared to the date on which the initial license was issued.

(i) If a license is issued in an even-numbered year, the license will expire on the license holder's birth date in the next even-numbered year.

(ii) If a license is issued in an odd-numbered year, the license will expire on the license holder's birth date in the next odd-numbered year.

(c) Renewal of an elevator mechanic license shall be conditioned upon completion of not less than eight hours of instruction within one year immediately preceding a license renewal application and submission of a certificate of completion for the course. Continuing education courses and instructors shall be approved by the department.

(2) Temporary elevator mechanics (category (9)) (09)). The renewal is limited to ((two consecutive months and further limited by)) no greater than ((six permits issued)) twelve times in a twelve-month period. The limitation may be extended at the discretion of the department. Examples include, but are not limited to, abnormally high rate of construction((;)) or natural disaster ((or work stoppage)).

(a) The renewal period is thirty days from the date of issuance.

(b) As part of the renewal process ((you must)) the applicant shall:

(i) Complete and submit a department approved application.

(ii) Pay the fees specified in WAC 296-96-00922.

(iii) Have seventy-five percent of both education and training hours to obtain a license (see ((education policy)) WAC 296-96-00908).

Note: The department may require the applicant demonstrate more than seventy-five percent of education hours if multiple temporary licenses are requested.

((4)) (3) The department may deny renewals of licenses under this section if the applicant owes outstanding final judgments to the department. Final judgment also includes any penalties assessed against an individual or firm owed the department because of an unappealed civil penalty or any outstanding fees due under chapter 70.87 RCW and this chapter.

((5)) (4) Renewals will be considered timely when the renewal application is received on or prior to the expiration date of the license.

((6) Late renewal is for) (5) Renewals are considered late if the renewal applications are received after the expiration date of the license but no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

((7)) (6) A mechanic licensed in the state of Washington may take a withdrawal if they are no longer working for a

company licensed in the state or no longer performing work that requires a license. A mechanic holding a valid license that wishes to withdraw their license ~~((must))~~ shall submit their request, in writing, to the department of labor and industries elevator section prior to the license expiration date. To cancel a withdrawal request and be reinstated, the mechanic ~~((must))~~ shall submit their request in writing, reapply, complete the ~~((current))~~ required continuing education, and pay the renewal licensing fee.

Part 2 - Continuing Education

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00914 ~~((Where can you obtain information regarding department approved))~~ **Continuing education course providers**~~((?))~~. The department ~~((will))~~ shall produce a list of all approved training course providers and/or course contact persons that provide continuing education courses required under chapter 70.87 RCW and this chapter. This list will be available to all renewal applicants who request it.

The department may also provide continuing education training.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00916 ~~((Who approves and what is the process for becoming a))~~ **Continuing education course provider**~~((?))~~ **requirements.** (1) The department approves continuing education course providers.

(2) The department will review and approve courses.

(a) All providers seeking course approval ~~((must))~~ shall submit the required information to the department on a form provided by the department.

(b) The courses ~~((must))~~ shall be taught by instructors through continuing education providers; courses may include but are not limited to, association seminars and labor training programs.

(c) All instructors ~~((must))~~ shall be approved by the department and are exempt from the requirements of WAC 296-96-00912 (2)(b)(ii) ~~((with regard to))~~ regarding his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and the instructor ~~((must teach))~~ shall have taught two or more courses in the year preceding the renewal.

(d) All training courses ~~((must))~~ shall conform to and be based upon current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(e) All course approval requests ~~((must))~~ shall include:

(i) A general description of the course, including its scope, the instructional materials to be used and the instructional methods to be followed;

(ii) A detailed course outline;

(iii) A sample copy of the certificate that will be provided to the attendee. The certificate shall note the name of the course, the number of hours as approved by the depart-

ment, a course number if one has been assigned by the provider, the date the education was completed and the instructor's signature.

~~((iv))~~ (iv) The name and qualifications of the course instructor(s);

~~((iv))~~ (v) The locations where the course will be taught;

~~((v))~~ (vi) The days and hours the course will be offered; and

~~((vi))~~ (vii) The specific fees associated with the course, as well as, the total cost of the course.

(f) Training courses will be approved for a two-year period.

(g) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(h) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it will give the provider written notification of the withdrawal, specifying the reasons for its decision.

(i) Approved training providers ~~((must))~~ shall keep uniform records, for a period of ten years, of attendance of licensees and these records ~~((must))~~ shall be available for inspection by the department at its request. The provider ~~((must))~~ shall submit a list of names of the attendees to the department on or before thirty days after the date of the course being held. Approved training providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00918 ~~((Who is exempt from the))~~ **Exemptions to continuing education requirements**~~((?))~~. The following individuals are exempt from continuing education requirements:

(1) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. Application shall be made on a form provided by the department and signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee ~~((must))~~ shall submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability at which time a waiver sticker, valid for ninety days, ~~((must))~~ shall be issued to the licensee and affixed to his or her license.

The licensee can work during the time that a certified statement from the physician releasing the licensee to return to work is submitted to the department. The licensee has ninety days from this date to take the required courses ~~((in order))~~ to renew his/her license. If the licensee has not taken the required courses on or before the ninetieth day from the

date the certified statement was sent in to the department, ~~((he/she))~~ the licensee will no longer be able to perform work.

(2) Approved instructors under WAC 296-96-00916 with regard to ~~((his or her))~~ the instructor's application for license renewal, ~~((provided that))~~ if such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal ~~((and that))~~. The instructor ~~((must teach))~~ shall have taught two or more courses in the year preceding the renewal.

Part 3 - License Examinations, Fees, and Penalties

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00920 ~~((When and where are))~~ Elevator licensing examinations ~~((held?))~~. Examinations shall be held at locations and times when considered necessary by the department. The department will notify qualified applicants of the date, time, and location of the examination.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-00922 ~~((What are the fees associated with))~~ Licensing ~~((?))~~ fees. The following are the department's elevator license fees:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	\$64.30
Elevator contractor/mechanic examination fee	Per application	\$193.60***
Reciprocity application fee	Per application*	\$64.30
Elevator mechanic license	2 years	\$129.00
Elevator contractor license	2 years	\$129.00
Temporary elevator mechanic license	30 days	\$32.00
<u>Emergency elevator mechanic license</u>	<u>30 days</u>	<u>\$32.00</u>
Elevator mechanic/contractor timely renewal fee	2 years	\$129.00
Elevator mechanic/contractor late renewal fee	2 years	\$258.30

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Training provider application/renewal fee	2 years	\$129.00
Continuing education course fee by approved training provider	1 year**	Not applicable
Replacement of any licenses		\$19.20
Refund processing fee		\$38.50

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity ~~((agreement))~~.

** This fee is paid directly to the continuing education training course provider approved by the department.

***This fee may be collected by an outside vendor for some exams and may differ from the fee shown above.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-00924 ~~((What procedures does the department follow when issuing a))~~ Civil ~~((penalty))~~ penalties for licensing violations ~~((?))~~. (1) If the department determines that ~~((an individual))~~ a person, firm, or company has violated the licensing requirements of chapter 70.87 RCW or this chapter, the department may issue a civil penalty describing the reasons for the violation(s). The department may issue a civil penalty to:

(a) A person, firm, or company who is advertising, offering to do work or submitting a bid to perform conveyance work, or employing elevator mechanics and does not have a valid elevator contractor's license as required under chapter 70.87 RCW or this chapter; or

(b) An individual who is offering to do work or working under chapter 70.87 RCW or this chapter and does not have a valid elevator mechanic license.

(2) A person, firm, or company may appeal a civil penalty issued under chapter 70.87 RCW or this chapter.

(3) A person, firm, or company cited for a violation under chapter 70.87 RCW or this chapter may be assessed a civil (monetary) penalty based upon the following schedule:

<u>First violation</u>	<u>\$500.00</u>
<u>Each additional violation</u>	<u>\$500.00</u>

(4) Each day a person, firm, or company is in violation may be considered a separate violation.

(5) Each job site at which a person, firm, or company is in violation may be considered a separate violation.

(6) The department shall serve notice by certified mail to a person, firm, or company for a violation of chapter 70.87 RCW or this chapter. A violation will be considered served

on the date it is mailed to his or her last known address on record with the department.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00930 ((~~What if I owe~~) Outstanding ((~~final~~) judgments ((~~to the department?~~)). The department may deny renewal or application of, or suspend ((~~your~~) a license if ((~~you have an~~) there are any outstanding final judgments.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-96-00926 What are the civil (monetary) penalties for violating the licensing requirements of chapter 70.87 RCW or this chapter?

**WSR 18-12-103
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 5, 2018, 3:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-093.

Title of Rule and Other Identifying Information: Amendments to the elevator rules in chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators, and other conveyances.

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at the Department of Labor and Industries (L&I), Tukwila Office, 12806 Gateway Drive South, Tukwila, WA 98168; on July 11, 2018, at 10:00 a.m., at the Red Lion River Inn, 700 North Division Street, Spokane, WA 99202; on July 12, 2018, at 10:00 a.m., at the Red Lion Hotel Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901; and on July 13, 2018, at 10:00 a.m., at the Towne Place Suites Marriott, 17717 S.E. Mill Plain Boulevard, Vancouver, WA 98683.

Date of Intended Adoption: July 31, 2018.

Submit Written Comments to: Alicia Curry, L&I, P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-5292, by 5 p.m., on July 13, 2018.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by 5 p.m., on June 22, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: L&I is proposing amendments to the elevator rules in chapter 296-96 WAC. The department performed a formal review of the rules to adopt new safety code requirements, to update and clarify the rules, and make housekeeping changes. This rule making excludes the elevator licensing rules (Part B - Elevator Con-

tractor and Conveyance Mechanic Licenses and Regulations and Fees), due to a separate rule making in progress.

Proposed rules to this chapter will:

- Adopt new safety code requirements for conveyances in the state of Washington. This includes:
 - American Society of Mechanical Engineers (ASME), Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose Elevators (ASME A17.1-2016/CSA B44 - 16);
 - ASME A17.2 Guide for the Inspection of Elevators, Escalators, & Moving Walks (2017);
 - ASME A17.3 Safety Code for Existing Elevators and Escalators (2015);
 - ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts (2017);
 - ASME A90.1 Safety Code for Belt Manlifts (2015);
 - American Society of Safety Engineers (ASSE)/American National Standards Institute (ANSI) A10.4 Safety Code for Personnel Hoists (2016); and
 - ASSE/ANSI A10.5 Safety Code for Material Hoists (2013).
- Adopt references to other safety codes, such as the National Electrical Code, International Code Council and National Fire Protection Agency.
- Adopt exceptions to the national safety code requirements, such as allowing a time frame for owners to comply with ASME A17.3 without penalty.
- Adopt proposals requested by stakeholders, for example:
 - Allowing replacement data tags to be created with known information in the event of missing tags to provide an affordable and reasonable means for customers to comply with data tag requirements;
 - Removing the requirement for installation of pit switches between thirty-six and forty-eight inches above the bottom landing to eliminate safety hazards for elevator mechanics performing work in the pit and the undue financial burden for building owners;
 - Removing the requirements to obtain a permit for certain repairs and replacements to eliminate unnecessary costs for building owners and elevator contractors; and
 - Relocating various sections in Part C to Part D requirements to eliminate duplication, reduce confusion in enforcement, and unnecessary additional costs for customers.
- Amend the rules for clarity, to improve safety and reflect the existing processes and practices of the department, for example:
 - Clarifying that approved installation or alteration permits must be posted along with approved plans issued by the department on the job site;
 - Clarifying where light needs to be measured in the pit and machine room for better illumination;
 - Creating new definitions, such as "layout drawings, engineering" to clarify that engineering drawings are different than shop drawings and which of these drawings must be stamped by an engineer;

- o Clarifying that shunt-trip breakers need to be in the elevator machine or control room where it is less likely to be reset by persons other than elevator personnel who have surveyed the equipment after a sprinkler discharge in the hoistway or machine/control room;
- o Requiring that handrails installed in elevator cars comply with the Americans with Disabilities Act requirements;
- o Requiring that governor overspeed testing in chair lifts be tested by the manufacturer with documentation;
- o Clarifying the procedures for units placed out of service on a voluntary basis; and
- o Clarifying the department investigates an injury-related accident reported by the owner or owner's duly authorized agent to align with the statute.
- Align the elevator rules with department of safety and health requirements for confined space.
- Amend language to update the rules, for example:
 - o Eliminating the requirement to submit two sets of plans, since plans are now received and returned electronically and only one set is needed; and
 - o Requiring that periodic test results be retained on-site for review by elevator personnel instead of submitting the results to the department for approval.
- Amend language to exclude residential incline chair lifts that are labeled and listed by a product-testing laboratory from plan review requirements to reduce the processing time for review of plans that are essentially similar.
- Amend language to allow the elevator safety advisory committee (ESAC) to appoint a new member to fill the remainder of a member's term if the member cannot fulfill their obligation.
- Amend language for general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

Reasons Supporting Proposal: This rule making is necessary to replace the existing code requirements with the current national standards to bring the rules up-to-date with technological advances, align Washington's requirements with those of the national standards, and for changing industry needs.

ASME is the recognized safety standard for the elevator industry. ASME standards address both new and existing elevators, escalators, dumbwaiters, moving walks, material lifts, platform lifts and stairway chairlifts and provides requirements applying to the design, construction, installation, operation, testing, inspection, maintenance, alteration, and repair of those conveyances. The purpose of the safety codes and standards are to enhance public health and safety.

ASSE/ANSI promulgates standards for temporary installations for conveyances regulated by the department. The purpose of these standards is to enhance worker safety.

For more information on this rule making, visit the L&I web site at <http://www.lni.wa.gov/TradesLicensing/Rules/ByTrade/Elevator/Rulemaking.asp> or contact the individual below. Interested parties can sign up for email updates at <http://www.lni.wa.gov/main/listservs/default.asp>.

Statutory Authority for Adoption: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Statute Being Implemented: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Dotty Stanlaske, Program Manager, Tumwater, Washington, 360-902-6456; Implementation and Enforcement: David Puente, Jr., Assistant Director, Tumwater, Washington, 360-902-6348.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Alicia Curry, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute.

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328 (5)(b).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules include four amendments that do not meet any of the Regulatory Fairness Act exemptions listed above. The department concludes, based on the best information available and detailed in the cost-benefit analysis, that the four proposed amendments do not impose any new costs on the parties involved.

June 5, 2018

Joel Sacks

Director

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00600 ((What rules apply to your conveyance?)) Application of adopted standards and rules. ((Elevators and other conveyances must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the

rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted.) Conveyances are required to comply with rules and standards that:

- (1) Were in effect at the time of the original installation;
- or
- (2) Were in effect at the time of any alteration;
- (3) Apply to new and existing elevators (see ASME A17.1/CSA B44 1.1.3); and
- (4) ASME A17.3, Safety Code for Existing Elevators and Escalators and chapter 296-96 WAC, Part D.

Copies of previous rules adopted by the department are available upon request.

~~((Please note, if the conveyance is altered the components associated with the alteration must comply with all of the applicable rules adopted by the department in effect at the time the conveyance alteration was permitted.))~~ If the department determines that a conveyance was installed or altered without a permit and inspection, the installation or alteration will be required to comply with the applicable rules and standards adopted by the department at the time the noncompliant installation or alteration was identified.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00650 ~~((Which National Elevator Codes and Supplements has the department adopted?))~~ **Adopted standards.**

<u>((NATIONAL)) ELEVATOR CODES AND SUPPLEMENTS ADOPTED</u>				
<u>TYPE OF CONVEYANCE</u>	<u>((NATIONAL)) CODE AND SUPPLEMENTS</u>	<u>DATE INSTALLED</u>		<u>COMMENTS</u>
		<u>FROM</u>	<u>TO</u>	
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, ((1962)) 1960	11/1/1963	12/29/1967	Adopted Standard

<u>NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED</u>				
<u>TYPE OF CONVEYANCE</u>	<u>CODE AND SUPPLEMENTS</u>	<u>DATE INSTALLED</u>		<u>COMMENTS</u>
		<u>FROM</u>	<u>TO</u>	
Moving Walks	American Standard Safety ((Association)) Code (ASA) A17.1.13, 1962	11/1/1963	12/29/1967	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	U.S.A. Standards ((USAS)) USAS ((A17.1, 1965)) A17.1-1965 Supplements ((A17.1a, 1967; A17.1b, 1968; A17.1c, 1969)) A17.1a-1967 A17.1b-1968 A17.1c-1969	12/30/1967	2/24/1972	Adopted Standard USAS 1965 includes revision and consolidation of ((A17.1-1, 1960, A17.1a, 1963, and A17.1-13, 1962)) A17.1-1960, A17.1a-1963, & A17.1-13-1962. Adopted code and supplements, excluding Appendix E ((and)) & ANSI ((A17.1d, 1970)) A17.1-1970.
Elevators, Dumbwaiters, Escalators, and Moving Walks	American National Standards Institute ((ANSI A17.1, 1971)) A17.1-1971	2/25/1972	6/30/1982	Adopted Standard as amended and revised through 1971.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1, 1971; A17.1a, 1972)) A17.1-1971; A17.1a-1972	2/25/1972	6/30/1982	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1, 1981)) A17.1-1981	7/1/1982	1/9/1986	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1a, 1982)) A17.1a-1982	3/1/1984	1/9/1986	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1b, 1983)) A17.1b-1983	12/1/1984	1/9/1986	Adopted Supplement, except portable escalators covered by Part VIII ((of A17.1b, 1983)) A17.1b-1983.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1, 1984)) A17.1-1984	1/10/1986	12/31/1988	Adopted Standard Except Part XIX. After 11/1/1988 Part II, Rule 211.3b was replaced by WAC 296-81-275.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1a, 1985)) A17.1a-1985	1/10/1986	12/31/1988	Adopted Supplement

NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
<u>TYPE OF CONVEYANCE</u>	<u>CODE AND SUPPLEMENTS</u>	<u>DATE INSTALLED</u>		<u>COMMENTS</u>
		<u>FROM</u>	<u>TO</u>	
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1b, 1985; A17.1c, 1986; A17.1d, 1986; and A17.1e, 1987)) <u>A17.1b-1985</u> <u>A17.1c-1986</u> <u>A17.1d-1986</u> <u>A17.1e-1987</u>	12/6/1987	12/31/1988	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI ((A17.1, 1987)) <u>A17.1-1987</u>	1/1/1989	12/31/1992	Adopted Standard Except Part XIX and Part II, Rule 211.3b. WAC 296-81-275 replaced Part II, Rule 211.3b.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME ((A17.1, 1990)) <u>A17.1-1990</u>	1/1/1993	2/28/1995	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME ((A17.1, 1993)) <u>A17.1-1993</u>	3/1/1995	6/30/1998	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME ((A17.1, 1996)) <u>A17.1-1996</u>	6/30/1998	6/30/2004	Adopted Standard Except Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME ((A17.1, 2000; A17.1a, 2002; A17.1b, 2003)) <u>A17.1-2000</u> <u>A17.1a-2002</u> <u>A17.1b-2003</u>	7/1/2004	1/1/2008	Adopted Standards and Addenda Except Rules 2.4.12.2, 8.6.5.8 and Sections 5.4, 7.4, 7.5, 7.6, 7.9, 7.10, 8.10.1.1.3 and 8.11.1.1.
Safety Standards for Platform Lifts and Stairway Chairlifts	ASME ((A18.1, 1999; A18.1a, 2001; A18.1b, 2001)) <u>A18.1-1999</u> <u>A18.1a-2001</u> <u>A18.1b-2001</u>	7/1/2004	1/1/2008	Adopted Standards and Addenda.
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, Special Purpose	ASME A17.1-2004((;)) A17.1a-2005	1/1/2008	1/1/2014	Adopted Standards and Addenda Except Rules 2.4.7.2, marked car top clearance space, 8.6.5.8, Maintenance of safety bulkhead, 5.4, Private residence incline elevators, 7.4 & 7.5 & 7.9 & 7.10 Material lifts, 8.10.1.1.3 and 8.11.1.1, QEI-1 inspector.
Safety Code for Platform Lifts and Stairway Chairlifts	ASME A18.1-2005	1/1/2008	1/1/2014	
Safety Code for Belt Manlifts	ASME A90.1-2003	1/1/2008	1/1/2014	
Safety Code for Personnel Hoists, Retroactive	ANSI A10.4-2004	1/1/2008	1/1/2014	
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, Special Purpose	ASME A17.1-2010	1/1/2014	((Current)) <u>8/31/2018</u>	
Standard for Elevator Suspension, Compensation, and Governor Systems	ASME A17.6-2010	1/1/2014	Current	
Safety Code for Platform Lifts and Stairway Chairlifts	ASME A18.1-2011	1/1/2014	((Current)) <u>8/31/2018</u>	
Safety Code for Belt Manlifts ((Safety))	ASME A90.1-2009	1/1/2014	((Current)) <u>8/31/2018</u>	
Safety Code for Personnel Hoists	ANSI A10.4-2007	1/1/2014	((Current)) <u>8/31/2018</u>	
Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose	<u>ASME A17.1-2016/CSA B44-16</u>	<u>9/1/2018</u>	<u>Current</u>	
Guide for Inspection of Elevators, Escalators, and Moving Walks	ASME A17.2-2017	<u>9/1/2018</u>	<u>Current</u>	

NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Safety Code for Existing Elevators and Escalators	ASME A17.3-2015	9/1/2018	Current	
Safety Standards for Platform Lifts and Stairway Chair Lifts	ASME A18.1-2017	9/1/2018	Current	
Safety Code for Belt Manlifts	ASME A90.1-2015	9/1/2018	Current	
Safety Code for Personnel Hoists	ASSE/ANSI A10.4-2016	9/1/2018	Current	
Safety Code for Material Hoists	ASSE/ANSI A10.5-2013	9/1/2018	Current	

Note: Copies of codes and supplements can be obtained from the following: The American Society of Mechanical Engineers (ASME), Order Department((, 22 Law Drive, Box 2900, Fairfield)) 150 Clove Road, 6th Floor, Little Falls, New Jersey((-07007-2900)) 07424-2138 or by visiting www.asme.org. The American Society of Safety Engineers (ASSE) 1800 East Oakton Street, Des Plaines, IL 60018-2187 or by visiting www.asse.org.

Comments: ((National)) Codes adopted by this chapter will be identified with the applicable ASME/ANSI code reference number contained within the rules or as excluded or amended ((below)) in WAC 296-96-00675.

~~((1) Exclude all references to QEI certification in ASME A17.1 from code adoption.~~

~~((2) Exclude all references and sections to Aramid fiber ropes in ASME A17.1 and A17.6 from code adoption.~~

~~((3) ASME A17.1, SECTION 1.2 PURPOSE AND EXCEPTIONS amended as follows:~~

The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with this code shall be achieved by:

~~((a) Conformance with the requirements in ASME A17.1/CSA B44 and chapter 296-96 WAC. Additions or modifications to ASME A17.1/CSA B44 and/or chapter 296-96 WAC shall require approval from the department; or~~

~~((b) Conformance with a combination of the requirements in ASME A17.1/CSA B44, chapter 296-96 WAC, and ASME A17.7/CSA B44.7 with the following ASME A17.7 inclusions:~~

~~((i) All system or component certifications performed by an accredited elevator/escalator certification organization (AECO) under ASME A17.7/CSA B44.7, shall be approved by the department before any such system or component is allowed to be permitted or installed in the state of Washington. The applicant must submit all code documentation required by ASME A17.7 Section 2.10 and any other documentation as may be requested.~~

~~((ii) Sections of chapter 296-96 WAC that have taken exception to, made additions to, or modifications to ASME A17.1/CSA B44, such exceptions, additions and modifications shall supersede corresponding requirements in ASME A17.7/CSA B44.7.~~

~~((iii) The department has the final authority regarding acceptance of any item in ASME A17.7. The department may remove approval if a design has changed or unforeseen or undisclosed information is obtained.~~

~~((iv) The department will post the specific ASME A17.7 AECO certificate including exceptions agreed upon. At that time the certificate and exceptions become part of the adopted rule in the state of Washington and not subject to a variance process. The installer shall post the certificate and~~

~~exceptions including all required information on each conveyance installed utilizing the ASME A17.7 method.~~

~~((v) The department may charge an additional fee for each item in review based upon the variance fee table.~~

~~((4) MARINE ELEVATOR SECTION 5.8~~

~~This chapter only applies to elevators installed on board a marine vessel flying the Washington state flag and under one hundred gross metric tons.~~

~~((5) Exclude ASME A17.1-2.4.7.2 reference for clearance reduction.~~

~~((6) Exclude ASME A17.1-5.4 private residence in-line elevators and ASME A17.1-7.4, 7.5, 7.6, 7.9, and 7.10 material lifts and their corresponding 8.10.1.1.3.~~

~~((7) Exclude ASME A17.1-2.14.1.5.2 on elevators in partially enclosed hoistways. A top emergency exit shall be required.))~~

NEW SECTION

WAC 296-96-00675 Amendments to adopted standards. (1) Exclude all references to QEI certification in ASME A17.1/CSA B44 from code adoption.

(2) ASME A17.1/CSA B44, Section 1.2 Purpose and Exceptions amended as follows: The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with these rules shall be achieved by:

(a) Conformance with the requirements in ASME A17.1/CSA B44 as amended by this chapter; or

(b) Conformance with a combination of requirements in ASME A17.1/CSA B44, this chapter, and ASME A17.7/CSA B44.7 with the following ASME A17.7/CSA B44.7 inclusions:

(i) All system or component certifications performed by an Accredited Elevator/Escalator Certification Organization (AECO) under ASME A17.7/CSA B44.7 shall be approved by the department before any such system or component is allowed to be permitted or installed in the state of Washington.

(ii) The applicant shall provide the certificate of certification for the device or system evaluated by an AECO.

(iii) The department has the final authority regarding acceptance of any item in ASME A17.7/CSA B44.7. The

department may remove approval if a design has changed or unforeseen or undisclosed information is obtained.

(iv) The department will post the specific ASME A17.7/CSA B44.7 AECO certificate including exceptions agreed upon. At that time the certificate and exceptions become part of the adopted rule in the state of Washington and not subject to a variance process. The installer shall include the certificate and exceptions and all required information on each conveyance installed utilizing the ASME A17.7/CSA B44.7 method in the Maintenance Control Program documentation.

(v) The department may charge an additional fee for each item in review based upon the variance fee table.

(c) Additions or modifications to adopted standards and/or this chapter shall require approval from the department.

(3) ASME A17.1/CSA B44, Section 5.8, Marine Elevators. This section only applies to elevators installed on board a marine vessel flying the Washington state flag and under one hundred gross metric tons.

(4) ASME A17.1/CSA B44, Section 5.11, Wind Turbine Elevator is not adopted.

(5) Periodic tests and inspections. Pursuant to Req. 8.6.1.7 and 8.11.1.3, the department adopts ASME A17.1/CSA B44, Appendix N for the frequency of periodic tests. Pursuant to RCW 70.87.120 (2)(a) periodic inspections shall be performed annually.

(6) ASME A17.1/CSA B44 requirement 8.11.1.2 is not adopted. The department shall be permitted to witness periodic tests when the department deems necessary.

(7) ASME A17.1-2016/CSA B44-16, 8.6.11.1 Firefighters' Emergency Operation is amended as follows: All elevators provided with firefighters' emergency operation shall be subjected quarterly, by authorized personnel, to Phase I recall by use of the keyed switch, and a minimum of one-floor operation on Phase II. Deficiencies shall be corrected. A record of findings shall be available to elevator personnel and the authority having jurisdiction. At least once each year, the fire alarm initiating devices associated with elevator recall and shunt trip initiating devices shall be tested to determine if they are still properly interfaced with the elevator control.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-00700 Chapter definitions. The following definitions apply to this chapter (see RCW 70.87.010 and ASME A17.1/CSA B44 for additional definitions necessary for use with this chapter):

"ANSI" means the American National Standard Institute.

"ASA" means the American Safety Association.

"ASME" means the American Society of Mechanical Engineers.

"Acceptable proof" refers to the documentation that ~~((must))~~ is required to be provided to the department during the elevator contractor and mechanic license application and renewal process. ~~((Acceptable proof may include department approved forms documenting years of experience, affidavits, letters from previous employers, declarations of experience, education credits, copies of contractor registration information, etc. Additional documentation may be requested~~

~~by the department to verify the information provided on the application.))~~

"Alteration" means an intended change to the original design of elevator equipment.

"Code" refers to nationally ~~((accepted))~~ recognized codes (i.e., ASME, ANSI, ((ASA, and NEC)) ICC, and NFPA) and the Washington Administrative Code.

~~(("Control room" refers to an enclosed control space outside the hoistway of the elevator or dumbwaiter, intended for full bodily entry that contains the motor and motion controller. The room could also contain electrical and/or mechanical equipment used directly in connection with the elevator or dumbwaiter, but not the electric driving machine.~~

"Control space" refers to a space outside the hoistway of the elevator, intended to be accessed without full bodily entry, which contains the motor and motion controller. This space could also contain electrical and/or mechanical equipment used directly in connection with the elevator but not the electric driving machine or the hydraulic machine. A control space^{*} is limited to elevators, dumbwaiters, special purpose, and material lifts. The space shall not share any location, area or room which is also accessible to the general public.

***Note:** A control space must be preapproved and is limited on a case-by-case basis and should not be considered a normal installation process.)

"Decommissioning conveyance" means a group of tasks that ~~((must))~~ are to be accomplished in order to place the conveyance in a long-term out-of-service status.

~~(("Elevator machine room" means an enclosed machinery room outside the hoistway, intended for full bodily entry that contains the electric driving machine or the hydraulic machine and the motor controller. The room could also contain electrical and/or mechanical equipment used directly in connection with the elevator.~~

~~"Elevator machinery space" means a space inside or outside the hoistway, intended to be accessed with or without full bodily entry that contains elevator mechanical equipment and could also contain electrical equipment used directly in connection with the elevator. This space could also contain the electric driving machine.))~~

"Examination" means a routine process or procedural task(s) or test(s) that ensures a conveyance and its systems and subsystems remain properly maintained and safe to operate.

"Final judgment" means any money that is owed the department as the result of an individual's or firm's unsuccessful appeal ~~((of))~~ or failure to appeal a civil penalty. ~~((Final judgment also includes any penalties assessed against an individual or firm owed the department as a result of an unappealed civil penalty or any outstanding fees due under chapter 70.87 RCW and this chapter.))~~

"Form, fit, and function" means specific characteristics of a device (such as a component or assembly) that enable direct substitution of the device for a similar device without adversely affecting the operation or safety of the overall equipment. Factors to be considered with respect to form, fit, and function include, but are not always limited to: The ability of the device to be connected in place of the original; having similar size, shape and appearance; ability to per-

form the same function as the original device; and having ratings equal to or greater than the original device.

"General direction - Installation and alteration work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate license category) who is on the same job site as the helper/apprentice ((at least seventy-five percent of each working day. The ratio of helper to mechanic shall be one to one)).

"General direction - Maintenance work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate license category) to ensure that the maintenance work is performed safely and to code.

"Layout drawings" or "plans" or "shop drawings" means ((~~engineering~~) elevation and plan view drawings that show required clearances and dimensions of elevator equipment in relation to building structure and ((~~shall include a machine room plan, hoistway plan, hoistway elevation, detail drawings, and general elevator data~~)) other elevator equipment.)

"Layout drawings, engineering" means structural drawings verified and stamped by a professional engineer registered in the state of Washington.

"Lockout/tagout" means the placement of a lockout device on an energy isolating device((, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed)).

"Primary point of contact" is the designated individual employed by a licensed elevator contractor.

"Private residence elevator" ((~~residential elevator~~)) means a power passenger elevator which ((is limited in size, capacity, rise and speed and)) is installed in a private residence or multiple dwelling as a means of access to a single private residence ((provided the elevators are so installed that they are not accessible to the general public or to other occupants in the building)).

"Red tag" or "red tag status" means an elevator or other conveyance that has been removed from service and operation because of noncompliance with chapter 70.87 RCW and this chapter or at the request of the owner.

"Repair" means a procedure used to restore a device or system to its original design parameters without supplying a complete new component or device.

"Replacement" means the complete replacement of a device or component that has the same "form, fit, and function" as the original but is not intended as a change in design.

"RCW" means the Revised Code of Washington.

((~~"Tagout" means the placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed by the individual who established the tag or by a person designated by the chief elevator inspector.~~)) **"Standard application material lift"** means a lift used strictly for freight transport and is in compliance with this chapter, Part C1. (Note: These are not to be confused with Type A and Type B material lifts covered in ASME A17.1/CSA B44, Part 7).

"Traction elevator" means an elevator in which the friction between the hoist ropes and the drive machine sheave is used to move the elevator car.

"USAS" means the U.S.A. Standards.

"WAC" means the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00800 Advisory committee on conveyances. (1) The purpose of the advisory committee is to advise the department on the adoption of regulations that apply to conveyances; methods of enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the conveyance industry and to the individual installers, owners and users of conveyances.

(2) The advisory committee consists of seven members appointed by the director or his or her authorized representative.

(3) The committee members shall serve four years. However, if a member is unable to fulfill his or her obligations, a new member may be appointed to fill the remainder of the unexpired term.

(4) The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section.

(5) The chief of the elevator section shall be the secretary for the advisory committee.

(6) An advisory committee member may appoint an alternate to attend meetings in case of conflict or illness.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-00805 Appeal rights and hearings. (1) Chapter 70.87 RCW provides the authority for the duties and responsibilities of the department. Except as provided in chapter 70.87 RCW and this chapter, all appeals and hearings will be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure.

(2) A person who contests a notice of violation or infraction issued by the department may request a hearing. The request for a hearing ((~~must~~)) shall be:

(a) In writing;

(b) Accompanied by a certified or cashier's check, payable to the department, for ((~~two hundred dollars~~)) the amount specified in the RCW; and

(c) Postmarked or received by the department within ((~~fifteen~~)) 15 days after the person receives the department's violation notice.

(3) In all appeals of chapter 70.87 RCW and this chapter the appellant has the burden of proof by a preponderance of the evidence.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-01000 ((~~What is the permit process for conveyances?~~)) Permits for new construction and alter-

ations. (1) Prior to construction, alteration, or relocation of any conveyance, the licensed elevator contractor shall:

(a) Submit an installation application to the department. See WAC 296-96-01010 through 296-96-01025.

(b) Submit plans to the department for approval. See WAC 296-96-01030.

EXCEPTION: Most alterations will not require plans.

(c) Post an approved installation or alteration permit along with any approved plans issued by the department on the job site.

(i) The annual operating certificate is considered suspended once alteration work begins.

(ii) The certificate shall not be reinstated until the alteration work is approved by an inspector employed by the department.

~~((d))~~ (2) Prior to placing a conveyance in service the licensed elevator contractor shall obtain and pass an inspection ~~((prior to placing the conveyance in service. See WAC 296-96-01035.~~

~~(e) Abstain from working without a permit or releasing the conveyance for use without the department's written permission)) or receive written permission from the department.~~

(3) Failure to comply with subsections (1) and (2) of this section is a violation of this chapter and may result in civil penalties (WAC 296-96-01070 (1)(a) through (d)).

~~((2))~~ (4) The owner ~~((must))~~ shall obtain and renew an annual operating certificate for each conveyance that they own, except for residential conveyances. See WAC 296-96-01065.

~~((3))~~ (5) After initial purchase and inspection, private residence conveyance(s) do not require an annual operating certificate. However, annual inspections may be conducted upon request. See WAC 296-96-01045 for the permit process.

(6) For purposes of this rule, permits are not required for "repairs" (see ASME A17.1/CSA B44, Section 8.6.2). Permits are not required when replacing devices that are identical to the original device or have the same "form, fit, and function" (see WAC 296-96-00700)(see also ASME A17.1/CSA B44, Section 8.6.3).

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01005 ~~((When do I need and what are the steps in obtaining a permit?))~~ **Obtaining permits.** (1) See WAC 296-96-01000 for the permit process.

(2) Construction and alteration permits are valid for one year from the date of issue. However, permits may be renewed if ~~((you))~~:

(a) ~~((Apply))~~ Application for a renewal permit is submitted before ~~((your))~~ the current permit expires;

(b) The department approves ~~((your))~~ the request for a renewal permit; and

(c) ~~((You pay))~~ A renewal fee of \$58.30 ~~((renewal fee))~~ is paid to the department for each permit ~~((you renew))~~ renewed;

(3) If ~~((your))~~ the permit has expired ~~((you must))~~ the applicant shall reapply for a new permit.

(4) See WAC 296-96-01006 for work requiring a permit.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01006 ~~((What type of conveyance work requires permitting and inspection?))~~ **Work requiring permits.** (1) All installations and relocation of conveyances that require ~~((s))~~ permitting and inspection ~~((All conveyance work must))~~ shall be performed by ~~((an))~~ elevator mechanics licensed to perform work in the appropriate category. (See WAC 296-96-00910.)

(2) ~~((All alterations require permitting, inspection, and must include but are not limited to:~~

~~((a))~~ Items identified in ASME ~~((A17.1-~~

~~(b) Any conveyance work that requires the conveyance to be tested prior to being returned to service, including:~~

~~(i) The replacement or repair of any parts, the installation of which would require recalibration or testing (e.g., brakes, hydraulic valves and piping, safeties, door reopening devices, governors, communication systems, cab interiors, car/hall buttons, etc.); or~~

~~(ii) Work performed on components or equipment affecting or necessary for fire and life safety (e.g., cab interiors, systems associated with fire recall, etc.))~~ A17.1/CSA B44, Section 8.7 as alterations shall require a permit and inspection.

(3) Permits and fees are not required for normal function and necessary maintenance ~~((and))~~ or repair ~~((performed with parts of equivalent materials, strength, and design))~~ or for any conveyance ~~((exempted by))~~ exempt under RCW 70.87.200.

Contact the department if you have any questions or need assistance determining if a permit and inspection are required.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-01008 **Decommissioning a conveyance.** A licensed elevator mechanic working for a licensed elevator company ~~((must))~~ shall decommission the conveyance according to ASME A17.1/CSA B44. If the elevator is the only one in the building and the owner/agent wants the conveyance decommissioned the owner/agent ~~((must))~~ shall obtain a letter of approval from the local building official.

Note: Decommissioning is not ~~((dismantling or))~~ removing the conveyance.

(1) ~~((A conveyance is considered to be in decommissioned status when:~~

~~(a) The power feed lines from the disconnect switch to the controller have been removed; and~~

~~(b) The traction elevator, dumbwaiter, or material lift suspension ropes have been removed, and if applicable, the counterweight rests at the bottom of the hoistway. The hoistway doors, except for the bottom landing, have been permanently barricaded or sealed in the closed position on the hoistway side; and~~

~~(c) A hydraulic elevator, dumbwaiter, or material lift car rests at the bottom of the hoistway; pressure piping has been disassembled and a section removed from the premises; hoistway doors except for the bottom landing have been permanently barricaded or sealed in the closed position on the~~

hoistway side; suspension ropes have been removed and counterweights, if provided, landed at the bottom of the hoistway; and

~~(d) The escalator or moving walk entrances have been permanently barricaded.~~

~~(2))~~ After decommissioning work is complete:

(a) The elevator mechanic ~~((must))~~ shall contact the department to schedule an inspection;

(b) The department will perform an inspection and send the results and applicable fee to the conveyance owner;

(c) Upon inspection and approval by the department, annual inspections will no longer be required, until such time that the conveyance is returned to service.

~~((3) If returning the conveyance to service and prior to operating the conveyance,))~~ (2) Prior to returning a decommissioned conveyance to service an acceptance inspection and temporary operating permit ~~((must))~~ shall be obtained. The conveyance acceptance inspection shall be performed to the code in effect from the date of its original installation ~~((or))~~ and/or alteration.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-01009 ~~((Who can purchase))~~ Purchasing a permit(?). The department may only issue a permit for conveyance work to a licensed elevator contractor. Permits are only required for alterations, relocations and installations.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01010 ~~((What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated?))~~ Installation and alteration permit fees. ~~((Installation))~~ Permit fees are based on the total cost of the conveyance or alteration and the labor to install or alter the conveyance. The following permit fees apply to the construction, alteration, or relocation of all conveyances ~~((and material lifts))~~ except personnel and material hoists (see WAC 296-96-01025):

TOTAL COST OF CONVEYANCE	FEE
\$0 to and including \$1,000	\$64.30
\$1,001 to and including \$5,000	\$96.50
\$5,001 to and including \$7,000	\$161.20
\$7,001 to and including \$10,000	\$193.60
\$10,001 to and including \$15,000	\$258.30
OVER \$15,000	\$361.60 plus
Each additional \$1,000 or fraction thereof	\$8.90

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01025 ~~((What is the))~~ Permit fees for personnel and material hoists(?). The fee for each personnel hoist or material hoist installation is \$258.30

See WAC 296-96-01035(2) for requirements for jumps.

Note: An operating certificate is also required for these types of conveyances.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01027 ~~((Are initial installation permit fees refundable?))~~ Permit fee refunds. ~~((Your))~~ The initial installation permit fees are refundable minus a processing fee if the installation work has not been performed ~~((, minus a processing fee, unless your permits have expired))~~. No refunds will be issued for expired permits. All requests for refunds ~~((must))~~ shall be submitted in writing to the elevator section and ~~((must))~~ shall identify the specific permits and the reasons for which the refunds are requested.

The processing fee for each refund is \$38.50

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01030 ~~((What is the process for installation and alteration))~~ Plan approval(?). Prior to the start of construction and the issuance of a permit, the applicant ~~((must))~~ shall submit to the department for approval ~~((two copies of))~~ plans for new installations or major alterations. To be approved, the plan ~~((must))~~ shall comply with the latest adopted ~~((edition of the American Society of Mechanical Engineers (ASME), the National Electrical Code (NEC))~~ applicable standard and applicable Washington Administrative Code ~~((s))~~ (WAC). In addition, the plans ~~((must))~~ shall include all information necessary ~~((in determining))~~ to determine whether each installation/alteration complies with all applicable codes. The permit holder ~~((must))~~ shall keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan ~~((must))~~ shall be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing ~~((your))~~ the plans are:(:

For each installation/major alteration \$32.00
If more than two sets of plans are submitted, the fee for each additional set \$12.60))
\$32.00 for each installation/major alteration.

Exception: Residential incline chair lifts will not require plan review. Equipment shall be listed and labeled by a product testing laboratory which is accredited by the department and plans supplied by the manufacturer shall be on-site. If the equipment is not listed and labeled as per RCW 19.28.010 it shall be field evaluated or replaced with equipment that is listed and labeled by a product testing laboratory which is accredited by the department.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01035 ~~((Are there))~~ Inspection fees(?). ~~((Yes.))~~ The initial ~~((inspection(s) of a conveyance or for the initial))~~ inspection of construction, alteration or relocation of a conveyance is included with ~~((your))~~ the permit fee. Once the department has approved the initial installation of the conveyance ~~((you will be issued))~~ a temporary

30-day operating certificate ((that is valid for 30 days)) will be issued. Prior to the expiration of the 30-day temporary operating certificate the application for an annual operating certificate and the appropriate fees ((must)) shall be paid to the department. Once the department has received the appropriate fees and application the owner will be issued the first annual operating certificate. The owner or ((owners')) owner's representative will receive an invoice from the department for renewal. The owner is required to renew the annual operating certificate yearly.

The following inspections require an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$129.00 per conveyance plus \$62.60 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$129.00 plus \$64.30 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

The permit holder may be allowed to operate a hoist prior to the jump inspection if:

(a) The electrical limits will not allow the lift to operate above the previously inspected landing((-)); and

(b) The state elevator inspector is contacted, agrees and can schedule an inspection within 3 days.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$193.60 per conveyance plus \$64.30 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance that does not require an on-site inspection is \$64.30 per conveyance. The individual requesting the variance ((must)) shall provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" status fee.** The annual fee for a conveyance in "Red tag" status is \$32.00.

Note: ((You must provide)) The department shall be provided with written approval from the building official, indicating that the conveyance is not required for building occupancy, when ((you apply)) applying to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$64.30. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit ((must)) shall be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's

jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$129.00 per conveyance and \$64.30 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01040 ((What is the fee for testing and inspecting regular elevators used as temporary elevators to provide transportation for construction personnel, tools, and materials only?)) Construction-use inspection fee.

(1) The fee for the inspecting and testing of ((regular elevators used as temporary)) elevators used for construction is \$103.10, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department ((must)) shall be conspicuously posted in the elevator.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01045 ((What are the inspection requirements and fees for conveyances in private residences?)) Residential elevator inspection and fees.

(1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to installation, a licensed elevator contractor ((must)) shall complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating certificate is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating certificate, the following fee ((must)) shall be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$30.00
Each inclined wheel chair lift in a private residence	\$30.00
Each vertical wheel chair lift in a private residence	\$37.80
Each dumbwaiter in a private residence	\$30.00
Each inclined elevator at a private residence	\$107.30
Each private residence elevator	\$69.10

TYPE OF CONVEYANCE	FEE
Duplication of a lost, damaged or stolen operating permit	\$12.60

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01055 ~~((Are technical services available and what is the fee?))~~ **Technical services and consultations.** ~~((You))~~ A person, firm, corporation, or governmental agency may request elevator field technical services from the department by paying a fee of \$77.30 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01057 ~~((Does the department charge a fee to perform investigations and what is the fee?))~~ **Accident investigations.** ~~((An elevator inspector))~~ The department shall investigate an injury-related accident reported by the owner or owner's duly authorized agent. The department may charge at a rate of \$77.30 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. ((These services shall include accident investigation relating to any and all accidents. This fee would include an inspection as required during the accident investigation.))

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01060 ~~((Can I request an after-hours inspection and what is the fee?))~~ **Inspections after normal business hours.** ~~((You may request))~~ An inspection outside of normal business hours((, which are)) and business days (i.e., Monday through Friday excluding holidays; 7:00 a.m. to 5:00 p.m.((, if))) may be requested under the following conditions:

- (1) An inspector is available; and
- (2) The inspection is authorized by the department.
- (3) The minimum fee for an after-hours inspection is \$96.50 and \$96.50 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors.
- (4) This fee is in addition to any other fees required for ((your)) the project.

AMENDATORY SECTION (Amending WSR 14-06-041, filed 2/26/14, effective 4/1/14)

WAC 296-96-01065 ~~((What are the))~~ **Annual operating ((certificate)) permit fees((?)).** An annual operating certificate will be issued to ((you)) the building owner upon pay-

ment of the appropriate fee. The owner of record ~~((with))~~ shall be invoiced by the department. If a change of ~~((owner))~~ ownership has occurred, it is the new owner's responsibility to ensure the department has the corrected information. Below is the fee structure table:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$129.00
Each roped-hydraulic elevator	\$161.20
plus for each hoistway opening in excess of two	\$12.60
Each cable elevator	\$161.20
plus for each hoistway opening in excess of two	\$12.60
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	\$12.60
Each limited-use/limited-application (—LULA) elevator	\$129.00
Each escalator	\$107.20
Each dumbwaiter in other than a private residence	\$69.10
Each material lift	\$129.00
Each incline elevator in other than a private residence	\$138.70
Each belt manlift	\$129.00
Each stair lift in other than a private residence	\$69.10
Each wheel chair lift in other than a private residence	\$69.10
Each personnel hoist	\$129.00
Each grain elevator personnel lift	\$107.20
Each material hoist	\$129.00
Each special purpose elevator	\$129.00
Each private residence elevator installed in other than a private residence	\$129.00
Each casket lift	\$107.20
Each sidewalk freight elevator	\$107.20
Each hand-powered manlift or freight elevator	\$72.60
Each boat launching elevator	\$107.20
Each auto parking elevator	\$107.20
Each moving walk	\$107.20
Duplication of a damaged, lost or stolen operating permit	\$12.60

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-01070 (~~What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter?~~) Operating a conveyance without an operating permit.

(1) Any licensee, installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or this chapter shall be subject to the following civil penalties:

- ~~((a) Operation of a conveyance without a permit or written approval from the department:

 - First violation \$171.20
 - Second violation \$342.60
 - Each additional violation \$500.00~~
- ~~(b) Installation of a conveyance without a permit:

 - First violation \$171.20
 - Second violation \$342.60
 - Each additional violation \$500.00~~
- ~~(c) Relocation of a conveyance without a permit:

 - First violation \$171.20
 - Second violation \$342.60
 - Each additional violation \$500.00~~
- ~~(d) Alteration of a conveyance without a permit:

 - First violation \$171.20
 - Second violation \$342.60
 - Each additional violation \$500.00~~
- ~~(e) (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit or operation of a decommissioned elevator \$500.00~~
 - ~~(ii) Removal of a red tag from a conveyance \$500.00~~

- ~~(f) Failure to comply with a correction notice:

 - After 90 days..... \$114.10
 - After 180 days..... \$285.40
 - After 270 days..... \$457.00
 - After 360 days..... \$500.00
 - Each 30 days after 360 days \$500.00
 - Note: Penalties are cumulative~~
- ~~(g) Failure to submit official written notification that all corrections have been completed:

 - After 90 days..... \$114.10
 - After 180 days..... \$285.40
 - After 270 days..... \$457.00
 - After 360 days..... \$500.00
 - Each 30 days after 360 days \$500.00
 - Note: Penalties are cumulative~~
- ~~(h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500.00 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500.00 penalty per day. \$500.00 Plus WAC 296 96 01057~~
- ~~(i) Falsifying official written documentation submitted to the department. Each day is a separate violation. \$500.00))~~

	<u>First violation</u>	<u>Second violation</u>	<u>Each additional violation</u>
<u>(a) Operation of a conveyance without a permit or written approval from the department:</u>	<u>\$171.20</u>	<u>\$342.60</u>	<u>\$500.00</u>
<u>(b) Installation of a conveyance without a permit:</u>	<u>\$171.20</u>	<u>\$342.60</u>	<u>\$500.00</u>
<u>(c) Relocation of a conveyance without a permit:</u>	<u>\$171.20</u>	<u>\$342.60</u>	<u>\$500.00</u>
<u>(d) Alteration of a conveyance without a permit:</u>	<u>\$171.20</u>	<u>\$342.60</u>	<u>\$500.00</u>
<u>(e)(i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit or operation of a decommissioned elevator:</u>	<u>\$500.00</u>		

(ii) Removal of a red tag from a conveyance:	\$500.00				
	After:*				
	<u>90 Days</u>	<u>180 Days</u>	<u>270 Days</u>	<u>360 Days</u>	<u>Each 30 days after 360</u>
(f) Failure to comply with a correction notice:	\$114.10	\$285.40	\$457.00	\$500.00	\$500.00
(g) Failure to submit official written notification that all corrections have been completed:	\$114.10	\$285.40	\$457.00	\$500.00	\$500.00
(h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500.00 penalty per day. The conveyance shall be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500.00 penalty per day.					
(i) Falsifying official written documentation submitted to the department. Each day is a separate violation: \$500.00.					

*Note: Penalties are cumulative.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department ~~((must))~~ shall serve notice by certified mail to an installer, licensee, owner, or operator for a violation of chapter 70.87 RCW, or this chapter.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

~~WAC 296-96-01075 ((How does an owner or licensee receive a variance from the installation and alteration requirements of chapter 70.87 RCW and this chapter?))~~ **Requests for variances (exceptions to requirements).** Variances from the installation and alteration requirements of this chapter may be requested. The variance request shall be in writing on a form approved by the department accompanied with the required fee. The individual requesting the variance ~~((must))~~ shall provide the department with pictures, documentation, or other information necessary for the department to review the variance. The application shall indicate an alternate solution that provides the same or greater level of safety as required by the prescriptive requirements of the code or this chapter. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in WAC 296-96-01035 will also apply.

PART C - REGULATIONS FOR NEW AND ALTERED ELEVATORS AND LIFTING DEVICES

NOTE: ~~((The following rules set the minimum standard for all new installations and, where applicable, alterations.~~

~~NOTE: Part C is not intended to replace the current adopted standards outlined in WAC 296-96-00650. In conflicts between Part C and the adopted standards, Part C shall take precedent.)~~ This part provides

requirements for new and altered equipment in lieu of, or in conjunction with, ASME A17.1/CSA B44.

Section 1

Inspections, Alterations, and Construction-Use Permits

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

~~WAC 296-96-02400 ((When must the department be notified for a new or altered inspection?))~~ **Requests for acceptance inspections.** (1) The person or firm installing, relocating, or altering a conveyance shall notify the department in writing, at least seven days before requesting any inspection of the work, and shall subject the new, moved, or altered portions of the conveyance to the acceptance tests.

(2) The department may grant exceptions to this notice requirement.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

~~WAC 296-96-02405 ((What is the))~~ **Inspection and approval process for alterations(?)**. The following process ~~((must))~~ shall be followed when performing alterations:

(1) Submit an alteration application and obtain an ~~((alteration))~~ approved permit from the department prior to performing the alteration. The permit application ~~((must))~~ shall include detailed information on the scope of the alteration.

(2) Post the permit on the job site. Take the conveyance out-of-service and perform the alteration.

(3) If the conveyance requires an inspection prior to being returned to service (as identified on the alteration permit), ~~((you must contact))~~ the department ~~((to schedule an inspection))~~ shall be contacted at least seven days in advance for the purpose of scheduling an inspection and:

(a) A licensed mechanic ~~((must))~~ shall be present ~~((and))~~ during the inspection;

(b) If the conveyance passes the inspection, the conveyance may be placed back into service(~~((b))~~);

(c) If the conveyance fails the inspection, the conveyance (~~((must))~~) shall remain out-of-service until the corrections are made, a reinspection is scheduled and the conveyance is approved by the department.

(4) If the conveyance is not required to be inspected prior to being returned to service, (~~((you must))~~) the contractor shall contact the department immediately to schedule an inspection within seven days and obtain written permission prior to returning the conveyance to service. A licensed mechanic (~~((must))~~) shall be present during the scheduled inspection and:

(a) If the conveyance passes the inspection, the conveyance may remain in service.

(b) If the conveyance fails the inspection, the conveyance will be placed out-of-service until the corrections are made, a reinspection is scheduled and the conveyance is approved by the department.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02410 (~~((Are there additional work requirements when performing an alteration?))~~) **Alterations.** (~~((For certain types of alterations additional work may be required as part of the alteration and prior to approval of the conveyance. These alterations include, but are not limited to:~~

~~(1) Replacements of controllers will require the following:~~

~~(a) Firefighter service requirements must be in accordance with the most recent code adopted by the department and include ASME A17.1-8.7.2.27.4(a) when travel is five feet or more above or below the designated landing.~~

~~(b) Seismic requirements for derailment and/or seismic switch as required must be met in accordance with the most recent code adopted by the department. In addition, the conveyance must operate according to ASME A17.1 seismic requirements.~~

~~(c) Lighting in the machine room and pit must comply with the most recent code adopted by the department.~~

~~(d) Electrical outlets in the machine room and pit must be of the ground fault interrupter type.~~

~~(2) Replacement of controllers and a car operating panel and/or hall fixtures:~~

~~(a) The requirements of subsection (1) of this section must be met.~~

~~(b) All panels and fixtures must meet the applicable (e.g., height, sound, Braille, etc.) requirements in accordance with this chapter.~~

~~(3) Replacement of door operators and/or door equipment: Any changes to these items require the installation of door restrictors.~~

~~(4) Hydraulic piping: Replacement or relocation of hydraulic piping including a control valve will require the installation of a rupture (overspeed) valve. Gaskets and seals are excluded from this requirement.~~

Note: The department may grant exceptions to the requirements identified in this section.)

(1) Where there is an associated seismic or ADA requirement to the equipment or system being altered, the equipment

shall also be brought into compliance with the applicable seismic and/or ADA requirements during the alteration.

(2) Machine room, control room, machinery and control space illumination shall be required to meet the minimum illumination levels as required by the latest adopted code.

(3) Where a new jack assembly or hydraulic pump unit is installed, a seismic (overspeed) valve shall be installed according to ASME A17.1/CSA B44, Section 8.4.11.

(4) When new elevator equipment is installed in a machine or control room, receptacles shall comply with current adopted edition of NFPA 70 (see Art. 620.23).

(5) When new equipment is installed in the elevator pit, illumination levels shall be required to meet the minimum illumination levels required by the current adopted edition of ASME A17.1/CSA B44. Receptacles in the pit area shall be of the GFCI type (see NFPA 70, Art. 620.24).

(6) Where the main line disconnect is being replaced or relocated, and the machine room or hoistway is sprinklered, or in the process of being sprinklered, a shunt-trip device shall be installed.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-02415 (~~((What are the conditions for obtaining a temporary construction operating permit?))~~) **Construction-use permit.**

~~((Note: See WAC 296-96-01040 for fees.~~

~~(1) In order to obtain a permit: The elevator must at a minimum adhere to:~~

~~(a) ASME A17-1 Section 5.10 Elevators Used for Construction.~~

~~(b) A single means of disconnecting the elevator must be provided and related equipment must be identified by the use of numbers or letters on the disconnect, the controller, the drive machine, the cross head, and the car operating panel.~~

~~(c) The key operation of Phase I must recall the elevator.~~

~~(d) A means of emergency communication with the elevator must be provided. If there is no permanent method of emergency communication an operator with communication equipment must be provided.~~

~~(e) Tests shall be conducted according to A17.1-8.10.5.10 Elevators Used for Construction.~~

~~(f) Hydraulic elevators with less than four stops may not be issued a temporary construction operating permit unless preapproved by the department.~~

~~(g) Elevator cab interiors must be completed. Temporary cabs may be used and walls must be covered with fire retardant materials.~~

~~(h) The elevator must pass load tests and safety circuit inspections.~~

~~(i) Temporary or permanent lights in the cab, machine room and at the landings must be provided.~~

~~(j) Machine rooms must be fully enclosed and have a lockable door.~~

~~(k) Hoistways must be fully enclosed.~~

~~(l) The elevator is for construction use only. Office furniture and goods used to stock the building are not to be considered construction work.~~

~~(2) The person operating the permitted conveyance under this section must be properly trained in operation and safety and:~~

~~(a) The operator, which may be one of your employees, must be on the elevator whenever it is in use.~~

~~(b) The operator must be designated to be the sole operator of the elevator.~~

~~(c) The operator must be trained in the proper operation of the elevator, the proper procedure to handle an emergency and must know who to contact in the event of an emergency involving the operation of the elevator.~~

~~(d) The operator must carry a means of two-way communication on his/her person at all times. (This may be in the form of a cellphone, walkie-talkie, etc., providing proper reception is obtainable at all times.)~~ (1) Pursuant to RCW 70.87.090, a temporary construction use operating permit may be requested by the elevator contractor.

(2) Elevators granted a temporary construction-use permit shall comply with ASME A17.1/CSA B44, Section 5.10 as a minimum.

(3) Temporary construction operating permits are valid for thirty days (see RCW 70.87.090).

(4) The elevator shall be provided with an operator during all hours of elevator operation. The operator shall be provided with a means to communicate with personnel who can assist in the event of an elevator-related emergency.

(5) The elevator is restricted for use by construction workers and construction materials only.

(6) Renewal of a temporary operating permit is at the discretion of the department. A reinspection is required before a permit can be renewed.

(7) All elevators with expired temporary construction operating permits that have not passed a final inspection may not be operated. Operating an elevator with an expired permit shall result in a civil penalty (see WAC 296-96-01070 (1)(a)).

Section 2

Plan Submittals and Layout Drawings

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02421 Layout ~~((drawings))~~ plans. ~~((Two))~~ A set ~~((s))~~ of legible layout/plans ~~((must))~~ shall be submitted to the department ~~((;))~~. In addition to the layout criteria in ASME ~~((;))~~ A17.1/CSA B44 these shall include the following:

(1) A ~~((machine))~~ machine/control room plan view drawing identifying room dimensions, location of drive machine ~~((and))~~, motor controller, mainline disconnect, ~~((outlet,))~~ light switch, and door swing;

(2) A hoistway plan view identifying hoistway and conveyance equipment dimensions and clearances, foot print of ~~((cab))~~ car enclosure showing doors and inside ~~((cab))~~ net dimensions, ~~((and))~~ location and dimensions of hoistway, and ~~((cab))~~ car door or gates;

(3) A hoistway elevation ~~((section))~~ view identifying elevation of the hoistway and conveyance equipment dimensions and clearances, ~~((location of rail brackets,))~~ the location

of the pit ladder, pit light, light switch, pit stop switch, and top ~~((of))~~ and bottom vertical car clearances ~~((and on MRLs the height to the equipment from the horizontal plane of the top of the car with the car positioned at the top landing))~~. The height to the maintainable equipment at the top of the hoistway from the horizontal plane of the top of the car with the car positioned at the top landing shall be indicated on the hoistway elevation plans; and

(4) Detail drawings identifying specific details of conveyance components: Rail bracket fastening, sill support and fastening, machine beams, entrance ~~((installation))~~ assembly ~~((loads and reactions))~~ detail, and additional seismic requirements ~~((when required by building code;))~~ see ASME A17.1/CSA B44, Section 8.4 or 8.5 as applicable;

(5) General conveyance data to include ~~((s))~~:

(a) Conveyance type ~~((model and capacity))~~ (e.g., electric, hydraulic, platform lift, etc.);

(b) ~~((Location number (within building;)))~~ Rated capacity;

(c) ~~((Up/down full load speed;))~~ Building designation (e.g., Elev. #1, Car #2, etc.);

(d) Rated speed;

(e) Car enclosure (construction material);

~~((e))~~ (f) Standoff panels (if applicable) (submit test data to ASTM E 84 if applicable);

(g) Door type and manufacturer (single speed, two-speed, center opening, RH/LH opening);

~~((f))~~ (h) Platform thickness;

~~((g))~~ (i) Finish floor (tile, carpet) (submit test data to ASTM E 648 if applicable);

~~((h))~~ (j) Power unit/drive motor (manufacturer and HP);

~~((i))~~ (k) Power requirements;

~~((j))~~ (l) Equipment heat generation (BTU) (items ~~((k-e))~~ ~~((e))~~ (l) through (p) are applicable only to hydraulic elevators);

~~((k))~~ (m) Jack ~~((model))~~ assembly manufacturer;

~~((h))~~ (n) Plunger O.D. (if telescoping O.D. of each section);

~~((m))~~ (o) Plunger wall thickness;

~~((n))~~ (p) Cylinder O.D.;

~~((o))~~ (q) Cylinder wall thickness (items ~~((p-r))~~ (q) through (u) are applicable to roped-hydraulic and/or electric elevators);

~~((p))~~ (r) Size and number of ~~((hoist ropes))~~ suspension means;

~~((q))~~ (s) Roping type (1:1, 2:1, underslung);

~~((r))~~ (t) Governor location;

~~((s))~~ (u) Governor rope size and ~~((number))~~ type;

~~((t))~~ (v) Safety ~~((manufacture))~~ manufacturer and type;

~~((u))~~ (w) Emergency brake ~~((manufacture))~~ manufacturer and type;

~~((v))~~ (x) Car buffer type and stroke;

~~((w))~~ (y) CWT buffer type, impact, and stroke; and

~~((x))~~ (z) Designed top/bottom runby.

(6) The installation of a conveyance shall not begin until an approved set of plans and permit has been issued by the department.

(7) The stamped approved plans and permit shall be posted on the job site during the installation and up to the time the conveyance has passed an acceptance inspection.

(8) Where structural elements are part of any installation, relocation, or alteration, the plans shall be reviewed and stamped by a professional engineer, registered in the state of Washington.

Section 3

Requirements for Hydraulic Elevators

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-02425 ~~((Where is a shut-off valve required for hydraulic elevators?))~~ **Shut-off valves.** Two shut-off valves may be required.

(1) ASME requires that a shut-off valve be installed in the machine room.

(2) When the pit is lower than the machine, a shut-off valve ~~((must))~~ **shall** be installed in the pit.

(3) A separate shut-off valve is not required in the pit for hydraulic elevators equipped with a safety/rupture valve that rotates no more than 180 degrees to stop the flow of hydraulic fluid and has a safety shut-off handle capable of being grasped.

EXCEPTION: Limited use/limited application (LULA), special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02452 **Access to machines, ~~((beams))~~ overhead sheaves, shackles, and hitch supports ~~((must meet the following requirements))~~.** When the machine space is provided inside the hoistway ~~((+(-1)))~~ **maintainable items on the machine ~~((and))~~, overhead sheaves ~~((cannot))~~, shackles and hitch supports shall not** be located more than six feet six inches from the horizontal plane of the ~~((cartop))~~ **car top.**

~~((2))~~ **The cartop inspection shall not operate past the normal terminal stopping device.**

Note: Where access is greater than six feet six inches (see WAC 296-96-23115-))

Section 4

Main Line Disconnects and Shunt-Trip Breakers

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02460 ~~((What are the requirements for electrical main line disconnects?))~~ **Location.** (1) The main line ~~((disconnect switch(es) or circuit breaker must))~~ **disconnect(s) shall** be located per ~~((NEC))~~ **NFPA 70, Article 620.51(c)** and:

(a) Inside the machine room door on the ~~((lock jamb))~~ **strike** side of the machine or control room door;

(b) Not more than twenty-four inches from the ~~((jamb))~~ **door** to the operating handle; and

(c) Be at a height not less than thirty-six inches ~~((and not))~~ **nor** more than sixty-six inches above the finish floor as measured centerline to the disconnect handle.

(2) For multicar machine rooms the switches shall be grouped together as close as possible to that location.

(3) For machine rooms with double swing doors, the doors ~~((must))~~ **shall** swing out and the switch(es) ~~((must))~~ **shall** be located on the wall adjacent to the hinge side of the active door panel.

(4) ~~((The switch(es) must be designed so that they may be locked out and tagged in the open position.))~~ **Shunt-trip breakers, where provided, shall be located in the elevator machine room or control room.**

(5) Where shunt-trip breakers are also being used as a main line disconnect, they shall comply with subsections (1) through (3) of this section.

EXCEPTION: Special purpose, residential elevators, and residential inclined elevators are exempt from this section. For LULAs, the main disconnect and car light disconnect shall be located adjacent to the controller when not located in a dedicated machine room. When a machine room is provided it shall comply with this section.

Section 5

Additional Machine/Control Room Requirements

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-02465 ~~((What are the requirements associated with elevator))~~ **Machine rooms~~((?))~~, control rooms, and control spaces.** (1) ~~((Panels or doors for the purpose of accessing nonelevator equipment are not permitted in elevator machine rooms. Passage through the machine room may not be used to gain access to other parts of the building that do not contain elevator equipment.~~

~~((2))~~ **The lighting control switch ~~((must))~~ shall** be located inside the machine room or control room within twenty-four inches of the lock jamb side of the ~~((machine room))~~ **access** door.

~~((3))~~ **Cooling or venting of the elevator machine room shall be to the present building code adopted by the state.**

Machinery spaces, machine rooms, control spaces, and control rooms that contain solid-state equipment for elevator operation shall be provided with an independent ventilation or air-conditioning system to protect against the overheating of the electrical equipment. Ventilation systems shall use outdoor makeup air. The system shall service the equipment space only, and shall be capable of maintaining the temperature and humidity within the range established by the manufacturer's specifications. Where no manufacturer specifications are available, the equipment space temperature shall be maintained at no less than fifty five degrees Fahrenheit and no more than ninety degrees Fahrenheit.

The cooling load for the equipment shall include the BTU output of the elevator operation equipment as specified by the manufacturer based on one hour of continuous operation. The outdoor design temperature for ventilation shall be

from the 0.5 percent column for summer from the Puget Sound Chapter of ASHRAE publication "*Recommended Outdoor Design Temperatures, Washington State*." The following formula shall be used to calculate flow rate for ventilation:

$CFM = BTU \text{ output of elevator machine room equipment} / [1.08 \times (\text{acceptable machine room temp} - \text{makeup air temp from the ASHRAE publication})]$

EXCEPTION: For buildings four stories or less, natural or mechanical means may be used in lieu of an independent ventilation or air conditioning system to keep the equipment space ambient air temperature and humidity in the range specified by the elevator equipment manufacturer.

(4) A thermostat must be provided in the elevator machine room to control the temperature.

(5) Where no specifications are available, the machine room temperature shall be maintained at no less than fifty-five degrees Fahrenheit and no more than one hundred degrees Fahrenheit.

(6) When standby power is connected to the elevators, the machine room ventilation or air conditioning system shall be connected to the standby power.

(7) If the air conditioner is mounted overhead, seven feet of headroom clearance must be provided from the underside of the unit to the machine room floor.

(8) If ventilation is used, it must not exhaust air into other parts of the building.

(9) Machine rooms located in underground parking garages must have a means to exchange the air in the machine room. An "exchange of air" is completed through separate intake and exhaust systems.

EXCEPTION: The air in an underground parking garage machine room can be exchanged directly into the parking garage area.

(10) All elevators that are provided with remote elevator machine and/or control rooms must be provided with a permanent means of communication between the elevator car and the remote machine room and/or control room.

(11) For machine rooms and control rooms with double swing doors, the doors shall swing out and the switch(es) shall be located on the wall adjacent to the hinge side of the active door panel.

(2) Elevator machine room, control room, and control space access doors ((must have signs with lettering at least 1.25 inch in height with "elevator equipment room authorized personnel only—no storage.") shall be provided with a sign that reads "Elevator Equipment Room/Authorized Personnel Only! Storage of equipment not pertaining to the elevator is prohibited." The sign shall be located approximately 60 in. above floor level. Lettering shall not be less than 0.375 in. in height and shall contrast with the background. Where double doors are provided, the sign is only required to be provided on the active door panel.

EXCEPTION: Residential conveyances, LULAs and special purpose elevators are exempted from these requirements.

(3) The temperature and humidity shall comply with ASME A17.1/CSA B44. Where no manufacturer's temperature range is available, the room or space shall be kept between 13°C (55°F) and 38°C (100°F).

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-02470 ((What are the requirements for Fireman's Service Phase I and Phase II recall?)) Fireman's service for groups of four or more. ((Devices for deactivating recall must be in the line of sight of the elevator; be secure from tampering; and must be accessible to fire, inspection, and elevator service personnel only. Owner-designated patient express and emergency hospital service elevators may have a manual control in the car for use by authorized patient care personnel. When activated, it shall preclude Phase I recall.

The illuminated visual signal in the car that indicates when Phase I Emergency Recall Operation is in effect must stay illuminated until the car is taken off Phase I operation.

Once the car returns to the designated landing on Phase I recall and the doors have reached their full open position, the buzzer must be silenced within ten seconds.)) Groups of elevators containing four or more cars ((shall)) may be provided with two((s)) three-position key switches per group. For purposes of this section, a group shall be defined as all elevators serving the same portion of a building. Hall call buttons common to a group will remain in service unless both Phase I recall switches of a four car or larger group are placed in the recall mode or a fire alarm recall signal is initiated.

((EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.))

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02471 ((ASME A17.1-2.27.8 FEO-K1 Fire service keys.)) Emergency personnel lock box. ((The key switches required by ASME A17.1-2.27.2 through 2.27.5 for all new and altered elevators in a building shall be operable by the FEO-K1 key. The keys shall be Group 3 Security (see ASME A17.1-8.1). A separate key shall be provided for each switch. This key shall be of a tubular, 7 pin, style 137 construction and shall have a biting code of 6143521 starting at the tab sequences clockwise as viewed from the barrel end of the key. The key shall be coded "FEO-K1." The possession of the "FEO-K1" key shall be limited to elevator personnel, emergency personnel, elevator equipment manufacturers, and authorized personnel during checking of firefighters emergency operation.

Note: (ASME A17.1-2.27.8) Local fire or building authorities may specify the requirements for a uniform keyed lock box and its location to contain the necessary keys. Where required, a lock box, including its lock and other components, shall conform to the requirements of UL 1037 (see Part 9). These keys shall be kept on the premises in a location readily accessible to firefighters and emergency personnel, but not where they are available to the public.))

A lock box is required to house the keys specified in ASME A17.1/CSA B44, Section 2.27.8.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02481 City of Seattle requirements for sprinklers and shunt trips (~~within the city limits of Seattle~~)). Within the city limits of Seattle application of water will be manually controlled and elevator shut down will be installed per the current code adopted by the city of Seattle elevator section.

Section 6

Correction Facility Elevators

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-02490 (~~Are there exceptions for correction facility elevators?~~) Exceptions. Facilities that require special consideration to ensure the safety of security personnel and to prevent escapes (~~must~~) shall meet the relevant requirements of ASME (~~A17.1~~) A17.1/CSA B44, except that accessible "in-car" stop switches and signaling devices are not required when the elevator operation is:

- (1) Continually monitored by audio-visual equipment.
- (2) Remotely controlled from a single location.

~~((3))~~ Controls necessary for an elevator's operation may be located inside a car when the operating panel has a locked cover.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02525 (~~What is required for installation and operation of emergency communication systems?~~) Communication devices and systems. (~~Every elevator must contain an emergency two-way communication system. The installation and operation of this emergency communication system must comply with the ASME A17.1 code in effect when the department issued the elevator's installation permit. In addition to the appropriate ASME A17.1 code, the following requirements apply:~~)

(1) The communication device located in the elevator car must comply with the following:

(a) The maximum height of any operable part of the communication system is forty-eight inches above the floor.

(b) Raised symbols and letters must identify the communication system. These symbols and letters must be located adjacent to the communication device. The characters used must be:

- (i) At least 5/8 inches but no more than two inches high;
- (ii) Raised 1/32 inch;
- (iii) Upper case;
- (iv) Sans serif or simple serif type; and
- (v) Accompanied by Grade 2 Braille.

(c) If the system is located in a closed compartment, opening the door to the compartment must:

- (i) Require the use of only one hand without tight grasping, pinching, or twisting of the wrist; and
- (ii) Require a maximum force of five pounds.

~~(d) The emergency communication system must not be based solely upon voice communication since voice-only systems are inaccessible to people with speech or hearing impairments. An indicator light must be visible when the telephone is activated. This nonverbal means must enable the message recipient to determine the elevator's location address and, when more than one elevator is installed, the elevator's number.~~

~~(e) The emergency communication system must use a line that is capable of communicating with and signaling to a person or service that can respond appropriately to the emergency at all times.~~

~~(2) A communication device (intercom), if required by ASME A17.1, must be installed in the lobby adjacent to the Phase I key switch. This device must be a two-way communication device used to communicate with individuals in the elevator.~~

~~(a) The height of any communication device(s) located in the lobby must be located between forty-eight and sixty inches above the floor.~~

~~(b) Additional communication device(s) may also be located in other parts of the building in addition to the one located in the lobby.~~

~~(c) ASME A17.1-2.27.1.1.6(a) The two-way voice communication (intercom) within the building is not required to meet the telephone operability verification requirements if the connections are hardwired.~~

EXCEPTION: Elevators that have less than sixty feet of travel do not require an intercom.

~~(3) Subsections (1) and (2) of this section do not apply to special purpose elevators. However, residential and special purpose elevators must have a means of communication located inside the elevator cab. This communication device must be permanently installed and available at all times. Cell phones and radios do not meet this requirement.~~

EXCEPTION: Residential inclined elevators are exempt from this section.)

Communication devices and systems shall comply with ASME A17.1/CSA B44 and ICC A117.1 as applicable.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02530 (~~What requirements apply to the size and location of car handrails?~~) Handrails. (~~A handrail must provide coverage lengthwise at least ninety percent from wall to wall.~~)

(1) A handrail must be installed on all car walls not used for normal exits. The handrails must be:

(a) Attached to the wall at a height of between thirty-two and thirty-five inches from the floor to the top of the handrail;

(b) Attached to the wall with a 1-1/2 inch space between the wall and the rail;

(c) Constructed with the hand-grip portion not less than 1-1/4 inches but not more than two inches wide;

(d) Constructed with a cross-section shape that is substantially oval or round;

(e) Constructed with smooth surfaces and no sharp corners. Approaching handrail ends on a blank wall in the inte-

rior corners of a car do not have to return to the wall. However, if the handrail is located on the closing door wall of a single slide or two speed entrance elevator and it projects an abrupt end towards people entering the car, the handrail end must return to the wall.

~~(2) Residential elevators must have at least one handrail. The handrail must be installed on a car wall not used for normal exits.~~

~~EXCEPTION: Special purpose elevators are exempt from this section.)~~

Handrails are not required. Where handrails are provided in elevator cars, their configuration shall comply with ADAAG or ICC A117.1.

Note: Residential conveyances are excluded from this requirement.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02552 Location of equipment in hoistway. (1) Where an elevator cannot be prevented from movement electrically and mechanically prior to entering the hoistway or pit area, the following restrictions shall apply:

(a) Motor controllers, motion controller, drive, hydraulic control valves, hydraulic reservoir (tank), and hydraulic pump motor shall not be located in the hoistway or pit.

~~((2) Elevator controls and machinery other than driving machines, hydraulic cylinder, piston, governor, and their components shall be located in a room dedicated exclusively to elevator equipment.~~

~~(3) Drive sheaves, deflector sheaves, machine parts and supports are permitted to project into the hoistway.~~

~~(4)) (b) Driving machines shall not be located in the pit.~~

(2) The ability to activate the means to secure the elevator electrically and mechanically shall be such that the activation can be performed without full bodily entry into the hoistway or pit.

(3) Elevator controls and machinery other than driving machines, hydraulic cylinder, piston, governor, and their components shall be located in a room dedicated exclusively to elevator equipment.

(4) Drive sheaves, deflector sheaves, machine parts and supports are permitted to project into the hoistway.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02558 ((Pit equipment.)) Working platforms. ~~((1) ASME A17.1-2.4.2 When oil buffers are used, the bottom runby shall be not less than one hundred fifty millimeters (six inches). Sections (a) and (b) from the ASME A17.1-2.4.2.1 code are not adopted.~~

~~(2) ASME A17.1-2.2.8))~~ When working platform inspection operation is provided, according to ASME ~~((A17.1-2.7.5.3.6))~~ A17.1/CSA B44, 2.7.5.3.6 in hoistways containing a single elevator:

~~((a))~~ (1) A pit access door is required; or

~~((b))~~ (2) Additional elevator personnel shall be present outside the hoistway when the pit inspection operation is in effect.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02580 ((Are keys required to be on-site?)) Keys required on-site. The keys ~~((to the machine room and the keys that are necessary to operate the elevator must))~~ for Group 2 Authorized Personnel (see ASME A17.1/CSA B44 8.1.3) shall be located in a locked key retainer box in the elevator lobby at the designated level above the hall buttons, or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. If in order to meet this requirement the box would be located in an unsecured location (such as the outside portion of a condo), other arrangements shall be accommodated with the written permission of the department.

The key retainer box ~~((must))~~ shall be:

- Readily accessible to authorized personnel;
- Clearly labeled "ELEVATOR";
- Securely mounted;
- Equipped with a 1-inch mortise cylinder cam lock with keyway set to a #39504 Fort type key ~~((and securely mounted))~~;

Further:

• Keys for access to elevator machine rooms and for operating elevator equipment ~~((must))~~ shall be tagged and kept in the key box.

• The box ~~((must))~~ shall contain all keys associated with the Group 2 Security and applicable to the elevator(s) (see ASME A17.1/CSA B44, Req. 8.1.3).

• Mechanical hoistway access devices ~~((must))~~ shall be located in the key box or machine room.

Note: The cities of Seattle and Spokane may designate their own options for keys and lockbox arrangement via their rule processes. ~~((ASME A17.1-2.27.8 Local fire or building code authorities may specify the requirements for a uniform keyed lock box and its location to contain the necessary keys (this will be in addition to the requirements above). Where required, a lock box, including its lock and other components, shall conform to the requirements of UL 1037 (see Part 9). These keys shall be kept on the premises in a location readily accessible to firefighters and emergency personnel, but not where they are available to the public.))~~

~~EXCEPTION: Residential elevators are exempt from this section.~~

~~((LULA))~~

AMENDATORY SECTION (Amending WSR 08-23-085, filed 11/18/08, effective 12/19/08)

WAC 296-96-02590 ((When does the department require a local building official to sign off for the installation of LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts?)) Building official signatures. In existing buildings where LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts are to be installed, the local building official ~~((must))~~ shall signify that he/she is allowing this type of conveyance on a form provided by the department.

~~EXEMPTION: Residential conveyances are exempt from this section.~~

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02605 Private residence inclined stairway chairlifts. (1) ~~Battery operated private residence inclined stairway chairlifts are not required to be permanently wired (into a structure) or installed on an individual branch circuit as required by NEC 620.51 (A) Exception 2. These conveyances (may be equipped with) shall be permitted to use a cord and plug (-The plug must be directly inserted into a wall receptacle that is protected by a fuse or a circuit breaker at its source and is capable of supporting the additional load on the circuit. The source must be identified either at the receptacle or at the feeder panel. The cord must be secured in a manner that will not create any tripping hazards)) that will act as the equipment disconnecting means. The circuit, which is used for the equipment, shall have overcurrent protection that will protect the circuit and the equipment. The circuit shall have sufficient capacity to support the additional load of the stairway chairlift. Units that are operated by line voltage shall comply with NEC 620.51 (A) Exception 2.~~

(2) ~~((ASME A18.1-7.10.1 Operation of the lift from the top and bottom landings and from the platform shall be controlled by control switches at all stations and by means of the continuous pressure type. Operation of the lift from the intermediate landings shall be controlled by "up" and "down" control switches and by means of the continuous pressure type. Controls shall be one thousand two hundred millimeters (forty eight inches) maximum and nine hundred fourteen millimeters (thirty six inches) minimum above the platform floor or facility floor or ground level. Operating devices shall be designed so that both the "up" and "down" circuits cannot be operated at the same time.~~

~~(3)) A free passage width of not less than seventeen inches shall be provided. If the chair can be folded when not in use the distance can be measured from the folded chair. When in use there must be a minimum of two inches between any body part and the nearest obstruction.~~

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-02640 Incline commercial stairway chair lifts. ~~((1) ASME A18.1-2.10.1 and ASME A18.1-3.10.1 Operation of the lift from the top and bottom landing(s) and from the platform shall be controlled by control switches at all stations and by means of the continuous pressure type. Operation of the lift from the intermediate landing(s) shall be controlled by "up" and "down" control switches and by means of the continuous pressure type. Controls shall be one thousand two hundred millimeters (forty eight inches) maximum and nine hundred fourteen millimeters (thirty six inches) minimum above the platform floor, facility floor, or ground level. Operating devices shall be designed so that both the "up" and "down" circuits cannot be operated at the same time.~~

~~(2) ASME A18.1-4.1.1 Incline commercial stairway chair lifts in new and existing buildings must have a clear passage width of not less than twenty inches. If the seat can be folded when not in use, the distance shall be measured from the folded position to the nearest obstruction.)) Gover-~~

nor overspeed testing shall be verified by manufacturer documentation and manually tripped at rated speed with no load.

PART C1 - MINIMUM STANDARDS FOR NEW AND ALTERED STANDARD APPLICATION MATERIAL LIFTS

NEW SECTION

WAC 296-96-05000 Scope. The requirements in this part are intended to cover those stand-alone standard application vertical lifts. Where Type-A or Type-B material lifts are installed, they shall comply with ASME A17.1/CSA B44, Part 7.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-05010 ~~((What are the department's rules on material lifts?))~~ Definition and use. (1) These rules define a "standard application material lift" as a fixed stationary conveyance that:

- (a) Has a car or platform moving in guides;
- (b) Serves two or more floors of a building or structure;
- (c) Has a vertical rise of at least ~~((five feet))~~ 5 ft. and no more than 60 ft.;
- (d) Has a maximum speed of ~~((fifty feet per minute))~~ 50 ft./min.;
- (e) Is not part of a conveying system but is an isolated self-contained lift;
- (f) Travels only in an inclined or vertical direction;
- (g) Is operated or supervised by an individual designated by the employer;
- (h) Is installed in a commercial or industrial area not accessible to the general public; and
- (i) May not be operated from within the car.

(2) Standard application material lifts ~~((must))~~ shall not carry people so their operation or failure will not endanger people working near them. WAC 296-96-05010 through 296-96-05290 establishes requirements for the construction, installation, and operation of material lifts. ~~((These rules allow certain conveyances designed solely to transport material and equipment to be constructed to less stringent and costly standards than ASME A17.1.))~~

These rules do not apply to conveyances that lack a car (platform) and use rollers, belts, tracks, power conveyors, or similar carrying (loading) surfaces. (See ASME/ANSI B20.1.)

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-05020 ~~((What requirements apply to the construction and fire safety of))~~ Hoistway enclosure((s?)). Generally, local codes and ordinances govern hoistway enclosure construction. When not in conflict with a local code requirement, the enclosure ~~((must))~~ shall:

- (1) Be built to a height of 7 feet above each floor, landing and adjacent stairway tread;

(2) Extend (adjacent to the counterweights) the full height of the floor and 8 inches beyond the counterweight raceway;

(3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball; ~~((and))~~

(4) Be supported and braced so that it does not deflect more than 1 inch when subjected to a force of 100 ~~((pounds))~~ lbs. applied perpendicular at any point~~((:))~~;

(5) A full height hoistway enclosure is required only on the side(s) of the material lift for which the car is not equipped with a gate or enclosure.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-05030 ~~((What are the construction requirements for))~~ **Hoistway ~~((enclosure))~~ gates and doors~~((?))~~**. Enclosure gates (doors) ~~((must))~~ shall be constructed according to the following standards:

(1) The gate ~~((must))~~ shall guard the full width of each opening on every landing.

(2) It ~~((must))~~ shall be built in one of the following styles:

- (a) Vertically sliding;
- (b) Biparting;
- (c) Counter-balanced;
- (d) Horizontally swinging; or
- (e) Horizontally sliding.

(3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball.

(4) Be constructed with a distance of not more than 2 1/2 inches between a hoistway gate or hoistway door face and a landing sill edge.

(5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from its guides or tracks) a 100 pound lateral pressure applied near its center.

(6) Be equipped with labeled and listed electrical interlock(s) that prevents the operation of the lift when the doors or gates are open.

(7) Be constructed with balanced type vertically sliding gates that extend no more than 2 inches vertically from the landing threshold and no less than 66 inches above it.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05040 ~~((What requirements apply to a hoistway that does not extend to the lowest levels of a building or structure?))~~ **Space below hoistway**. If the space directly below the hoistway is accessible, the following requirements apply:

(1) All lift counterweights ~~((must))~~ shall have safeties.

(2) All cars and counterweights ~~((must))~~ shall have either spring or oil buffers.

(3) Spring buffers ~~((must))~~ shall not fully compress when struck by a car carrying its rated load or by the counterweights when they are moving at the following speeds:

(a) For safeties operated by a governor, the tripping speed of the governor is the maximum striking speed.

(b) For safeties not operated by a governor, 125 percent of the rated speed is the maximum striking speed.

(4) Car and counterweight-buffer supports ~~((must))~~ shall be able to withstand any impact upon the buffer (without permanent deformation) while occurring at the following speeds:

(a) For safeties operated by a governor, the tripping speed of the governor at the rated capacity is the maximum impact speed.

(b) For safeties not operated by a governor, 125 percent of the rated speed is the maximum impact speed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05050 ~~((What requirements apply to lift hoist driving machines?))~~ **Drive machines**. (1) Lift hoist driving machines ~~((must))~~ shall be one of the following types:

- (a) Winding drum.
- (b) Traction.
- (c) Direct plunger.
- (d) Hydraulic.
- (e) Roped or chained hydraulic.
- (f) Rack and pinion.
- (g) Roller chain drive.
- (h) Scissors.
- (i) Screw.

(2) Overhead mounted driving machines ~~((must))~~ shall either be secured to the top of overhead beams or supported by the floor above. Hooks, cables, chains or similar devices cannot suspend driving machines.

(3) For traction machines, the diameter of drive sheaves cannot be less than 30 times the diameter of the hoisting cables. The diameters of all other sheaves cannot be less than 21 times this diameter.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-05070 ~~((What car enclosure requirements apply to lifts?))~~ **Car enclosures**. (1) Lift cars ~~((must))~~ shall have their sides enclosed with solid panels or openwork that will reject a two-inch diameter ball. On the car sides where there is no gate (door), the enclosure ~~((must))~~ shall extend to a height of at least forty-eight inches from the floor or to a height necessary to enclose the materials that are being moved, whichever is greater. On the car side next to the counterweight runway, the enclosure ~~((must))~~ shall extend vertically to the car top or underside of the car crosshead and horizontally to at least six inches on each side of the runway.

(2) Standard application material lifts in unenclosed hoistways ~~((must))~~ shall have a car gate that is constructed of the same material as the car enclosure.

(3) The gate, if required or supplied, ~~((must))~~ shall be the same height as the sidewalls of the car enclosure and ~~((must))~~ shall be provided with a latching device and electrical contact to prevent the operation of the motor and brake if open more than two inches.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-05080 ~~((How much))~~ **Running clearance** ~~((is permitted between a car sill and a hoistway?))~~. Running clearance between a car sill and a hoistway enclosure ~~((must))~~ shall not exceed two inches. If the lift is supplied with a car door or gate, the running clearance is measured from the car sill to the hoistway sill.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05090 ~~((What requirements apply to))~~ **Car and counterweight guides** ~~((?))~~. Car and counterweight guide rails ~~((must))~~ shall be fastened so they will not deflect more than 1/8 ~~((inch))~~ in. They ~~((must))~~ shall also be strong enough to withstand, without deformation, the application of a car safety when the car is carrying its rated load and traveling at its rated speed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05100 ~~((How much weight can be placed on a car frame and platform during))~~ **Loading and unloading** ~~((?))~~. Car frames and platforms ~~((must))~~ shall be designed and constructed per ~~((manufacturers'))~~ manufacturer's specifications to withstand the impact of the maximum weight encountered during loading and unloading.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-05120 ~~((What requirements apply to ear))~~ **Operating devices, terminal stopping devices and electrical protective devices** ~~((?))~~. If electrically operated, such devices ~~((must))~~ shall be enclosed. On lifts driven by winding drum machines, there ~~((must))~~ shall be a slack rope device employing an enclosed electric switch (manually reset type) which ~~((halts))~~ removes power to the drum and brake when the hoisting rope becomes slack.

On other lifts suspended by flexible means such as chain, there ~~((must))~~ shall be a slack rope/chains device employing an enclosed electric switch (manually reset type) which ~~((halts))~~ removes power to the machine and brake when the suspension means becomes slack.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-05140 ~~((What requirements apply to))~~ **Car safeties** ~~((?))~~. Car safeties ~~((must))~~ shall be used on all material lifts that are suspended by wire ropes or chains. They ~~((must))~~ shall be able to stop and sustain a car carrying ~~((one hundred twenty-five))~~ 125 percent of its rated load. This shall be demonstrated during the acceptance inspection and test procedure with an overspeed or gravity drop test, minimum two safeties at a time. On lifts driven by rack and pinion machines:

(1) Car safeties ~~((must))~~ shall be able to stop and sustain a car carrying ~~((one hundred twenty-five))~~ 125 percent of its rated load.

(2) Car safeties will consist of a freely rotating safety pinion, an overspeed governor and a safety device which may be mounted on the car.

(3) The rotating pinion driving an overspeed governor will travel on a stationary rack which is vertically mounted in the hoistway.

(4) The governor will actuate the safety device when the downward speed of the car reaches the tripping speed and will bring the car to a gradual stop.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05150 ~~((What requirements apply to lift))~~ **Brakes** ~~((?))~~. On electric lifts, brakes ~~((must))~~ shall engage by springs and ~~((must))~~ shall release electronically. All brakes ~~((must))~~ shall have the ability to stop a car and hold it at rest while the car is carrying 125 percent of its rated load. At least one brake ~~((must))~~ shall be mounted on the load side of the driving machine's worm shaft. On indirectly driven lifts, brakes ~~((must))~~ shall engage when the driving mechanism fails.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-05160 ~~((What types of ropes, chains, and rope connections must be used on a lift?))~~ **Suspension means**. (1) The following general requirements apply:

(a) Iron (low carbon steel) or steel wire ropes with fiber cores ~~((must))~~ shall be used to suspend cars and counterweights.

(b) The minimum safety factor for suspension ropes ~~((must))~~ shall be 6 times the manufacturers rated breaking strength per rope.

(c) The car, the counterweight end of the car and the counterweight wire ropes (or the stationary hitch ends where multiple roping is used) ~~((must))~~ shall be fastened so that the looped ends of the turned back portion in the rope sockets are clearly visible. Fastenings ~~((must))~~ shall either be:

(i) Individual tapered, babbitted rope sockets; or

(ii) Other types of department approved rope fastenings.

(d) Rope sockets ~~((must))~~ shall develop at least 80 percent of the breaking strength of the strongest rope used in the sockets.

(e) U-bolt rope clips (clamps) cannot be used for load fastenings.

(f) A metal or plastic data tag ~~((must))~~ shall be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag ~~((must))~~ shall include:

(i) The diameter of the ropes in inches; and

(ii) The manufacturer's rated breaking strength.

(iii) The month and year the ropes or chain were installed.

(iv) The name of the person or organization who installed the ropes.

(v) All replacements of wire rope or chain ~~((must))~~ shall be in accordance with the lift manufacturer's specifications.

(2) The following requirements apply to specific types of material lifts:

(a) Traction type lifts ~~((must))~~ shall use at least three hoisting ropes.

(b) Lifts suspended by hoisting chains ~~((must))~~ shall comply with the chain manufacturer's specifications for maintenance, inspection, and application.

(c) Lifts using roller chain type lifting chains ~~((must))~~ shall use chains with a ~~((six to one))~~ 6:1 safety factor based on ASME/ANSI B-29.1M minimum (not average) chain strength.

(d) Drum type lifts, ~~((must))~~ shall use either at least two hoisting ropes or a secondary as well as a primary load path to the hoist ~~((must))~~ shall be employed. Also, the cable secured to the drum ~~((must))~~ shall be at least one and one-half turns around the drum when the carrier is at its extreme limit of travel.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-05170 ~~((What requirements apply to lift))~~ **Control stations** ~~((?))~~. Lift control stations ~~((must))~~ shall be located at each landing out of reach but within sight of the car. They ~~((must))~~ shall have controls that are permanently and clearly labeled by function. The controls ~~((must))~~ shall have a stop switch that will halt electrical power to the driving machine and brake. This stop switch ~~((must))~~ shall:

- (1) Be manually operated;
 - (2) Have red operating handles or buttons;
 - (3) Be conspicuously and permanently marked "STOP";
- and
- (4) Clearly indicate the stop and run position.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05190 ~~((How must lift pits be constructed?))~~ **Pits**. Lift pits ~~((must))~~ shall:

- (1) Have noncombustible floors;
- (2) Be designed to prevent the entry of groundwater into the pit;
- (3) Have floors that are substantially level;
- (4) Have drains that are not directly connected to sewers;
- (5) Provide safe and convenient access to the pit;
- (6) Provide an approved ladder for pits deeper than 3 feet; and

(7) Have ~~((non-perforated))~~ **nonperforated** metal guards installed on the open sides of the counterweights where spring, solid or oil type buffers are attached. These guards ~~((must))~~ shall:

(a) Extend from a point not more than 12 inches above the pit floor to a point at least 7 feet but not more than 8 feet above the floor;

(b) Be fastened to a properly reinforced and braced metal frame which will be at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel; and

(c) Be omitted on the pit side where compensating chains or ropes are attached to the counterweight.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05200 ~~((Which lift landings must be illuminated?))~~ **Illumination of landings**. All lift landings ~~((must))~~ shall be illuminated.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05210 ~~((What signs must be posted on landings and lifts?))~~ **Signage**. Each lift ~~((must))~~ shall have the following two signs:

(1) A "CAPACITY" sign permanently fastened in the lift car and on each landing. This sign ~~((must))~~ shall indicate the rated load of the lift in pounds and be made of metal with 2-inch high black letters on a yellow background.

(2) A "NO RIDERS" sign conspicuously and permanently fastened on the landing side of all hoistway gates (doors) and in the enclosure of each car. This sign ~~((must))~~ shall be made of metal with 2-inch high black letters on a red background.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05220 ~~((What electrical wiring standards apply to lifts?))~~ **Electrical requirements**. All electrical wiring, installations, and equipment in a hoistway, machine room or machinery space ~~((must))~~ shall conform to the National Electrical Code in effect at the time of installation or major alteration.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-05230 ~~((What safety regulations apply to))~~ **Exposed equipment** ~~((?))~~. All exposed gears, sprockets, sheaves, drums, ropes and chains ~~((must))~~ shall be guarded to protect against accidental contact as required by general safety and health standards adopted according to chapter 49.17 RCW.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-05240 ~~((What are the))~~ **Minimum maintenance requirements** ~~((for lifts?))~~. All owners, or designated owner representatives, of material lifts described in this chapter are responsible for the maintenance of their lifts and parts. Minimum maintenance requirements are:

(1) All lifts described in this chapter and their parts ~~((must))~~ shall be maintained in a safe condition. Maintenance, examinations, and safety tests are to be performed and documented to the applicable sections of WAC ~~((296-96-23601 through 296-96-23610; and))~~ 296-96-23605.

(2) All devices and safeguards that are required by this chapter ~~((must))~~ shall be maintained in good working order.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05260 ~~((When are))~~ **Inspections required**~~((?))~~. Inspections are required for each lift installation, alteration or relocation and ~~((must))~~ shall be conducted at the completion of the job before the lift is placed into service. The inspection ~~((must))~~ shall include a safety test at ~~((425))~~ 100 percent of rated load.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-05290 ~~((Under what conditions is a five year test administered?))~~ **Periodic tests**. A five-year test of the material lift car and counterweight safety devices ~~((must))~~ shall be conducted, and the test ~~((must))~~ shall be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular material lift, and who holds a current temporary mechanic's license in this state;

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(2) The car safety devices ~~((must))~~ shall be tested while the car is carrying a 100 percent rated load and the counterweight is at no load.

(3) A report of the test results ~~((must))~~ shall be ~~((submitted to the department for approval))~~ retained on-site for review by elevator personnel.

~~PART C2 - ((CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF INCLINED PRIVATE RESIDENCE ELEVATOR FOR TRANSPORTING PERSON(S)))~~ PRIVATE RESIDENCE INCLINED ELEVATORS

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-07150 ~~((What are the construction requirements for))~~ **Guide rails, track supports and fastenings**~~((?))~~. (1) ~~((Guides, guide rails, guide rail brackets, splice plates, and fastenings must be made of steel or other metals conforming to the requirements of this section.~~

~~((2))~~ Guides, guide rails, guide rail brackets, and their fastenings and supports ~~((must))~~ shall, at the point of support, deflect 1/8 inch or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails ~~((must))~~ shall deflect 1/4 inch or less in any direction.

(2) Fixed, suspended cable guides may be used as a guide member(s). When used, the deflection is to be specified by the manufacturer and approved by a structural engineer licensed in the state of Washington.

~~((3))~~ The top and bottom of each guide or guide rail run must not allow a car and counterweight guiding members to travel beyond the guide rail ends.))

PART C3 - CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF PRIVATE RESIDENCE INCLINED CONVEYANCES FOR TRANSPORTING ONLY PROPERTY

NOTE: New installations shall comply with ASME A17.1/CSA B44, 5.4.

PART C4 - ~~((TEMPORARY))~~ PERSONNEL HOISTS

NOTE: All newly installed personnel hoists shall comply with ASSE/ANSI A10.4.

PART C5 - ADDITIONAL TYPES OF CONVEYANCES

Material Hoists

NOTE: New installations to comply with ANSI A10.5.

~~((PART C5 - ADDITIONAL TYPES OF CONVEYANCES))~~

Belt Manlifts

NOTE: New installations of belt manlifts shall comply with current adopted version of ASME A90.1.

AMENDATORY SECTION (Amending WSR 04-12-047, filed 5/28/04, effective 6/30/04)

WAC 296-96-11080 ~~((Under what conditions is a five year test administered?))~~ **Five-year test**. A five-year test of the belt manlift ~~((must))~~ shall be conducted, and the test ~~((must))~~ shall be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category of the conveyance being tested;

(b) The representative of a firm that manufactured the particular belt manlift who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular belt manlift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category of the conveyance being tested.

(2)(a) The up capacity of the belt manlift ~~((must))~~ shall be tested with ~~((two hundred pounds))~~ 200 lbs. on each horizontal step. During the up-run portion of the test the belt manlift ~~((must))~~ shall not show appreciable slip of the belt when standing or running at rated speed.

(b) The down capacity of the belt manlift ~~((must))~~ shall be tested with ~~((two hundred pounds))~~ 200 lbs. on each horizontal step. During the down-run portion of the test the belt manlift ~~((must))~~ shall not show appreciable slip of the belt when standing or running at the rated speed.

The brake shall stop and hold the belt with test load within a maximum of ~~((twenty-four inches))~~ 24 in. of travel.

(3) After the five-year test has been performed a tag indicating the date of the test and name of the company performing the test ~~((must))~~ shall be attached in a visible area of the drive motor machine.

~~((Electric Manlifts))~~ **Special Purpose Personnel Elevators**

NOTE: New installations shall comply with ASME A17.1/CSA B44, Section 5.7.

~~((Hand Powered Manlifts))~~ **Hand Elevators**

NOTE: New installations shall comply with ASME A17.1/CSA B44, Section 4.3.

Casket Lifts

NOTE: These conveyances are intended to be used only in mortuaries where moving caskets is necessary. The installation of new lifts for this purpose shall comply with ASME A17.1/CSA B44, Part 7.

Boat Launching Elevators

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18010 ~~((What are the definitions for boat launching elevators?))~~ **Definition.** "Boat launching elevator" is a device that:

- (1) Is equipped with a car or platform;
- (2) Moves in guides in a substantially vertical direction;
- (3) Serves to connect one or more floors or landings of a boat launching structure with a beach or water surface; and
- (4) Is used for carrying or handling boats in which people ride.

"**Boat launching structure**" is any structure that houses and supports any boat launch elevator.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-18011 ~~((What are the))~~ **Minimum maintenance requirements** ~~((for boat launch elevators?))~~. Owners of boat launch elevators are responsible for ensuring that:

- (1) Elevators and their parts are maintained in a safe condition; and
- (2) All devices and safeguards required by these regulations are maintained in good working order.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18020 ~~((Must boat launching elevator cars and platforms be enclosed?))~~ **Car and platform enclosures.** All boat launching elevator cars or platforms ~~((must))~~ shall be enclosed to a height of at least 6 feet from the floor on all sides where there are no hoistway doors or gates. Enclosures may be built as solid panels or open work which will reject a ~~((two inch))~~ 2 in. diameter ball.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18030 ~~((What))~~ **Electrical wiring requirements** ~~((apply to boat launching elevators?))~~. (1) All electric wiring used in boat launching elevators, except the traveling cable, ~~((must))~~ shall be enclosed in rigid metal conduit.

(2) The traveling cable, which is required between the car mounted terminal stopping switch and the hoistway, ~~((must))~~ shall be made of flexible, nonmetallic, moisture-retardant, flame-retardant material.

(3) All electrical outlets, switches, junction boxes and fittings used in boat launching elevators ~~((must))~~ shall be ~~((weather proof))~~ weatherproof.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18040 ~~((What type of brakes must be used on boat launching elevators?))~~ **Brakes.** All electric boat launching elevators ~~((must))~~ shall be equipped with effective brakes that are applied by springs and released electrically. Brake capacity ~~((must))~~ shall be sufficient to hold the elevator and its rated load at rest.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18050 ~~((What types of))~~ **Stop switches and protective devices** ~~((are required on boat launching elevators?))~~. (1) All electric boat launching elevators ~~((must))~~ shall be equipped with:

(a) A bottom terminal stop switch operated by the traveling cable and a float or some other department approved mechanism;

(b) A top terminal stop switch that is located in the hoistway and is operated either by a cam attached to the car or some other department approved mechanism; and

(c) Key-operated, continuous pressure type operating switches that are located outside the hoistway but within sight of the elevator car or platform.

(2) All boat launching elevators operated by a winding drum, ~~((must))~~ shall be equipped with a final stop switch that is located on and operated directly by the driving machine. Chains, ropes or belts ~~((must))~~ shall not drive final stop switches.

(3) All boat launching elevators driven by a polyphase alternating current motor ~~((must))~~ shall be equipped with the following approved relays:

(a) A reverse phase relay that prevents the driving machine motor from starting when either the phase rotation is in the wrong direction or there is a phase failure; and

(b) A main line relay or contact that automatically stops power to the driving machine motor and brake, activating the brake when any safety device is activated.

(4) Hand rope controls ~~((must))~~ shall not be used on any boat launch elevator.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18060 (~~When must hoisting cables be reshackled or refastened?~~) **Reshacking and refastening of hoisting cables.** The load end of a hoisting cable on all boat launching elevators (~~must~~) shall be reshackled or refastened every 12 months.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18070 (~~What requirements apply to~~) **Hoistway gates and doors**(~~?~~). (1) All boat launching elevators (~~must~~) shall have gate-protected hoistway entrances at every landing except those landings located on the beach or at the water surface.

(2) All gates (~~must~~) shall comply with the following minimum requirements:

(a) There (~~must~~) shall be a full-bodied, balanced type safety gate that protects the full width of the hoistway and (~~must~~) shall hang, at all points along the gate, within (~~two inches~~) 2 in. of the landing threshold;

(b) The minimum gate height on top landings is 42 inches and 66 inches on all intermediate landings;

(c) Gates (~~must~~) shall be constructed of either metal or wood;

(d) Gates (~~must~~) shall be capable of withstanding a lateral pressure, applied at any point, of 250 (~~pounds~~) lbs. without breaking, becoming permanently deformed or being displaced from their guides or tracks;

(e) The openings in grille, lattice or other openwork designed gate bodies, (~~must~~) shall reject a (~~two-inch~~) 2 in. diameter ball; and

(f) Gates (~~must~~) shall be equipped with a department approved combination electric contact and mechanical lock.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-18080 (~~Must boat launching elevator hoistways be enclosed?~~) **Hoistway enclosures.** The sides of elevator hoistways adjacent to a dock area platform, walkway or ramp (~~must~~) shall be enclosed. The enclosures (~~must~~) shall comply with the hoistway safety gate dimension and pressure requirements in WAC 296-96-18070.

Mechanized Parking Garages (~~Equipment~~)

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-20005 (~~What national safety codes has the department adopted for mechanized parking garage equipment?~~) **Applicable codes and standards.** The department has adopted USASI Standard ANSI/ASME A113.1-1964 "Safety Code for Mechanized Parking Garage Equipment."

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-20010 (~~What are the~~) **Minimum maintenance requirements** (~~for mechanized parking garage equipment?~~). Owners of mechanized parking garage equipment are responsible for ensuring that:

(1) Elevators and parts are maintained in a safe condition; and

(2) All devices and safeguards required by these regulations are maintained in good working order.

PART D - REGULATIONS FOR EXISTING ELEVATORS, DUMBWAITERS, AND ESCALATORS

~~(Regulations for Existing Electric Elevators, Direct Plunger and Roped Hydraulic Elevators, Escalators used to transport passengers, Electric and Hand-powered Dumbwaiters, Hand-powered Elevators, Inclined Stairway Chairlifts, Inclined and Vertical Wheelchair Lifts, and Sidewalk Elevators)~~

~~NOTE: The following rules set the minimum standard for existing elevators, dumbwaiters, and escalators, and, where applicable, alterations.)~~

~~NOTE: This part provides the minimum requirements for existing conveyances. Application of Part D rules apply where a conveyance was not provided, or required to be provided, with a device or system when originally installed or altered. Where Part D does not cover a particular device or system, refer to ASME A17.3.~~

Section 1

Compliance Time Frames

NEW SECTION

WAC 296-96-23000 Compliance time frames. Time frames for compliance with Part D or ASME A17.3 (or combination thereof) as applicable.

(1) These time frames do not apply to maintenance and periodic testing as required by ASME A17.1/CSA B44, Section 8.6.

(2) Where a single unit or group of units is required to comply with multiple requirements on one or more conveyances, the owner shall be granted sufficient time in order to comply without penalty.

(3) The owner shall submit a written plan and projected time frame for which to comply.

(4) Where conveyances are targeted for alterations, the owner may delay implementation of the requirements of Part D or ASME A17.3 (or combination thereof) until such time when the alteration is permitted by the department.

(a) For each item cited, the owner shall have a maximum of 24 months/2 years in which to come into compliance.

(b) Where Firefighters' Emergency Operation is required by ASME A17.3, Req. 3.11.3, the owner shall have a maximum of 60 months/5 years in which to come into compliance.

(Note: ASME A17.3, Req. 3.11.3 only pertains to elevators where firefighters' emergency operation does not comply with the 1987 or later editions of ASME A17.1 or ASME A17.1/CSA B44).

Section 2

Additional Requirements

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-23100 ~~((Are keys required to be on-site?))~~ **Elevator operating keys.** ~~((Yes-~~

(1) The keys to the machine room and the keys that are necessary to operate the elevator must be located in a locked key retainer box in the elevator lobby; or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. The key retainer box must be:

- (a) Readily accessible to authorized personnel;
- (b) Clearly labeled "Elevator"; and
- (c) Equipped with a 1-inch cylinder cam lock key #39504.

Further:

Keys for access to elevator machine rooms and for operating elevator equipment must be tagged and kept in the key box.

The key box must contain all keys necessary for inspections of the elevator.

Mechanical hoistway access devices must be kept in the key box or machine room.

(2) The department may approve existing retainer boxes provided they are:

- (a) Readily accessible to authorized personnel;
- (b) Clearly labeled "Elevator"; and
- (c) The lock must be either a 1-inch cylinder cam lock key #39504 or a combination lock. The combination for the lock must be on record with the department.

Deviations from this section due to security concerns must be approved by the department via a variance request.

Note: The cities of Seattle and Spokane may designate their own options for keys and lock box arrangement via their rule processes.

(3) ~~ASME A17.1-2.27.8~~ Local fire or building code authorities may specify the requirements for a uniform keyed lock box and its location to contain the necessary keys (this will be in addition to the requirements listed in subsection (1) or (2) of this section). Where required, a lock box, including its lock and other components, shall conform to the requirements of UL 1037 (see Part 9). These keys shall be kept on the premises in a location readily accessible to firefighters and emergency personnel, but not where they are available to the public.

(4) ~~ASME A17.1 Part 8~~ contains general requirements for new and existing equipment. Except reference ASME A17.1-2.27.8 shall not apply to phase one and two key switches installation on existing elevators installed prior to the adoption of this code unless required by the local code official.) Refer to WAC 296-96-02580.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-23101 ~~((What are the conveyance number requirements?))~~ **Identification numbers.** ~~((Conveyance numbers shall be permanently painted or etched to the controller or if space does not allow, the disconnect switch. The numbers shall be legible and at a minimum of one-half inch in height or as directed by the authority having jurisdiction.))~~ Where identification numbers are not provided for multiple conveyances within the same building, the equipment shall be required to comply with ASME A17.1/CSA B44, Section 2.29.

Subpart I

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23115 ~~((What safety requirements apply to inspecting and maintaining))~~ **Access to overhead sheaves** ~~((?)).~~ (1) Overhead sheaves ~~((spaces requiring inspection and maintenance must be located so adequate access and decking is available to insure the safety of inspection and maintenance personnel))~~ shall be provided with a means of access for inspections and maintenance.

(2) Guardrails ~~((must))~~ shall be installed where working platform or decking is provided and does not cover the complete hoistway.

(3) Guardrails ~~((and deck supports must be similar to those required for the top of an elevator car and may be made of either wood or metal compatible with the existing hoistway construction))~~ shall comply with ASME A17.1/CSA B44, Section 2.10.

(4) Inspections and maintenance may be performed from the top of ~~((an))~~ the elevator car ~~((if))~~ providing access is attainable without the use of a ladder ~~((is not required to perform these functions)).~~

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23116 ~~((What requirements apply to))~~ **Car numbers** ~~((?)).~~ In any building with more than one elevator, numbers at least ~~((two inches))~~ 2 in. in height identifying each car ~~((must))~~ shall be located at the main lobby entrance, inside the car, on the machine, and on the disconnect switch and if the conveyance has a walk-in pit, numbers shall also be installed on the buffer stands. Elevators installed in compliance with ASME A17.1/CSA B44, 2.29 are exempt from this rule.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23117 ~~((What requirements apply to top of))~~ **Car top railings for traction elevators** ~~((?)).~~ A standard railing ~~((must))~~ shall be installed on the top of all traction elevators where the perpendicular distance between the edges of the car top and the adjacent hoistway enclosure exceeds ~~((twelve inches))~~ 12 in. horizontal clearance. The

railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and the upper surface shall be located at a vertical height of ~~((forty-two inches))~~ 42 in. The intermediate rail shall be located approximately halfway between the top rail and the car top. There ~~((must))~~ shall be a minimum of ~~((six inches))~~ 6 in. of clearance above the top rail when the car is at its furthest point of travel. If the vertical clearance from the car top to the hoistway enclosure, including gravity-stopping distance, is less than 48 ~~((inches))~~ in. away, the top handrail height may be reduced to 42 ~~((inches))~~ in. plus or minus 3 ~~((inches))~~ in. If the clearances will not allow a ~~((39-inch))~~ 39 in. handrail, do not install the top of car railing, instead provide signage required by WAC 296-96-23119.

EXEMPTION: This requirement does not apply to electric manlifts.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23118 ~~((What requirements apply to top-of))~~ Car top railings for hydraulic elevators ((in unenclosed hoistways?)). A standard railing ~~((must))~~ shall be installed on the top of hydraulic elevators installed in unenclosed hoistways. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and, the upper surface shall be located at a vertical height of 42 ~~((inches))~~ in. plus or minus 3 ~~((inches))~~ in. The intermediate rail shall be located approximately halfway between the top rail and the car top. There ~~((must))~~ shall be a minimum of ~~((six inches))~~ 6 in. of clearance above the top rail when the car is at its furthest point of travel on the mechanical stop. If the vertical clearance of 6 ~~((inches))~~ in. cannot be achieved, do not install car top railing, instead provide signage required by WAC ~~((296-96-119 [WAC 296-96-23119]))~~ 296-96-23119.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23119 ~~((What signage requirements apply to traction elevators with minimal overhead clearance?))~~ Low overhead signs. Elevators that do not have a minimum of ~~((twenty-four inches of))~~ 24 in. clearance from the crosshead, or any equipment mounted on the crosshead, to the lowest member of the overhead structure in the hoistway when the car has reached its maximum upward movement ~~((must have))~~ shall be provided with caution signage. A sign ~~((must))~~ shall be located near the top of car inspection station. An additional sign ~~((must))~~ shall be posted on the hoistway wall. This sign ~~((must))~~ shall be visible when accessing the car top. The sign shall consist of alternating ~~((four-inch))~~ 4 in. diagonal red and white stripes and ~~((must))~~ shall clearly state "danger low clearance" in lettering not less than ~~((four inches))~~ 4 in. in height.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23122 ~~((What type of lighting must be installed in machine rooms and machinery space?))~~ Machine room and machinery space illumination. ~~((Permanent electric lighting must be provided in all machine rooms and machinery spaces. All installations prior to 7/1/2004 require illumination to be at least 10 foot-candles at floor level.))~~ Elevators installed under the 1996 and earlier editions of ASME A17.1 shall have a minimum of 10 foot-candles of illumination at floor level within the working areas in machine rooms and machinery spaces.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23123 ~~((What type of service outlets must be installed in elevator cars, hoistways and machinery spaces?))~~ Duplex and simplex receptacles. ~~((Service outlets))~~ Duplex and simplex receptacles, where provided, ~~((must))~~ shall be permanently grounded.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23126 ~~((What protective measures should be taken in hoistways, machine rooms and machinery spaces to insure safety?))~~ Guarding of equipment. (1) Where feasible, gears, sprockets, sheaves, cables, tapes, belts and chains ~~((must))~~ shall be fitted with suitable guards to prevent accidental contact ~~((, where feasible)).~~

(2) Openings in machine room floors above the hoistway must be guarded to prevent tools from falling into the hoistway below.

(3) Open grating in machine room floors shall reject a ball 1/2 in. in diameter.

(4) Ventilation grids where exposed to the hoistway below ~~((must))~~ shall be firmly ~~((bolted or secured))~~ fastened to prevent accidental removal and ~~((must))~~ shall be fitted with 1/2 ~~((inch))~~ in. wire mesh under the grid.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23130 ~~((What requirements apply to))~~ Pit access ~~((?))~~. ~~((1))~~ Pits must be accessible to all authorized personnel.

~~((2))~~ Access doors, if provided, must be kept closed and locked.

~~((3))~~ Access ladders ((must)) shall be installed in elevator pits 3 ((feet)) ft. or deeper. Where constraints prohibit the installation of a pit ladder conforming to ASME A17.1/CSA B44, 2.2.4.2, a retractable ladder shall be permitted to be installed in accordance with 2.2.4.2.7 and 2.2.4.2.8 of ASME A17.1/CSA B44.

AMENDATORY SECTION (Amending WSR 07-24-041, filed 11/30/07, effective 1/1/08)

WAC 296-96-23132 ~~((What lighting requirements apply to pits?))~~ **Pit illumination and receptacles.** (1) Light fixtures shall be installed in all pits.

(a) Installations prior to 7/1/2004 require a permanent lighting fixture producing at least 5 foot-candles as measured in the working areas at the pit floor ~~((must be installed in all pits))~~.

~~((2))~~ (b) A light switch ~~((must))~~ shall be installed and ~~((must))~~ shall be accessible from the pit access door.

~~((3))~~ (2) A permanent ~~((grounded-outlet must))~~ GFCI duplex receptacle shall be provided in all pits.

(3) Where more than one elevator shares a common pit, a GFCI duplex receptacle shall be located in the area below each elevator.

~~((Section 4~~

~~Protection of Space Below Hoistways))~~

~~((Section 5~~

~~Hoistway Entrances))~~

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23158 ~~((What requirements apply to elevator floor numbers?))~~ **Identification of floors.** ((Elevator hoistways must have floor numbers at least 4 inches high and placed on the walls and/or doors of hoistways at intervals so that a person in a stalled elevator, upon opening the car door 4 inches, could determine the floor position.)) Hoistways shall be provided with floor numbers complying with ASME A17.1/CSA B44 2.29.2.

Subpart II

Existing Elevators

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23200 ~~((What is the scope of Subpart H?))~~ **Scope.** Subpart II, Machinery and Equipment for Electric Elevators, is a minimum standard for all existing electric elevators. It applies to other equipment only as referenced in the applicable Subpart.

~~((Section 1~~

~~Buffers and Bumpers))~~

Section ((2

~~Counterweights)) 1~~

Compensating Means Connections

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23205 ~~((What requirements apply to counterweights?))~~ **Compensating means.** ((On rod type counterweights, the rod nuts must be cotter pinned and the tie rods must be protected so that the head weight cannot crush the tie rods on buffer engagement.

(1) The weights must be protected so that they cannot be dislodged.

(2)) Compensating chains or ropes ~~((must))~~ shall be fastened to the counterweight ~~((from))~~ frame directly or to a bracket fastened to the frame and ~~((must))~~ shall not be fastened to the tie rods.

Section ~~((12)) 2~~

Suspension Systems and Their Connections

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23283 ~~((What requirements apply to rope))~~ **Missing data tags((?)).** ((At each rope renewal, a new metal data tag must be securely attached to one of the wire rope fastenings. Rope data tags must be durable and readily legible. The height of letters and figures must be no less than 1/16 inch. This data tag must bear the following information:

- (1) The diameter in inches;
- (2) The manufacturer's rated breaking strength;
- (3) The grade of material used;
- (4) The month and year the ropes were installed;
- (5) Whether nonpreformed or preformed;
- (6) Construction classification
- (7) Name of the person or firm who installed the ropes;
- (8) Name of the manufacturer of the rope;
- (9) The number of ropes; and
- (10) The date on which the rope was resocketed or other types of fastening changed.)) In the event an existing data tag cannot be located, a replacement tag shall be created specifying the date of verification of known information.

Section 3

Absence of Safety Bulkheads

AMENDATORY SECTION (Amending WSR 04-15-104, filed 7/20/04, effective 8/20/04)

WAC 296-96-23303 ~~((What requirements apply to))~~ **Hydraulic elevators without safety bulkheads((?)).** (1) Oil

levels ~~((must))~~ shall be monitored and tracked in a log kept in the machine room.

(2) The log ~~((must))~~ shall contain the date ~~((the))~~ oil was added, the reason for the loss of oil, and the amount of oil added.

(3) If the reason for the loss of oil cannot be determined, the unit must be immediately taken out of service and ~~((the cylinder must be replaced))~~ the tests specified in 8.6.5.14.1 and 8.6.5.14.2 shall be performed.

~~((Note: This section becomes effective August 20, 2004.))~~

Subpart ~~((V))~~ III

Alterations, Repairs, Maintenance, and Testing

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-23605 ~~((ASME A17.1-8.6.4 Maintenance))~~ Examination ~~((and testing of elevators))~~ of standard application material lifts, special purpose lifts, electric manlifts, and hand elevators. (1) ~~((The maintenance,))~~ Examination ~~((and testing of electric elevators shall conform to ASME A17.1-8.6.1 through 8.6.4 and the applicable sections of 8.11.2 as amended below.))~~ standard application material lifts, special purpose lifts, electric manlifts and hand elevators shall conform to the following:

(a) ~~((ASME A17.1-8.11.2.1 Periodic))~~ Annual examination requirements for electrical elevators. Service providers' shall furnish documentation to include the following ~~((when identifying))~~ components or systems ~~((or both,))~~ that shall be examined if installed.

(b) ~~((ASME A17.1-8.11.2.1.1))~~ Inside car:

- (i) Door reopening device;
- (ii) Stop switches;
- (iii) Operating control devices*;
- (iv) ~~((Car floor and landing sill**;~~
- ~~(v))~~ Car auxiliary lighting**;
- ~~((vi))~~ (v) Car emergency signal;
- ~~((vii))~~ (vi) Car door or gate;
- ~~((viii))~~ (vii) Door closing force;
- ~~((ix) Power closing of doors or gates;~~
- ~~(x) Power opening of doors or gates;~~
- ~~(xi) Car enclosure*;~~
- ~~(xiii))~~ (viii) Ventilation*;
- ~~((xiv) Rated load, platform area, and data plate*;~~
- ~~(xv))~~ (ix) Restricted opening of car or hoistway doors;
- ~~((xvi))~~ (x) Car ride*~~((;~~
- ~~(xvii) Door monitoring systems));~~ and
- ~~((xviii))~~ (xi) Stopping accuracy*.

(c) ~~((ASME A17.1-8.11.2.1.2))~~ Machine room/control room:

- (i) ~~((Equipment exposure to weather;~~
- ~~(ii) Means of access**;~~
- ~~(iii) Headroom**;~~
- ~~(iv) Means necessary for tests;~~
- ~~(v) Inspection and test panel;~~
- ~~(vi) Lighting and receptacles**;~~
- ~~(vii) Enclosure of machine room/control room**;~~

- ~~(viii) Ventilation;~~
- ~~(ix) Pipes, wiring, and ducts**;~~
- ~~(x))~~ Guarding of equipment;
- ~~((xi) Numbering of elevators, machines, and disconnect switches;~~
- ~~(xii) Maintenance path and maintenance clearance**;~~
- ~~(xiii))~~ (ii) Stop switch;
- ~~((xiv))~~ (iii) Disconnecting means and control;
- ~~((xv))~~ (iv) Controller wiring, fuses, grounding, etc.;
- ~~((xvi))~~ (v) Machinery supports and fastenings;
- ~~((xvii))~~ (vi) Drive machine brake;
- ~~((xviii))~~ (vii) Traction drive machines;
- ~~((xix))~~ (viii) Gears, bearings, and flexible connections;
- ~~((xx))~~ (ix) Winding drum machine;
- ~~((xxi) Belt or chain drive machine;~~
- ~~(xxii))~~ (x) Absorption of regenerated power;
- ~~((xxiii))~~ (xi) Traction sheaves;
- ~~((xxiv))~~ (xii) Secondary and deflector sheaves;
- ~~((xxv))~~ (xiii) Rope fastenings;
- ~~((xxvi))~~ (xiv) Operating devices;
- ~~((xxvii))~~ (xv) Code data plate**;
- ~~((xxviii))~~ (xvi) AC drives from a DC source;
- ~~((xxix))~~ (xvii) Slack rope devices;
- ~~((xxx))~~ (xviii) Wiring diagrams; and
- ~~((xxxi))~~ (xix) Rope retainers or restraints ~~((for seismic risk zones; and~~
- ~~(xxxii) Seismic and displacement switches)).~~
- (d) ~~((ASME A17.1-8.11.2.1.3))~~ Top-of-car:
 - (i) Top-of-car stop switch;
 - (ii) Car top light and outlet;
 - (iii) Top-of-car operating device working platforms;
 - (iv) ~~((Top of car clearance and refuge space**;~~
 - ~~(v) Top counterweight clearance;~~
 - ~~(vi))~~ Car, overhead, and deflector sheaves;
 - ~~((vii))~~ (v) Crosshead data plate**;
 - ~~((viii) Top emergency exit;~~
 - ~~(ix) Floor and emergency identification numbering**;~~
 - ~~(x) Hoistway construction**;~~
 - ~~(xi) Hoistway smoke control**;~~
 - ~~(xii) Pipes, wiring, and ducts**;~~
 - ~~(xiii) Windows, projections, recesses, and setbacks**;~~
 - ~~(xiv) Hoistway clearance;~~
 - ~~(xv) Multiple hoistways**;~~
 - ~~(xvi))~~ (vi) Traveling cables and junction boxes;
 - ~~((xvii))~~ (vii) Door and gate equipment;
 - ~~((xviii))~~ (viii) Car frame and stiles;
 - ~~((xix))~~ (ix) Guide rails fastening and equipment;
 - ~~((xx))~~ (x) Governor rope;
 - ~~((xxi))~~ (xi) Governor releasing carrier;
 - ~~((xxii))~~ (xii) Fastening and hitch plate;
 - ~~((xxiii))~~ (xiii) Suspension means;
 - ~~((xxiv))~~ (xiv) Compensation means;
 - ~~((xxv) Machinery space/control space;~~
 - ~~(xxvi))~~ (xv) Working areas on the car top;
 - (A) Means to prevent unexpected movement.
 - (B) Unexpected car movement device.
 - (C) Operating instructions for unexpected car movement device.
 - (D) Operating instructions for egress and reentry procedure;

~~((xxvii) Equipment exposure to weather;~~
~~(xxviii)) (xvi) Machinery supports and fastenings;~~
~~((xxix)) (xvii) Guarding of exposed auxiliary equipment;~~
~~((xxx) Anchoring of beams and supports in seismic risk zone 2 or greater;~~
~~(xxxii)) (xviii) Rope retainers and snag guards ((in seismic risk zone 2 or greater));~~
~~((xxxii)) (xix) Position restraints ((in seismic risk zone 2 or greater;~~
~~(xxxiii) Car and counterweight guide rails system in seismic risk zone 2 or greater;~~
~~(xxxiv) For seismic risk zones 2 or greater, horizontal clearance for car and counterweight, snag point clearance and rail fastening;~~
~~(xxxv) Seismic risk zone 2 or greater rope retainers/restraints and snag guards;~~
~~(xxxvi) Seismic risk zone 2 or greater rope retainer and snag guard for compensating ropes or chains and compensating tension sheave fastening; and~~
~~(xxxvii) Sheaves with nonmetallie groove surfaces)).~~
 (e) ((ASME A17.1-8.11.2.1.4)) Outside hoistway:
 (i) Car platform guard;
 (ii) Hoistway doors;
 (iii) Vision panels*;
 (iv) Hoistway door locking devices;
 (v) Access to hoistway;
 (vi) ((Sequence operation;
 (vii) Hoistway enclosure;
 (viii) Elevator parking devices;
 (ix)) Emergency and access hoistway openings;
 ((x)) (vii) Separate counterweight hoistway;
 ((xi) Means necessary for tests;
 (xii) Inspection and test panel (ASME A17.1-2.7.6.5), inspection operation (ASME A17.1-2.26.1.4.1), and inspection operation with open door circuits; and
 (xiii) Equipment exposure to weather.
 (f) ASME A17.1-8.11.2.1.5)) (f) Pit:
 (i) Pit access, lighting, stop switch and condition;
 (ii) Bottom clearance and runby;
 (iii) Traveling cables;
 (iv) Compensating chains, ropes, and sheaves;
 (v) Car frame and platform;
 (vi) ((Machinery space/control space;
 (vii)) Working areas in the pit;
 (A) Means to prevent unexpected movement.
 (B) Unexpected car movement device.
 (C) Operating instructions for unexpected car movement device.
 (D) Operating instructions for egress and reentry procedure;
~~((viii) Equipment exposure to weather;~~
~~(ix)) (vii) Machinery supports and fastenings;~~
~~((x)) (viii) Guarding of exposed auxiliary equipment;~~
 and
~~((xi)) (ix) Pit inspection operation.~~
~~((g) ASME A17.1-8.11.2.1.7 Working platform:~~
~~(i) Working platforms; operating instructions;~~
~~(ii) Retractable stops; retractable stop electrical device;~~
 and

(iii) Inspection operation.))

Note: (*) May be combined with other items on the log.

(**) A visual component that must be reported to the owner.

(2) ~~((The maintenance, examination, and testing of hydraulic elevators shall conform to ASME A17.1-8.6.1 through ASME A17.1-8.6.3 and the applicable requirements of ASME A17.1-8.6.4, ASME A17.1-8.6.5, and ASME A17.1-8.11.3, as amended below.~~

(a) ~~Periodic~~) Annual examination requirements for hydraulic elevators. Service providers shall furnish documentation to include the following ~~((when identifying))~~ components or systems ~~((, or both,))~~ that shall be examined if installed.

~~((b) ASME A17.1-8.11.3.1.1)) (a) Inside the car:~~
 (i) Door reopening device;
 (ii) Stop switches;
 (iii) Operating control devices*;
 (iv) ~~((Sill and car floor**;~~
~~(v)) Car auxiliary lighting ((and receptacles**));~~
~~((vi)) (v) Car emergency signal;~~
~~((vii)) (vi) Car door or gate;~~
~~((viii)) (vii) Door closing force;~~
~~((ix) Power closing of doors or gates;~~
~~(x) Power opening of doors or gates; ear enclosure*;~~
~~(xi)) (viii) Emergency exit;~~
~~((xii)) (ix) Ventilation*;~~
~~((xiii)) (x) Signs and operating device symbols;~~
~~((xiv) Rated load, platform area, and data plate;~~
~~(xv)) (xi) Restricted opening of car or hoistway doors;~~
~~((xvi)) (xii) Car ride*((;~~
~~(xvii) Door monitoring system)); and~~
~~((xviii)) (xiii) Stopping accuracy*.~~
 ((e) ASME A17.1-8.11.3.1.2)) (b) Machine room/control room:
 (i) ~~((Equipment exposure to weather;~~
~~(ii) Means of access**;~~
~~(iii) Headroom**;~~
~~(iv) Means necessary for tests;~~
~~(v) Inspection and test panel;~~
~~(vi) Lighting and receptacles**;~~
~~(vii) Enclosure of machine room/spaces and control room/spaces**;~~
~~(viii) Ventilation and heating;~~
~~(ix) Pipes, wiring, and ducts**;~~ guarding of equipment;
~~(x) Numbering of elevators, machines, and disconnect switches;~~
~~(xi) Maintenance path and maintenance clearance**;~~
~~(xii)) Stop switch;~~
~~((xiii)) (ii) Disconnecting means and control;~~
~~((xiv)) (iii) Controller wiring, fuses, grounding, etc.;~~
~~((xv)) (iv) Hydraulic power unit;~~
~~((xvi)) (v) Tanks**((;~~
~~(xvii) Recycling operation)); and~~
~~((xviii)) (vi) Wiring diagrams.~~
 ((d) ASME A17.1-8.11.2.1.3)) (c) Top-of-car:
 (i) Top-of-car stop switch;
 (ii) Car top light and outlet;
 (iii) Top-of-car operating device and working platforms;
 (iv) ~~((Top-of-car clearance and refuge space**;~~

- ~~((v))~~ Top emergency exit;
- ~~((vi))~~ Floor and emergency identification numbering^{*;*};
- ~~(vii)~~ Hoistway construction^{*;*};
- ~~(viii)~~ Hoistway smoke control^{*;*};
- ~~(ix)~~ Pipes, wiring, and ducts^{*;*};
- ~~(x)~~ Windows, projections, recesses, and setback^{*;*};
- ~~(xi)~~ Hoistway clearances^{*;*};
- ~~(xii)~~ Multiple hoistways^{*;*};
- ~~(xiii))~~ ~~(v)~~ Traveling cables and junction boxes;
- ~~((xiv))~~ ~~(vi)~~ Door and gate equipment;
- ~~((xv))~~ ~~(vii)~~ Car frame and stiles;
- ~~((xvi))~~ ~~(viii)~~ Guide rails fastening and equipment;
- ~~((xvii))~~ ~~(ix)~~ Governor rope;
- ~~((xviii))~~ ~~(x)~~ Wire rope fastening and hitch plate;
- ~~((xix))~~ ~~(xi)~~ Suspension rope;
- ~~((xx))~~ ~~(xii)~~ Slack rope device;
- ~~((xxi))~~ ~~(xiii)~~ Traveling sheave;
- ~~((xxii))~~ ~~(xiv)~~ Crosshead data plate^{*;*}(;
- ~~(xxiii)~~ Equipment exposure to weather;
- ~~(xxiv)~~ Machinery supports and fastenings); and
- ~~((xxv))~~ ~~(xv)~~ Guarding of equipment.
- ~~((e) ASME A17.1-8.11.3.1.4))~~ ~~(d)~~ Outside hoistway:
 - (i) Car platform guard;
 - (ii) Hoistway doors;
 - (iii) Vision panels^{*;*};
 - (iv) Hoistway door locking devices;
 - (v) Access to hoistway; and
 - ~~((vi) Power closing of hoistway doors;~~
 - ~~(vii) Sequence operation;~~
 - ~~(viii) Hoistway enclosure^{*;*};~~
 - ~~(ix) Elevator parking devices;~~
 - ~~(x))~~ ~~(vi)~~ Emergency doors in blind hoistways;
 - ~~((xi) Inspection and test panel (ASME A17.1-3.7.1 and ASME A17.1-2.7.6.5), inspection operation (ASME A17.1-2.26.1.4.1), and inspection operation with open door circuits (ASME A17.1-2.26.1.5); and~~
 - ~~(xii) Equipment exposure to weather.~~
 - ~~(f) ASME A17.1-8.11.3.1.5))~~ ~~(c)~~ Pit:
 - (i) Pit access, lighting, stop switch, and condition;
 - (ii) Bottom clearance(;) and runby(, ~~and minimum refuge space^{*;*}~~);
 - (iii) Plunger and cylinder;
 - (iv) Traveling cables;
 - (v) Car frame and platform;
 - (vi) Supply piping;
 - (vii) Governor rope tension device;
 - (viii) ~~((Equipment exposure to weather;~~
 - ~~(ix))~~ Machinery supports and fastenings;
 - ~~((x))~~ ~~(ix)~~ Guarding of exposed auxiliary equipment(;
 - ~~(xi) Pit inspection operation; and~~
 - ~~(xii) Seismic overspeed valve and pipe support)).~~

Note: (*) May be combined with other items on the log.

(**) A visual component that must be report to the owner.

~~((g) If it is determined the hydraulic cylinders system is not being maintained per ASME A17.1-8.6.5.7 and ASME A17.1-8.6.5.14, cylinders installed below ground shall conform to ASME A17.1-3.18.3.4 or to ASME A17.1-8.6.5.8(a) or ASME A17.1-8.6.5.8(b).~~

~~(h) The relief valve adjustment shall be examined to ensure that the seal is intact. If the relief valve seal is not intact, checks shall be conducted in accordance with ASME A17.1-8.6.5.14.1 and the state hydraulic overpressure form shall be used to document compliance. The form shall be left on-site and located in the machine room in a conspicuous location.~~

~~(3) The maintenance and examination of dumbwaiter, rack and pinion, screw column, hand, incline, limited use limited application, private residence^{*}, power sidewalk, rooftop, special purpose, and shipboard and construction elevators shall conform to ASME A17.1-8.6.1 through ASME A17.1-8.6.3 and the applicable requirements of ASME A17.1-8.6 and ASME A17.1-8.11 as amended in this chapter.~~

Note: (*) Chapter 70.87 RCW exempts private resident elevators from periodic inspections, but these maintenance guidelines provide the proper outline for the level of service that should be provided.

~~(4) The maintenance of material lifts without automatic transfer devices, hand pull and electric manlift, residential incline elevators shall conform to ASME A17.1-8.6.1 through ASME A17.1-8.6.3 and the applicable requirements of ASME A17.1-8.6 and ASME A17.1-8.11, as amended in this chapter^{*}.~~

~~Maintenance, examination and test requirements shall only apply to the corresponding installation requirements in chapter 296-96 WAC.~~

Note: (*) Chapter 70.87 RCW exempts private resident elevators from periodic inspections, but these maintenance guidelines provide the proper outline for the level of service that should be provided.

~~(5) Periodic examination requirements for conveyances outlined in WAC 296-96-23605 (3) and (4). Service providers shall include the following when identifying components or systems, or both, that shall be examined if installed.~~

~~(a) ASME A17.1-8.11.5.1 Sidewalk elevator, WAC 296-96-23605 (1) or (2).~~

~~(b) ASME A17.1-8.11.5.2 Private resident elevators, WAC 296-96-23605 (1) or (2)*.~~

~~(c) ASME A17.1-8.11.5.3 Hand elevators, WAC 296-96-23605(1).~~

~~(d) ASME A17.1-8.11.5.4 Dumbwaiters, WAC 296-96-23605 (1) or (2).~~

~~(e) ASME A17.1-8.11.5.5 Material lifts and dumbwaiters with automatic transfer devices, WAC 296-96-23605 (1) or (2).~~

~~(f) ASME A17.1-8.11.5.6 Special purpose personnel elevators, WAC 296-96-23605 (1) or (2).~~

~~(g) ASME A17.1-8.11.5.7 Inclined elevators, WAC 296-96-23605 (1)(a) through (2) or (3).~~

~~(h) ASME A17.1-8.11.5.8 Shipboard elevators, WAC 296-96-23605 (1) or (2).~~

~~(i) ASME A17.1-8.11.5.9 Screw column elevators, WAC 296-96-23605 (1) or (2).~~

~~(j) ASME A17.1-8.11.5.10 Rooftop elevators, WAC 296-96-23605 (1) or (2).~~

~~(k) ASME A17.1-8.11.5.11 Rack and pinion elevators, WAC 296-96-23605 (1) and (2).~~

~~(l) ASME A17.1-8.11.5.12 Limited use/limited application elevators, WAC 296-96-23605 (1) or (2).~~

(m) ASME A17.1-8.11.5.13 Elevators used for construction, WAC 296-96-23605 (1) or (2).

(n) These conveyances shall be subject to the corresponding ASME A17.1-8.11 examination requirements as applicable (see ASME A17.1 for sections references). The applicable items above shall be documented on the required records.

Note: Chapter 70.87 RCW exempts these elevators from periodic inspections, but these examination guidelines provide the proper outline for the level of service that should be provided.

(6) The maintenance and examination of escalators shall conform to ASME A17.1-8.6.1 through ASME A17.1-8.6.3 and ASME A17.1-8.6.8 and the applicable sections of ASME A17.1-8.11.4. The maintenance and examination of moving walks shall conform to ASME A17.1-8.6.1 through ASME A17.1-8.6.3, ASME A17.1-8.6.9 and the applicable sections of ASME A17.1-8.11.4, as amended below.

(a) Periodic examination requirements for escalators and moving walks: Service providers shall include the following when identifying components or systems, or both, that shall be examined if installed.

(b) ASME A17.1-8.11.4.1 Escalators and moving walks:

- (i) General fire protection;
- (ii) Geometry;
- (iii) Entrance and egress;
- (iv) Lighting;
- (v) Caution signs;
- (vi) Combplate;
- (vii) Deck barricade guard and antislid devices*;
- (viii) Steps and treadway;
- (ix) Operating devices;
- (x) Skirt obstruction devices;
- (xi) Handrail entry device;
- (xii) Egress restriction device;
- (xiii) Balustrades;
- (xiv) Ceiling intersection guards*;
- (xv) Skirt panels;
- (xvi) Outdoor protection*;
- (xvii) Additional stop switch(es);
- (xviii) Controller and wiring; and
- (xix) Code data plate**, other: Annual clean-down WAC 296-96-23610(7).

Note: (*) May be combined with other items on the log.
 (**) A visual component that must be reported to the owner.)

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-23606 ((ASME A17.1-8.11 Covers periodic inspections, examinations, and tests of existing ASME A17.1 installations.)) Installations placed in voluntary red tag status. (1) ((ASME A17.1-8.11.1.1.1:

(a) Annual inspections shall be made by an inspector employed by the department having jurisdiction;

(b) The inspector shall submit a signed written report to the department containing the following information:

- (i) Date of inspection; and
- (ii) Code deficiencies noted during the inspection and a statement as to the corrective action to be taken, if any.

(2) Periodic or routine examinations shall be made by a person authorized by the department.

(a) Persons authorized are licensed mechanics and other authorized persons under RCW 70.87.270.

(b) The authorized mechanic shall submit a signature on the maintenance control record containing the following information:

- (i) Date of examination(s);
- (ii) ASME A17.1-8.11 components or systems that have been examined and performed according to this chapter;
- (iii) Code deficiencies noted during the examination and a statement on the repair or replacement log as to corrective action taken, if any.

(3) ASME A17.1-8.11.1.4 Installation placed out of service.

(a)) Maintenance, examinations, and safety tests shall not be required when an installation is placed ((⁽¹⁾) in voluntary red tag status.(⁽²⁾) All code required maintenance, examinations, and safety tests ((~~must~~) shall be up to date, prior to removal of the red tag.

((~~(b)~~) (2)) A conveyance in red tag status for two years or more shall be subject to witnessing by the inspector for the category tests due and may include ASME ((~~A17.1-8.11~~) A17.1/CSA B44, 8.11 items, before being placed back in service.

((~~(e)~~) (3)) Annual operating certificate, maintenance, examinations, inspections, and tests shall not be required when an installation is placed in ((~~decommissioned~~) voluntary red tag status.(⁽¹⁾)

Subpart ((~~VH~~) IV)

Lifts for Physically Handicapped

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23700 ((~~What is the scope of Subpart VH?~~) Lifts for ((~~Physically Handicapped?~~) persons with disabilities. The department's rules regulating lifting devices for ((~~physically handicapped~~) persons with disabilities people are described in this subpart.

AMENDATORY SECTION (Amending WSR 13-24-066, filed 11/27/13, effective 1/1/14)

WAC 296-96-23701 Periodic examinations and ((~~safety~~) tests on commercial accessibility lifts. (1) ((~~For five year and category 5 testing,~~) A test tag in accordance with ((WAC 296-96-23610(4),) ASME A18.1, Section 10.3, shall be attached and visible. A full-load safety test ((~~must~~) shall be performed with weights on all commercial accessibility equipment.

(2) ((ASME A18.1-10.1.2)) The owner ((~~must~~) shall ensure that the accessibility lifts are routinely examined and ((~~tested according to section 10.2 and periodically tested to~~ 10.3. All conveyances must be tested to the applicable code(s) by an elevator mechanic licensed in the appropriate category for the lift being tested. An inspector employed by the department may witness the examinations or test) maintained in accordance with ASME A18.1, Section 10.2.

(3) Documentation of tests, examinations and maintenance shall be readily accessible on-site.

Subpart (~~VIII~~

~~Sidewalk Elevators)) V~~

Standard Application Material Lifts

NEW SECTION

WAC 296-96-24000 Applicable codes and rules. Standard application material lifts shall comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that a standard application material lift was installed without a permit and/or without an inspection, the conveyance will be required to comply with the current rules adopted by the department at time of discovery.

Subpart VIII

Inclined Private Residence Elevators

NEW SECTION

WAC 296-96-24100 Definition of inclined private residence elevators. "Inclined private residence elevator" means a device constructed and operated for transporting people or property from one elevation to another at an angle of inclination of seventy degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

Note: For purposes of this chapter, devices installed indoors on stairways that utilize chairs to carry passengers are not considered "inclined passenger elevators."

NEW SECTION

WAC 296-96-24103 Requirements for existing inclined elevators. Inclined private residence elevators shall comply with the rules adopted by the department that were in effect at the time the elevator was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence elevator was installed without a permit and/or without an inspection, the conveyance will be required to comply with the current rules adopted by the department unless documentation can be provided to determine the date the conveyance was installed (e.g., sales receipts, building permits, or other appropriate documentation).

NEW SECTION

WAC 296-96-24106 Alterations. If the inclined private residence elevator is altered, only the component(s) that was altered shall comply with the applicable rules adopted by the department in effect at the time the conveyance was altered. If the department determines that an elevator was altered without a permit and inspection, the conveyance shall be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

NEW SECTION

WAC 296-96-24109 Minimum maintenance requirements. Owners of inclined private residence elevators are responsible for the following:

- (1) Maintaining elevators and mechanical parts in a safe condition; and
- (2) Ensuring that all devices and safeguards required by these regulations are maintained in good working order. The department recommends maintenance, examinations, and safety tests be performed and documented to the applicable sections of WAC 296-96-23604 and 296-96-23605.

NEW SECTION

WAC 296-96-24112 Runway clearances. (1) If the car sides extend less than 6 ft. above the floor of the car, there shall be no obstruction along the runway within 24 in. of the car sides.

EXCEPTION: When solid guards are installed on the obstruction in both directions of travel which project at least 14 in. in line with the direction of travel, the running clearance may be reduced to 7 in. The guard shall be arched and the edges rounded to eliminate shear hazard.

- (2) Guiding members and moving parts of the inclined private residence elevator shall be kept free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

NEW SECTION

WAC 296-96-24115 Landing enclosures and gates. Any landing enclosures and gates shall have:

- (1) A railing at least 42 in. high to protect all landing platforms and those areas of a building used as landing platforms; and
- (2) A gate whose height is equal to the height of the railing to protect the passenger landing opening.
 - (a) Gates may either be a horizontally sliding type or a swing type; and
 - (b) All gates shall be equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the car when a gate is open.
- (3) Railing enclosure and gate shall reject a 1.5 in. diameter ball.

NEW SECTION

WAC 296-96-24118 Bumpers and buffers. (1) If spring or equivalent type buffers are not being used and rated speeds do not exceed 50 ft. per minute, solid bumpers shall be installed. Solid bumpers shall:

- (a) Be built of wood or other suitable resilient material;
- (b) Have the ability to resist deterioration from weather;
- (c) Have sufficient strength to withstand, without failure, the impact of a descending car carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(2) Spring type buffers shall be installed when speeds exceed 50 ft. per minute. Spring buffers shall:

- (a) Be built with a minimum stroke of 3/4 in. and with a maximum stroke of 1 1/2 in.;
- (b) Not fully compress when struck by a car carrying its rated load or counterweight and traveling at 115 percent of its rated speed.
- (3) Inclined private resident elevators are not required to have bumpers and buffers except when obstructions are encountered.

NEW SECTION**WAC 296-96-24121 Machinery beams and supports.**

(1) All machinery and sheaves shall be sufficiently secured and supported to prevent any part from becoming loose or displaced. Beams directly supporting machinery shall be made of steel, sound timber or reinforced concrete.

(2) Beams and support loads shall be computed as follows:

- (a) The total load on the beams shall be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.
- (b) The load resting on the beams shall include the complete weights of the driving machine, sheaves, controller, etc.
- (c) The load suspended from the beams shall include the sum of the tensions in all ropes suspended from the beams.
- (3) The elevator driving machine or sheaves shall not be fastened to the underside of the supporting beams at the top of the hoistway.

EXCEPTION: Cast iron in tension shall not be used for supporting members for idler and deflecting sheaves where hung beneath beams.

(4) The factor of safety for beams and support shall be no less than:

- (a) 5 For steel; and
- (b) 6 For timber and reinforced concrete.

NEW SECTION

WAC 296-96-24124 Car platforms. The minimum rated load shall be not less than the following:

- (1) For net platform areas up to and including 12 ft², the rated load shall be not less than 40 lbs./ft² or 350 lbs. whichever is greater.
- (2) For net platform areas greater than 12 ft², the rated load shall be based upon 62.5 lbs./ft².

NEW SECTION

WAC 296-96-24127 Maximum rated speed. The maximum rated speed of an incline elevator, measured along the incline, is 75 ft./min.

NEW SECTION

WAC 296-96-24130 Construction requirements. (1) All of the components associated with inclined private residence elevators shall be built to a minimum safety factor of 5, unless otherwise specified in this part.

(2) Inclined private residence elevator car frames and platforms shall:

- (a) Be built of metal, a combination of metal and wood or other materials of equal strength;
- (b) Be suitably prepared and/or protected for exposure to weather.
- (3) Incline car chassis shall:
 - (a) Be built of metal, except for the guiding members; and
 - (b) Chassis guiding members shall be retained and/or enclosed in guides so that the chassis cannot be derailed.
 - (4) Cast iron shall not be used in the construction of a car frame or chassis.
 - (5) A car shall have only one compartment.

NEW SECTION

WAC 296-96-24133 Car enclosures. Car enclosures shall be:

- (1) Enclosed on all sides, except at the entrance, to a height of at least 42 in.;
- (2) Enclosed with a type of material that will reject a 1.5 in. diameter ball;
- (3) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the car safety, or car contact with a buffer;
- (4) Built to withstand a 75 lb. pressure, horizontally applied at any point on the wall, without causing a wall deflection that reduces running clearance below 3/4 in. or above 1 in.;
- (5) Weather resistant plastic and tempered safety glass may be used in car enclosures.

NEW SECTION

WAC 296-96-24136 Car doors and gates. (1) All car entrances shall be protected by a door or gate. The height of the door or gate shall be at least 42 in. and equal to the height of the car enclosure. Doors and gates may be of either a solid design or an openwork design. If of an openwork design, the door or gate shall be able to reject a 3 in. diameter ball. After the effective date of these rules the diameter will be reduced to 1.5 in.

(2) Car doors or gates shall be equipped with an electric contact that prevents the elevator from operating unless the door or gate is securely closed. If the gate is a swing type opening outward from the car, the electric contact shall not be made until the gate is securely latched.

(3) All car doors or gates shall be manually operated.

NEW SECTION

WAC 296-96-24139 Capacity and data plates. (1) The manufacturer shall install a weather resistant capacity plate. It shall be securely fastened to the car in a conspicuous place and state the car's rated load in pounds using letters at least 1/4 in. high.

(2) The manufacturer shall install a metal data plate showing the car's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate shall be securely fastened in a conspicuous place in the machine area.

NEW SECTION

WAC 296-96-24142 Guide rails, track supports and fastenings. (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings shall be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports shall, at the point of support, deflect 1/8 in. or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails shall deflect 1/4 in. or less in any direction. Fixed, suspended cable guides shall be permitted to be used as guide members. When cable guides are used, the deflection is to be specified by the manufacturer and approved by the structural engineer licensed in the state of Washington.

(3) The top and bottom of each guide or guide rail run shall not allow a car and counterweight guiding members to travel beyond the guide rail ends.

NEW SECTION

WAC 296-96-24145 Counterweights. (1) Counterweights, where used, shall be in a guide or guiding members.

(2) Counterweights shall not be of sufficient weight to cause undue slackening of any car hoisting rope or chain during acceleration or retardation of the car. Counterweight weight section(s) shall be mounted in structural or formed metal frames which are designed to retain weights securely in place.

EXCEPTION: Counterweights are permitted to be constructed of a single metal plate.

NEW SECTION

WAC 296-96-24148 Safeties and governors. (1) All inclined private residence elevators shall be equipped with a safety capable of stopping and sustaining a car carrying its rated load.

(a) Elevator safeties shall be type "A" or "B" or other devices approved by the department and shall be operated by a speed governor.

(b) Elevator safeties shall operate independently of governor speed action and without delay when a hoist rope breaks.

(2) Governors shall operate to set the safety at a maximum of 140 percent of rated speed. Upon slackening of the

hoist ropes the safety shall set without appreciable delay and independently of the speed governor.

(a) The governor shall be located where:

(i) The governor will not be struck by the car or counterweight if over-travel occurs;

(ii) All parts can freely and fully move;

(iii) The governor is accessible for a complete examination.

(b) Governors are required to be of the mechanical type; and

(c) Belt driven governors shall be monitored. In the case of belt breakage or disengagement, the car shall be shut down.

(3) If ropes are used, the ropes shall be made of iron, steel, monel metal or phosphor bronze and be at least 1/4 in. in diameter. Tiller rope construction shall not be used.

(4) Motor-control circuits and brake-control circuits shall be opened either before the safety applies or at the time the safety applies.

(5) All safeties shall apply mechanically; electrically operated safeties shall not be used.

(6) All winding drum type inclined elevators that use rope suspensions shall be equipped with a manually reset slack-rope device. During a car's descent, if the travel of the car is obstructed and the hoisting ropes go slack, the slack-rope device shall stop power to the elevator motor and brake.

(7) Cast iron shall not be used to build any elevator safety part that stops and sustains the elevator.

NEW SECTION

WAC 296-96-24151 Testing of safeties and governors. (1) The safety shall be tested before the inclined private residence elevator is put into service. It shall be tested while the elevator is carrying its rated load.

(2) Governors on instantaneous type safeties shall be tested by manually tripping the governor while the elevator is traveling at its rated speed. Creating sufficient slack in the rope and dropping the elevator is a method of testing speed governors located on an elevator or chassis.

NEW SECTION

WAC 296-96-24154 Driving machines and sheaves.

(1) Winding drums, traction sheaves, overhead sheaves and deflecting sheaves shall:

(a) Be made of cast iron or steel;

(b) Have diameters at least 30 times the diameter of the wire hoisting ropes; and

(c) Have machined rope grooves.

EXCEPTIONS: • If 8 x 19 steel ropes are used, drum and sheave diameters are permitted to be reduced to 21 times the diameter of the hoisting rope.

• Existing incline lifts suspended by cables are not required to have machine grooves, except for the first row of cables wrapped on the drum and a tracking device shall be required to monitor the winding of the cable on the drum.

- On existing inclined lifts suspended by cables that do not have machine grooves on the drum, the first layer of ropes will be recognized as providing the same traction as grooves, provided that this layer remains on the drum at all times and is not allowed to wind out. Such lifts shall be provided with a rope tracking device to ensure that the rope does not wind over itself on the drum.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, shall be at least:

(a) 8 For driving machines and sheaves built of wrought iron and steel; or

(b) 10 For driving machines built of cast iron, cast steel or other materials.

(3) Set screw type fastenings shall not be substituted for keys or pins if connections are subject to torque or tension.

(4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings shall not be used.

(b) Worm gears having cast iron teeth shall not be used.

(5) Brakes:

(a) Electric brakes shall be of the friction type set by springs and shall release electrically.

(b) All brakes shall be able to stop and hold an elevator carrying 125 percent of its rated load.

(c) At least one brake shall be mounted so that the drum will hold the rated load in the case of gearbox failure.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet shall set the brake.

(6) Driving machines:

(a) A driving machine shall be permitted to be mounted on an elevator chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets shall be guarded and positioned so the hoisting ropes and chains remain properly aligned while the elevator is in use.

(b) Screw type machines shall not be used.

(c) Hydraulic driving machines shall conform to ASME A17.1.

(d) Roped-hydraulic machines shall be permitted to be used.

NEW SECTION

WAC 296-96-24157 Terminal stopping switches. A hoistway shall be equipped with normal upper and lower terminal stopping switches that are activated by an elevator chassis. Normal upper and lower terminal stopping switches shall stop the elevator at the normal top and bottom terminals of travel.

(1) A hoistway shall be equipped with final terminal stopping switches that are activated by an elevator chassis. These switches shall stop the elevator if the elevator travels beyond the normal terminals and prevent the elevator from moving in either direction.

(2) Winding drum machines shall be permitted to use a slack cable switch instead of a bottom final terminal switch.

(3) Normal and final terminal stopping switches shall not control the same switches on the controller unless at least two

separate and independent switches are used. At least two of these separate switches shall be closed in order to complete the motor and brake circuits for each direction of travel.

NEW SECTION

WAC 296-96-24160 Operation. (1) If the activation of the elevator is by key switch or key pad, it shall conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security such as key card or magnetic swipe card. Methods shall conform to the following:

(a) The key or code shall be entered each time to move the elevator.

(b) Key-operated switches shall be of the spring return type and shall be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

(2) If activation of the elevator is provided by a timing circuit that only allows the circuits to be initiated or unlocked for a sufficient amount of time to allow passengers to board the elevator and begin transit, a separate activation switch on the car is not required. The operating circuits shall automatically relock:

(a) If the elevator is not activated within its preset period of time;

(b) When any landing stop button is activated;

(c) When the preset timing period has expired and the car has completed transit to another landing or returns to the departure landing.

(3) Emergency stop switches shall be provided on or adjacent to the operating station.

(a) Stop switches in the car shall:

(i) Be of a manually opened and manually closed type;

(ii) Have red handles or buttons and be conspicuously marked "STOP";

(iii) Open even if springs fail when springs are used.

(b) Stop switch at other operating stations:

(i) May be of a momentary type;

(ii) Shall have red handles or buttons and be conspicuously marked "STOP";

(iii) Shall open even if springs fail when springs are used;

(iv) After initiation of stopping, the car shall not automatically restart. Run condition shall be manually initiated.

(4) Design and installation of control and operating circuits shall meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit shall not be used for:

(i) Interrupting power and applying machine brakes at terminals;

(ii) Stopping elevators when an emergency stop switch is open or when any electrical protective device operates;

(iii) Stopping a machine when the safety applies.

(b) If springs are used to activate switches, contacts, or circuit breaking relays to stop the elevator at a terminal, the springs shall be of the restrained compression type.

(5) Hand rope operation shall not be used.

(6) Radio controls may be used in lieu of wiring for all car controls provided:

(a) The system is set up so that it is fail safe (if contact is lost, the unit will stop);

(b) In such installations, the "STOP" button in the car shall open the contact, and maintain an open condition, so that the car stops in the fail-safe mode as described in (a) of this subsection; and

(c) The controls are permanently mounted and conform to code.

NEW SECTION

WAC 296-96-24163 Suspension means. (1) When a chassis is suspended from a driving machine by a wire rope, a single method of suspension may be used. The suspension means shall be any one of the following:

(a) Steel elevator wire rope;

(b) Steel aircraft cable; or

(c) Roller chain conforming to ANSI transmission roller chains and sprocket teeth.

(2) Steel tapes shall not be used as a suspension method.

(3) The minimum diameter of hoist ropes or cables shall be 1/4 in. galvanized elevator wire rope and 3/16 in. aircraft cable.

(4) Factor of safety:

(a) The minimum factor of safety for a suspension method shall be not less than 8 based upon the rope tension while elevating a car carrying its rated load.

(b) In no case, shall the rated breaking strength of the rope be less than 4,000 lbs.

(5) The contact arc of a wire rope on a traction sheave shall be sufficient to produce adequate traction under all load conditions.

(6) All wire ropes anchored to a winding drum shall have at least one full turn of rope on the drum when the car or counterweight reaches its over-travel limit.

(7) The winding drum ends of car and counterweight wire ropes shall be secured by:

(a) Clamps on the inside of the drum;

(b) Return loop;

(c) Properly made individual tapered babbitted sockets; or

(d) Properly attached fittings recommended by wire rope manufacturers.

U-bolt type clamps shall not be used.

(8) The ends of wire ropes shall be fastened to cars or counterweights by:

(a) Return loop; or

(b) Properly made individual tapered babbitted sockets that conform to ASME A17.1/CSA B44 requirements. (The diameter of the hole in the small end of the socket shall not exceed the nominal diameter of the rope by more than 3/32 in.); or properly attached fittings recommended by wire rope manufacturers.

U-bolt type clamps shall not be used.

(9) Rope repair:

(a) Car and counterweight wire ropes shall not be lengthened or repaired by splicing.

(b) If a single wire rope in a set is worn or damaged and needs to be replaced, the entire set shall be replaced.

NEW SECTION

WAC 296-96-24166 Controllers. All controllers shall be labeled and listed where required at the time of installation or alteration. In addition, controller covers shall be locked.

NEW SECTION

WAC 296-96-24169 Traveling cables. (1) All traveling cables shall conform to the edition of NFPA 70 in effect at the time of installation or major alteration.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means shall be provided to stop the power automatically if the traveling cable parts.

NEW SECTION

WAC 296-96-24172 Electrical wiring. (1) All wiring shall conform to the National Electrical Code (NEC) in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the elevator chassis, the electrical connections between the elevator and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the elevator and the stationary connections shall be insulated flexible conducts conforming to the applicable articles in NFPA 70 relating to elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts.

(4) An elevator mechanic employed by an elevator contractor may perform electrical work starting from the load side inside the controller.

NEW SECTION

WAC 296-96-24175 Supporting structures. All supporting structures shall meet the local building codes.

NEW SECTION

WAC 296-96-24178 Additional requirements. (1) All inclined private residence elevators shall be equipped with:

(a) A manual method of moving the elevator in accordance with ASME A17.1/CSA B44; and

(b) A machine brake with a lever to release the brake allowing movement by use of a manual method.

(2) Machinery spaces shall be protected from weather and accidental contact. Machinery spaces shall be locked.

(3) Guiding members and moving parts of the inclined private residence elevator shall be free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

Subpart IX

Private Residence Inclined Conveyances for Transporting Only PropertyNEW SECTION

WAC 296-96-24200 Scope. The rules in this section are the minimum standard for all existing inclined private residence conveyances for transporting property for single family use in a private residence. The purpose of this section is to ensure that inclined private residence conveyances will be used only for transporting materials and goods, not people, and that no person in proximity of the conveyance will be endangered by its operation or failure.

NEW SECTION

WAC 296-96-24203 Definition. "Inclined private residence conveyances for transporting property" means a device constructed and operated for transporting property from one elevation to another at an angle of inclination of 70 degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

NEW SECTION

WAC 296-96-24206 Existing conveyances. Inclined private residence conveyances for transporting property shall comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances available, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence conveyance for transporting property was installed without a permit and inspection, the conveyance will be required to comply with the current rules adopted by the department unless documentation determining the date the conveyance was installed (e.g., sales receipts, building permits, or other appropriate documentation) can be provided.

NEW SECTION

WAC 296-96-24209 Alterations. If the inclined private residence conveyance for transporting property is altered, only the component(s) that was altered shall comply with the applicable rules adopted by the department in effect at the time the conveyance was altered.

If the department determines that a conveyance was altered without a permit and inspection, the conveyance will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

NEW SECTION

WAC 296-96-24212 Plans. (1) Before commencing alteration of any inclined private residence elevator for transporting property, the owner shall submit complete plans and specifications to the department for approval.

(2) Plans and specifications covering the installation of an inclined private residence conveyance for transporting property shall be endorsed by a professional engineer before the department will approve the plans.

NEW SECTION

WAC 296-96-24215 Minimum maintenance requirements. Owners of inclined private residence elevators for transporting property are responsible for ensuring that:

(1) Elevators and their parts are maintained in a safe condition;

(2) All devices and safeguards required by these regulations are maintained in good working order.

The department recommends maintenance, examinations, and safety tests be performed and documented to the applicable sections of WAC 296-96-23601 through 296-96-23610.

NEW SECTION

WAC 296-96-24218 Cars, landing gates and enclosures. (1) Any landing enclosure shall have a railing at least 42 in. high to protect all landing platforms and those areas of a building used as landing platforms.

(2) Where gates are not provided at the entrance to the platform, a chain with a sign shall be provided to block the landing entrance. The sign shall state "Keep off landing until elevator has stopped at platform."

(3) If gates are provided they shall be:

(a) Either a horizontally sliding type or a swing type; and

(b) Equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the elevator when a gate is open.

NEW SECTION

WAC 296-96-24221 Bumpers and buffers. Solid bumpers or spring type buffers may be used.

(1) Solid bumpers shall:

(a) Be built of wood or other suitable resilient material;

(b) Have the ability to resist deterioration from weather; and

(c) Have sufficient strength to withstand, without failure, the impact of a descending conveyance carrying its rated load or counterweight while traveling at 115 percent of its rated speed.

(2) Spring type buffers, if used, shall:

(a) Be built with a minimum stroke of 3/4 in. and with a maximum stroke of 1 1/2 in.; and

(b) Not fully compress when struck by the conveyance carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(3) Inclined private residence conveyances for transporting property are not required to have bumpers and buffers except when obstructions are encountered.

NEW SECTION

WAC 296-96-24225 Machinery beams, sheaves, and supports. (1) All machinery and sheaves shall be sufficiently secured and supported to prevent any part from becoming

loose or displaced. Beams directly supporting machinery shall be made of steel, sound timber, or reinforced concrete.

(2) Beams and support loads shall be computed as follows:

(a) The total load on the beams shall be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.

(b) The load resting on the beams shall include the complete weights of the driving machine, sheaves, controller, etc.

(c) The load suspended from the beams shall include the sum of the tensions in all ropes suspended from the beams.

(3) The elevator driving machine or sheaves shall not be fastened to the underside of the supporting beams at the top of the hoistway.

EXCEPTION: Cast iron in tension shall not be used for supporting members for idler and deflecting sheaves where they are hung beneath beams.

(4) The factor of safety for beams and supports shall be no less than:

(a) 5 For steel; or

(b) 6 For timber and reinforced concrete.

NEW SECTION

WAC 296-96-24228 Rated load of platforms. (1) The rated load of a platform shall not exceed 5,000 lbs.

(2) The rated load of the platform shall be no less than the load to be carried and shall not exceed 50 lbs./ft² of inside net platform area.

NEW SECTION

WAC 296-96-24231 Rated speed. The maximum rated speed of an inclined conveyance, measured along the incline, is 75 ft./min.

NEW SECTION

WAC 296-96-24234 Frames and platforms. (1) Inclined conveyance elevator frames and platforms shall:

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) Have a safety factor of at least 5; and

(c) Be suitably prepared and/or protected from exposure to weather.

(2) Inclined conveyance chassis shall:

(a) Be built of metal, except for the guiding members;

(b) Have a safety factor of at least 5, based upon the conveyance's rated load; and

(c) Have the chassis guiding members retained and/or enclosed in guides so that the chassis cannot be derailed.

(3) Cast iron may not be used in the construction of the conveyance frame or chassis.

(4) A car shall have only one compartment.

NEW SECTION

WAC 296-96-24237 Car enclosures. (1) Car enclosures are not required; however, if provided, the car enclosure shall be:

(a) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the conveyance safety, or from the conveyance coming into contact with the buffer.

(b) Built to withstand a 75 lb. pressure, horizontally applied to any point on the wall, without causing deflection to the wall that reduces running clearance below 3/4 in. or above 1 in.

(2) If glass or plastic is used in the car enclosure, it shall be weather resistant plastic or tempered safety glass.

(3) Where there is no car enclosure, a means shall be provided to secure all materials to the platform.

NEW SECTION

WAC 296-96-24240 Capacity and data plates. (1) The manufacturer shall install a weather resistant capacity plate. It shall be securely fastened to the conveyance in a conspicuous place and state the conveyance's rated load in pounds using letters at least 1/4 in. high.

(2) The manufacturer shall install a metal data plate showing the conveyance's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate shall be securely fastened in a conspicuous place in the machine area.

NEW SECTION

WAC 296-96-24243 Guide rails, track supports, and fastenings. (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings shall be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports shall, at the point of support, deflect 1/8 in. or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails shall deflect 1/4 in. or less in any direction.

(3) The top and bottom of each guide or guide rail run shall not allow the conveyance and counterweight guiding members to travel beyond the guide rail ends.

(4) Guides for inclined private residence conveyances shall have no more stresses and deflection than allowed by the manufacturer's specifications.

NEW SECTION

WAC 296-96-24246 Counterweights. (1) Counterweights, where used, shall be in a guide or track.

(2) Counterweights shall not be of sufficient weight to cause undue slackening of any conveyance hoisting rope or chain during acceleration or retardation of the conveyance. Counterweight weight section(s) shall be mounted in structural or formed metal frames which are designed to retain weights securely in place.

EXCEPTION: Counterweights may be constructed of a single metal plate.

NEW SECTION

WAC 296-96-24249 Safeties and governors. (1) All inclined private residence conveyances for transporting property shall have a slack cable safety device capable of stopping and sustaining a car carrying its rated load.

(2) Other types of approved safety devices may be used provided they have been approved by the department.

NEW SECTION

WAC 296-96-24252 Testing of safeties. Safeties shall be tested before inclined private residence conveyances for transporting property are put into service. Safeties shall be tested while the conveyance is carrying its rated load.

NEW SECTION

WAC 296-96-24255 Drive machines, sheaves and brakes. (1) All new winding drums, traction sheaves, overhead sheaves and deflecting sheaves shall:

- (a) Be made of cast iron or steel;
- (b) Have diameters at least 30 times the diameter of the wire hoisting ropes;

EXCEPTION: If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope.

- (c) Have machined rope grooves.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, shall be at least 5.

(3) Set screw type fastenings shall not be substituted for keys or pins if connections are subject to torque or tension.

- (4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings shall not be used.

- (b) Worm gears having cast iron teeth shall not be used.

- (5) Brakes:

(a) Electric brakes shall be of the friction type set by springs and shall release electrically.

(b) All brakes shall be able to stop and hold a car carrying 125 percent of its rated load.

(c) At least one brake shall be mounted on the load side of the driving machine's worm shaft. On indirectly driven lifts, brakes shall engage when the driving machine fails.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet shall set the brake.

- (6) Driving machines:

(a) A driving machine may be mounted on a conveyance chassis or in a remote location. However, if mounted in a remote location all sheaves and sprockets shall be guarded and positioned so the hoisting ropes and chains remain properly aligned while the conveyance is in use.

- (b) Screw type machines shall not be used.

(c) Hydraulic driving machines shall conform to ASME A17.1.

- (d) Roped-hydraulic machines may be used.

- (e) Rack and pinion drive may be used.

EXCEPTION: Existing inclined private residence conveyances for transporting property may use wrapped cable drums as long as they do not show signs of excessive wear.

NEW SECTION

WAC 296-96-24258 Terminal stopping switches. A hoistway shall be equipped with normal upper and lower terminal stopping switches that are activated by the conveyance chassis. These switches shall stop the conveyance at the normal top and bottom terminals of travel.

(1) Winding drum machines may use a slack cable switch as a bottom final terminal switch.

(2) Normal and final terminal stopping switches shall not control the same switches on the controller unless at least two separate and independent switches are used. At least two of these separate switches shall be closed in order to complete the motor and brake circuits for each direction of travel.

NEW SECTION

WAC 296-96-24261 Activation and operation. (1) If activation of the conveyance is by key switch, key pad or swipe card, the activation and operation shall conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security.

(a) The key or code shall be entered each time to move the conveyance.

(b) Key-operated switches shall be of the spring return type and shall be operated by a weatherproof cylinder type lock having not less than 5 pin or 5 disc combination with the key removable only when the switch is in the off position.

(2) If activation is provided by a timing circuit that only permits the circuits to be initiated or unlocked for a sufficient amount of time to allow the loading of materials, the operating circuits shall automatically relock:

(a) If the conveyance is not activated within its preset period of time;

- (b) When any landing stop button is activated; or

(c) When the car has completed transit to another landing or returns to the department landing.

(3) Emergency stop switches shall be provided on or adjacent to the operating station. Stop switches:

- (a) May be of a momentary type;

(b) Shall have red handles or buttons and be conspicuously marked "STOP"; and

- (c) Shall open even if springs fail when springs are used.

(4) After initiation of stopping, the car may not automatically restart. Run condition shall be manually initiated.

(5) Design and installation of control and operating circuits shall meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit shall not be used for interrupting power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when any electrical protective device operates, or for stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs shall be of the restrained compression type.

- (6) Hand rope operation shall not be used.

NEW SECTION

WAC 296-96-24264 Suspension means. (1) When a chassis is suspended from a driving machine by a wire rope, a single method of suspension may be used. The suspension means may be any one of the following:

- (a) Steel elevator wire rope;
 - (b) Steel aircraft cable; or
 - (c) Roller chain conforming to ANSI transmission roller chains and sprocket teeth.
- (2) Steel tapes shall not be used as a suspension method.
- (3) The minimum diameter of hoist ropes or cables shall be 1/4 in. galvanized elevator wire rope and 3/16 in. aircraft cable.
- (4) Factor of safety:
- (a) The minimum factor of safety for a suspension method is 5 based upon the rope tension while elevating the elevator carrying its rated load.
 - (b) In no case, shall the rated breaking strength of the rope be less than 4,000 lbs.
 - (5) The contact arc of a wire rope on a traction sheave shall be sufficient to produce adequate traction under all load conditions.
 - (6) All wire ropes anchored to a winding drum shall have a least one full turn of rope on the drum when the car or counterweight reaches its over-travel limit.
 - (7) The winding drum ends of car and counterweight wire ropes shall be secured by:
 - (a) Clamps on the inside of the drum;
 - (b) Return loop;
 - (c) Properly made individual tapered babbitted sockets;
 or
 - (d) Properly attached fittings recommended by wire rope manufacturers.
 U-bolt type clamps shall not be used.
 - (8) The ends of wire ropes shall be fastened to cars or counterweights by:
 - (a) Return loop;
 - (b) Properly made individual tapered babbitted sockets that conform to ASME A17.1/CSA B44 requirements (the diameter of the hole in the small end of the socket shall not exceed the nominal diameter of the rope by more than 3/32 in.); or
 - (c) Properly attached fittings recommended by wire rope manufacturers.
 U-bolt type clamps shall not be used.
 - (9) Rope repair:
 - (a) Car and counterweight wire ropes shall not be lengthened or repaired by splicing.
 - (b) If a single wire rope in a set is worn or damaged and needs to be replaced, the entire set shall be replaced.
 - (10) A metal or plastic data tag shall be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag shall include:
 - (a) The diameter of the ropes in inches; and
 - (b) The manufacturer's rated breaking strength.

NEW SECTION

WAC 296-96-24267 Controllers. All controllers shall be labeled and listed. In addition, controller covers shall be locked.

NEW SECTION

WAC 296-96-24270 Traveling cables. (1) All traveling cables shall conform to the NEC in effect at the time of installation or major alteration.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means shall be provided to stop the power automatically if the traveling cables part.

NEW SECTION

WAC 296-96-24273 Electrical requirements. (1) All wiring shall conform to the NEC in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the conveyance chassis, the electrical connections between the conveyance and the power source shall be able to stop power if a traveling cable parts.

(3) All electrical connections between the conveyance chassis and the stationary connections shall be insulated flexible conductors conforming to the applicable articles of the NEC relating to elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts.

(4) An elevator mechanic employed by an elevator contractor may perform electrical work starting from the load side inside the controller.

NEW SECTION

WAC 296-96-24276 Track supporting structures. All supporting structures shall meet the local building codes.

NEW SECTION

WAC 296-96-24279 Additional requirements. (1) All inclined private residence conveyances for transporting property shall be equipped with:

(a) A manual method capable of moving the conveyance in accordance with ASME A17.1/CSA B44; and

(b) A machine brake with a lever to release the brake allowing movement by use of the manual method.

(2) Machinery spaces shall be protected from weather and accidental contact. Machinery spaces shall be locked.

(3) Metal signs stating, "NO RIDERS" in 2.0 in. letters shall be conspicuously posted and permanently attached to the conveyance and at each landing.

Subpart X**Material Hoists**NEW SECTION

WAC 296-96-24301 Applicable regulations. All material hoist installations, maintenance, repair, and tests shall comply with the edition of ANSI/ASSE A10.5 Safety

Requirements for Material Hoists under the edition to which they were installed. EXCEPTION: Lifts and hoists for material that are erected temporarily for use during construction work only and are designed in one of the following ways:

- (1) Powered platforms used for and temporarily constructed in conjunction with exterior work on building facades or to erect scaffolding, not intended to move material from one landing to another; and
- (2) Portable lifts for material only.

NEW SECTION

WAC 296-96-24350 Inspection of jumps. Material hoists that have been increased in height (jumped) shall be inspected before being allowed to run to the new landings.

Subpart XI

Belt Manlifts

NEW SECTION

WAC 296-96-24401 Applicable requirements. (1) Belt manlifts shall comply with the code under which the unit was installed.

(2) Where a unit was installed when no code was available (pre-1949), the unit shall, as a minimum, comply with the oldest adopted standard (i.e., ASME A90.1-2003).

(3) Appendix I and II records shall be kept in a secure location within the building and be readily accessible to maintenance personnel and inspectors.

NEW SECTION

WAC 296-96-24416 Landings. (1) Vertical clearance between the floor or mounting platform and the lower edge of the conical guard above it shall be at least 7 ft., 6 in. When this clearance is not possible, access to the manlift shall be prohibited and the space where the runway passes through the platform floor shall be enclosed.

(2) Floor space adjacent to floor openings shall be kept clear and free of obstructions at all times.

(3) Adequate lighting shall be provided at each floor landing whenever the lift is in use.

Note: For purposes of this section "adequate lighting" means 5 foot-candles.

(4) The landing surfaces at all entrances and exits shall provide safe footing and shall have a coefficient of friction of not less than 0.5 to help ensure safe footing.

(5) Emergency landings shall be provided so that the maximum distance a person travels on the emergency ladder between an emergency landing and a floor landing is 25 ft.

Emergency landings shall:

- (a) Be accessible from both runs of the lift;
- (b) Give access to the emergency ladder; and
- (c) Be completely enclosed with a standard railing and toeboard.

NEW SECTION

WAC 296-96-24419 Landing guards and cones. (1) On the ascending side of the lift, all landings shall have a beveled guard or cone that meets the following requirements:

(a) Where possible, a cone shall make an angle with the horizontal of at least 45 degrees. A cone angle of 60 degrees or more shall be used where ceiling heights permit.

(b) Where possible, the guard or cone shall extend at least 42 in. outward from any belt handhold. A guard or cone shall not extend beyond the upper surface of the floor above.

(c) A cone shall be built of sheet steel (at least No. 18 U.S. gauge) or any material of equivalent strength or stiffness. The lower edge of a cone shall be rolled to a minimum diameter of 1/2 in. The interior of a cone shall be smooth with no protruding rivets, bolts, or screws.

(2) All obstructions shall be guarded just like floor openings with the same minimum distances observed.

NEW SECTION

WAC 296-96-24422 Guarding of entrances and exits.

(1) All manlift floor or landing entrances and exits shall be guarded by either a maze (staggered railing) or a handrail equipped with self-closing gates.

(2) When a maze is used:

(a) Maze or staggered openings shall not allow direct passage between a platform enclosure and the outer floor space;

(b) Rails shall be located between 24 and 48 in. from the edge of the opening as measured at right angles to the face of the belt; and

(c) At openings, the intersection of the top rail and the end post shall form a bend or standard long sweep "ell."

(3) When a handrail is used:

(a) Rails shall be standard guardrails; and

(b) Gates shall have rounded corners, open outward, and be self-closing.

(4) Unless prevented by building design, all entrances and exits at all landings shall be in the same relative location.

NEW SECTION

WAC 296-96-24425 Guarding of floor openings.

Except on the entrance or exit side, floor openings at each landing shall be guarded.

(1) The guards shall be constructed by one of the following methods:

(a) A standard railing and toeboard;

(b) Panels of wire mesh (not less than No. 10 U.S. gauge);

(c) Panels of expanded metal (not less than No. 13 U.S. gauge);

(d) Panels of sheet metal (not less than No. 13 U.S. gauge); or

(e) Metal on a frame of either angle iron (at least 1 1/4 by 1 1/8 in.) or 1 1/4 in. iron pipe.

(2) When a belt manlift is installed in a stairwell, a standard guardrail shall be placed between the floor openings and the stairway.

(3) Rails or guards shall be:

(a) At least 42 in. high on the up-running side and 66 in. high on the down-running side; and

(b) Be located not more than 1.0 ft. from the edge of the floor opening.

(4) If a guardrail is used, the section of the guard above the rail may be constructed:

(a) According to ASME A90.1; or

(b) Using either vertical or horizontal bars capable of rejecting a 6 in. diameter ball.

NEW SECTION

WAC 296-96-24428 Guarding of floor landings.

Expanded metal, sheet metal or wooden guards shall be installed on each floor landing to prevent people from placing their hands in areas where step-rollers operate. These guards shall be installed on each exposed side of the lift and extend from the floor to a height of 84 in.

NEW SECTION

WAC 296-96-24431 Bottom landings. (1) Bottom landing clear areas:

(a) Where possible, the clear area of a bottom landing shall be at least the size of the area enclosed by guardrails on the floors above;

(b) A clear area shall be free of stairs and ladders; and

(c) If a wall on the bottom landing is located in front of the down-running side of the belt, it shall be installed at least 48 in. away from the belt face.

(2) The lowest landing serviced by the lift shall support the lower (boot) pulley installation.

(3) A mounting platform shall be installed on the lowest landing unless the landing floor is at or above the point at which the upper surface of the belt steps assume or leave a horizontal position.

(4) If a mounting platform is installed, it shall be located in front of or to one side of the up/down run.

NEW SECTION

WAC 296-96-24434 Top clearances. (1) When the center of the head pulley is more than 72 in. above the top landing, an emergency landing and ladder shall be installed.

(2) The location of the emergency landing shall be 24 in. below the center of the head pulley.

NEW SECTION

WAC 296-96-24437 Emergency exit ladders. Emergency exit ladders shall:

(1) Be a fixed metal type;

(2) Be accessible from either the "up" or "down" path of the lift;

(3) Be installed when the vertical distance between the landings exceeds 20 ft.; and

(4) Be constructed to comply with current general safety standards except enclosed cages need not be built;

(5) Provide access to an emergency exit;

(6) Be located in a position so that in an emergency a person can safely transfer from the manlift to the ladder.

Note: Transfer is considered safe when a person can maintain 3 points of contact while making the transfer.

NEW SECTION

WAC 296-96-24440 Lighting. (1) When a lift is in operation, both runs shall be illuminated at all points with an intensity of at least 1.0 foot-candle.

(2) Lighting control in runways shall be:

(a) Circuits tied permanently into the building circuits (no switches);

(b) Near the starting switch that controls the lift motor; or

(c) Separate switches located on every landing and with each switch having the capability of turning on all lights throughout the entire runway.

NEW SECTION

WAC 296-96-24445 Drive machines. (1) Belt manlifts shall be driven either by directly connected machines or by multiple "V" belts.

(2) Cast iron gears shall not be used.

(3) Brakes:

(a) On direct connected machines, the brake shall be mechanically applied to the motor shaft and released electronically.

(b) On "V" belt driven machines, the brake shall be mechanically applied to the input shaft and released electronically.

(c) All brakes shall be capable of stopping and holding the lift while carrying its rated capacity.

(4) Belts:

(a) Belts shall not have more than one splice per belt.

(b) There shall not be more than 1 in. of space between the opposing ends of the belt.

(c) A belt manlift that has evidence of severe belt damage shall be removed from service immediately. Belts with severe belt damage shall not be repaired and/or returned to service. "Severe belt damage" means that the protective outer cover of a belt becomes cut, cracked or separated exposing damaged inner fabric, and such damage extends across the full width of the belt, spans between adjacent bolt holes, or damage goes through the entire thickness of the inner fabric. A torn belt is also considered severe.

EXCEPTION: A lap splice that has become cracked or damaged may be converted to a butt splice and returned to service, provided that the damaged area on the splice is completely removed.

(d) The conversion of a lap splice to a butt splice does not constitute a repair.

(e) A belt that has evidence of superficial belt cover damage while in use on a manlift is not required to be replaced. "Superficial belt cover damage" means that the protective outer cover of a belt becomes scratched, cut or cracked exposing the inner fabric. Such damage shall not be continuous across the full width of the belt.

(5) Belts fastening:

(a) Shall be fastened either by a lap splice or a butt splice with a strap on the belt side opposite the pulley.

(b) For lapped splices on manlifts with travel distances not exceeding 100 ft., the overlap of the belt at the splice shall be at least 36 in.; or

(c) For lapped splices exceeding 100 ft., the overlap at the splice shall be at least 48 in.

(d) For butt splices on manlifts with travel distances not exceeding 100 ft., the strap shall extend at least 36 in. on one side of the butt; or

(e) For butt splices on manlifts exceeding 100 ft., the strap shall extend at least 48 in. on one side of the butt.

(f) For 12 in. belts, the joint shall be fastened with a minimum of 20 special elevator bolts with minimum diameters of 1/4 in. To effectively cover the belt joint area, these bolts shall be arranged symmetrically in 5 rows.

(g) For a 14 in. belt, the minimum number of bolts is 23.

(h) For a 16 in. belt, the minimum number of bolts is 27.

(6) All installations shall use machines designed and constructed to hold the driving pulley when there is shaft failure or overspeed.

NEW SECTION

WAC 296-96-24448 Operating speed. The maximum belt speed of a belt manlift is 80 ft./min. No belt manlift shall be installed that exceeds this maximum speed limit, and all belt manlifts in a given location should run at approximately the same speed.

NEW SECTION

WAC 296-96-24451 Step requirements. (1) Measured from the belt to the edge of the step, the minimum depth of a step is 12 in. and the maximum depth is 14 in.

(2) Step width shall not be less than the width of the belt to which it is attached.

(3) Measured from the upper surface of one step to the upper surface of the next step above, the distance between steps shall be at least 16 ft. and the steps shall be equally spaced along the belt.

(4) A step shall be attached to the belt so its surface approximates a right angle with the face of the belt enabling the step to travel in basically a horizontal position with the "up" and "down" path of the belt.

(5) The working (upper) surface of a step shall be made of either a material having nonslip characteristics (possessing a coefficient of friction of not less than 0.5) or be completely covered with a securely attached nonslip tread.

(6) Step supports (frames) and guides shall be sufficiently strong to prevent:

- (a) The disengagement of any step roller;
 - (b) Any appreciable misalignment; or
 - (c) Any visible deformation of the step or its support.
- (7) Steps shall have corresponding handholds.

(8) If a step is removed for any reason, the handholds immediately above and below it shall be removed before the lift resumes operation.

NEW SECTION

WAC 296-96-24454 Handholds. (1) Handholds attached to the belt shall be provided and installed so that they are not less than 48 in. nor more than 56 in. above the step tread. These handholds shall be available on both the "up" and "down" run of the belt.

(2) All handhold grab surfaces shall be at least 4 1/2 in. in width. Fastenings shall not come within 1 in. of the belt edge.

(3) All handholds shall be capable of withstanding, without damage, a 300 lb. load applied parallel to the belt run.

(4) All handholds shall have corresponding steps. When a handhold is removed for any reason, the corresponding step and handhold for the opposite direction of travel shall also be removed before the lift resumes operation.

NEW SECTION

WAC 296-96-24457 Up-limit stop devices. (1) Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these devices shall consist of a switch mechanically operated by the belt or stop roller. The second device shall consist of any of the following:

(a) A roller switch located above but not in line with the first switch;

(b) A photocell and light source (an "electric eye"); or

(c) A switch activated by a lever, bar, rod, or plate.

(i) If a plate is used, it shall be positioned above the head pulley so it barely clears a passing step.

(ii) If a bar is used, the bar shall be of the "breakaway" type.

(2) The stop device shall stop the lift before a loaded step reaches a point 24 in. above the top terminal landing.

(3) Once the lift has stopped, the automatic stop device shall be manually reset. Therefore, this device shall be located on the top landing where the person resetting the device has a clear view of both the "up" and "down" runs of the lift; and it shall be impossible to reset from a step.

(4) Electric stop devices shall meet the following requirements:

(a) All electric switches that directly open the main motor circuit shall be multiple type switches;

(b) Photoelectric devices shall be designed and installed so that failure of the light source, the light sensitive element or any vacuum tube used in the circuit will result in shutting off the power to the driving motor;

(c) In areas where flammable vapors or dust may be present, all electrical installations shall be in accordance with the NEC requirements for those installations; and

(d) All controller contacts carrying main motor current shall be copper to carbon types unless the circuit is simultaneously broken at two or more points or the contacts are immersed in oil.

NEW SECTION

WAC 296-96-24460 Emergency stop devices. All belt manlifts shall have emergency stop devices that:

- (1) Are located within easy reach of the "up" and "down" run of the belt;
- (2) Stop power to the lift and apply the lift brake when pulled in the direction of travel;
- (3) Have a treadle switch (manual reset type) that is located below the lowest landing on the belt's "down" side and, if a person fails to get off at the lowest landing, stops the lift and ejects the person from the step as it approaches the boot pulley;
- (4) Are made of cotton rope with a wire center, manila or sisal rope, or metal pipe or tubing. Wire rope cannot be used, unless covered with marlin. Rope stops shall be at least 3/8 in. in diameter; and
- (5) An emergency stop may be used for normal stopping and starting if the lift does not run continuously.

NEW SECTION

WAC 296-96-24466 Warning signs. (1) Instructional signs explaining how to use the belt lift shall be:

- (a) Conspicuously posted on each landing or stenciled on the belt;
- (b) Printed in an easily read style with letters at least 1 in. in height;
- (c) Printed in a color that clearly contrasts with the background surface (for example, white or yellow on black or black on white or gray); and
- (d) Examples of instructional signs are:
- "Face the belt";
 - "Use the handhold";
 - "To stop - Pull rope."

(2) Warning signs and/or lights shall include an illuminated sign or red warning light announcing the top floor and shall be within easy view of an ascending passenger.

(a) If a sign, it shall be located no more than 2 ft. above the top terminal landing and printed in block letters (at least 2 in. in height) displaying the words, "Top floor - Get off."

(b) If a red light, it shall have at least a 40-watt rating and be located immediately below the upper terminal landing where it will shine in the belt passenger's face.

(3) There shall be conspicuous signs on each landing that read, "Employees only - Visitors keep off," printed in block letters at least 2 in. in height in a color that sharply contrasts with the background.

(4) A sign or red light shall be conspicuously posted above the bottom landing announcing its approach. These shall be:

(a) If a sign, printed in block letters at least 2 in. in height that sharply contrast with the background and reads, "Bottom floor - Get off."

(b) If a light, rated at least 40 watts.

(5) An electronic warning buzzer shall be installed 5 ft. above the bottom landing on the down side of the belt to warn belt riders of the approaching landing. This warning buzzer shall be automatically activated by load weight on a step.

NEW SECTION

WAC 296-96-24470 Restricted use of manlifts. (1) No freight or packaged goods may be carried on any manlift;

(2) No pipe, lumber, or other construction materials may be handled on any manlift; and

(3) No tools except those which will fit entirely within a pocket of ordinary working clothes may be carried on any manlift, except as follows:

(a) Tools may be carried in a canvas bag not larger than 11 in. by 13 in.;

(b) The bag shall have a leather bottom; and

(c) The bag shall have loops or handles to be carried in the passenger's hand while riding the manlift. Shoulder straps are prohibited.

NEW SECTION

WAC 296-96-24478 Inspection requirements. (1) All manlifts shall be inspected by a qualified person, designated by the lift's owner, at least once every 30 days.

(2) The inspection shall cover, but is not limited to, the following items:

- Belt and belt tension;
- Bottom (boot) and pulley;
- Brake;
- Clearance;
- Drive pulley;
- Driving mechanism;
- Electrical switches;
- Guardrails;
- Handholds and fastenings;
- Lubrication;
- Motor;
- Pulley supports;
- Rails, rail supports and fastenings;
- Rollers and slides;
- Signal equipment;
- Steps and fastenings;
- Warning signs and lights.

(3) A written record shall be kept of results of each inspection, and shall be made available to all inspectors. This information shall be recorded under the monthly portion of the test log required by Appendix A of ASME A90.1-1997.

(4) For purposes of this section "adequate lighting" means 5 foot-candles.

NEW SECTION

WAC 296-96-24480 Five-year test requirements. A five-year test of the belt manlifts shall be conducted, and the test shall be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category of the conveyance being tested;

(b) The representative of a firm that manufactured the particular belt manlift who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular belt manlift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category of the conveyance being tested.

(2) The up capacity of the belt manlift shall be tested with 200 lbs. on each horizontal step. During the up-run por-

tion of the test the belt manlift shall not show appreciable slip of the belt when standing or running at rated speed.

(3) The down capacity of the belt manlift shall be tested with 200 lbs. on each horizontal step. During the down-run portion of the test the belt manlift shall not show appreciable slip of the belt when standing or running at the rated speed. The brake shall stop and hold the belt with test load within a maximum of 24 in. of travel.

(4) After the five-year test has been performed a tag indicating the date of the test and name of the company performing the test shall be attached in a visible area of the drive motor machine. The tag shall have all applicable ASME A90.1, 8.1 test descriptions and code references.

Subpart XII

Special Purpose Elevators

(Formerly Known as Electric Manlifts)

NEW SECTION

WAC 296-96-24500 Scope. (1) These requirements apply to special purpose personnel elevators installed prior to January 1, 1999, in facilities in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

(2) Where a special purpose personnel elevator was installed after January 1, 1999, the conveyance shall comply with the edition of ASME A17.1 or A17.1/B44 that was in effect at the time.

NEW SECTION

WAC 296-96-24516 Maintenance requirements. (1) Examinations, in compliance with WAC 296-96-23605, are to be performed and documented in the maintenance and testing records.

Test tag(s) shall be attached to a wall inside the cab (car enclosure).

(2) Owners of electric manlifts are responsible for ensuring that:

- (a) Elevators and their parts are maintained in a safe condition;
- (b) All devices and safeguards required by these regulations are maintained in good working order; and
- (c) Maintenance, examinations, and safety tests be performed and documented to the applicable sections of WAC 296-96-24519 through 296-96-24560.

NEW SECTION

WAC 296-96-24519 Hoistway and landing construction. (1) A hoistway shall be fully enclosed, or enclosed on all landings to a height of 72 in. above the landing floor or 72 in. above the highest working level or stair level adjacent to the hoistway.

(2) Perforated enclosures may be used where fire resistance is not required. However, such enclosures shall be constructed of at least No. 13 U.S. gauge steel wire, if a steel wire

grill or expanded metal grill type, and have openings that reject a 1 in. diameter ball.

(3) Adequate lighting shall be provided at each landing and in the hoistway.

Note: For purposes of this section "adequate lighting" means 5 foot-candles.

(4) Emergency evacuation ladders when installed:

- (a) Shall provide access to an emergency exit.
- (b) Shall be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder.

Note: Transfer is considered safe when a person can maintain 3 points of contact while making the transfer.

NEW SECTION

WAC 296-96-24522 Hoistway doors and gates. (1) Gates may be constructed of wood slat, steel wire grill, expanded metal or solid material provided that all openings reject a 2 in. diameter ball and resist a 250 lb. horizontal thrust.

(a) Steel wire and expanded metal gates shall be constructed of at least No. 13 U.S. gauge steel.

(b) Wood slat gates shall have slats at least 2 in. wide and 1/2 in. thick, nominal size.

(c) Solid material gates shall be constructed of at least 1/8 in. reinforced sheet steel or 1/2 in. plywood.

(2) Gates may be horizontal swinging, vertical or horizontal sliding or biparting types, and shall:

- (a) Span the full width of the elevator car;
 - (b) Extend from 1 in. above the landing floor to at least 72 in. above it;
 - (c) Not swing into the hoistway.
- (3) Hoistway doors shall be closed before the car can leave the landing. Once the car leaves the landing, the door shall be latched so that it will not open when the elevator is not at the landing.

NEW SECTION

WAC 296-96-24525 Car enclosures and frames. Elevator cars shall be fully enclosed to the car height or to a height of at least 78 in., whichever is greater.

(1) If constructed of solid materials, cars shall be capable of withstanding a horizontal thrust of 75 lbs. while deflecting no more than 1/4 in.

(2) If constructed of perforated materials, all openings shall be capable of rejecting at least a 1 in. diameter ball.

(3) Car frames shall be of substantial metal or wood construction.

(a) Metal frames shall have a safety factor of 4.

(b) Wood frames shall have a safety factor of 6.

(c) Wood frames shall be constructed with gussets and bolts secured with large washers, lock washers and nuts.

(4) Cars shall have platforms whose inside dimensions do not exceed 30 in. on each side (6.25 ft²).

(5) Cars shall have substantial protective tops. These tops:

- (a) May have hinged front halves.

(b) Shall be made of No. 9 U.S. wire-gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, or 1/4 in. or heavier plywood.

(c) If made of wire screen or metal with openings shall reject a 1/2 in. diameter ball.

(6) A properly working fire extinguisher shall be present in each car.

(7) A sign bearing the following information shall be posted in a conspicuous place within the car:

(a) Total load limit in pounds;

(b) Maximum capacity one or two persons where applicable;

(c) "For authorized personnel use only."

NEW SECTION

WAC 296-96-24528 Car doors and gates. All elevators shall have car doors, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors shall be:

(a) Constructed of solid or perforated material capable of resisting a 75 lb. thrust without deflecting 1/4 in. If perforated material is used, it shall reject a 1 in. diameter ball.

(b) Biparting or otherwise horizontally swung provided the door swings within the elevator car.

(2) Interlocks or a combination consisting of mechanical locks and electric contacts shall be provided on car gates on elevators in unenclosed hoistways unless a safe means of self-evacuation is provided. Such means shall be approved by the department.

NEW SECTION

WAC 296-96-24531 Counterweight enclosures, counterweight and fastenings. All counterweights shall be fully enclosed at landings or at the path of travel where inadvertent contact can occur.

(1) At the bottom of a counterweight enclosure, there shall be an inspection opening large enough to allow the inspection of cable fastenings, counterweight and buffer.

(2) Sectional rectangular shaped counterweights shall be secured by at least two, 1/2 in. mild steel bolts with lock nuts.

(3) Sectional round counterweights shall be fastened with a center bolt at least 3/4 in. in diameter and secured with a lock nut.

(4) All bolt eyes shall be welded closed.

(5) Cable fastening shall be by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of three cable clamps shall be provided. U-shaped clamps shall not be acceptable.

NEW SECTION

WAC 296-96-24534 Guide rails. Each elevator shall be equipped with at least 2 guide rails. Guide rails shall:

(1) Extend at least 6 in. beyond the maximum travel distance of the car with the buffers compressed.

(2) Be securely fastened to a vertical support for the full length of the elevator's travel.

(3) Be constructed of vertical grain fir or steel:

(a) If constructed with vertical grain fir, the rails shall be at least 1 1/2 in. x 1 1/2 in. and not vary in thickness by more than 3/16 in. on brake surfaces.

(b) If constructed of steel, it shall meet the requirements of subsections (4) and (5) of this section.

(4) Be able to resist a 250 lb. horizontal thrust.

(5) Be able to resist more than 1/2 in. total deflection when the car safety is applied.

NEW SECTION

WAC 296-96-24537 Suspension means. There shall be at least 2 hoisting ropes. Each rope shall be:

(1) Made of a good grade of elevator traction wire rope;

(2) At least 3/8 in. in diameter and possessing a safety factor of 5;

(3) Fastened by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of 3 fist grip or equivalent clamps shall be provided. U-shaped clamps shall not be acceptable.

NEW SECTION

WAC 296-96-24540 Habitable space below elevator. There shall not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand an impact 125 percent greater than the impact generated by a free falling car with rated load or counterweight falling from the full height of the hoistway.

NEW SECTION

WAC 296-96-24543 Car safeties. All cars suspended or operated from overhead machinery shall be equipped with an approved car safety capable of stopping and holding the car while carrying its rated load.

(1) Car safeties shall be mechanically operated and not be affected by any interruptions in the electrical circuit.

(2) Car safeties and governor controlled safeties shall operate automatically and the control circuit shall be interrupted in the event the safeties set.

(3) All special purpose elevators shall be equipped with an overspeed governor that shall not exceed 175 ft./min. and shall deenergize the brake control and motor drive circuits simultaneously when the car safety mechanism is activated.

(4) Winding drum type machines shall have a manual-reset slack rope device that interrupts the drive motor and brake circuits.

(5) Separate safety tags shall be used to distinguish the no-load annual safety test and the five-year full load test.

NEW SECTION

WAC 296-96-24547 Drive machine brakes. All elevators shall be equipped with brakes that engage mechanically and release electrically.

(1) Brakes shall be located on the final drive of all elevator machines;

(2) The brake activating circuit shall be designed so that interruption of power by the slack cable switch, control switch, and limit switches disconnect power to the brake;

(3) The brakes shall activate under short circuit, phase failure, or reverse phase conditions.

NEW SECTION

WAC 296-96-24550 Car controls. (1) Car controls shall be permitted to be automatic push button, constant pressure push button or momentary push button types. Hand rope and car switch controls shall not be used.

(2) If a car is not equipped with constant pressure push button controls, then it shall be equipped with a manually operated emergency stop switch that is clearly marked "emergency stop."

(3) Terminal limiting devices shall operate independently of car controls and shall automatically stop the car at the top and bottom terminal landings.

NEW SECTION

WAC 296-96-24553 Drive machines. (1) Elevator machines shall be driven by approved-type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake shall be installed on the driving unit.

(b) On V belt driven types, a minimum of 4 belts, 1/2 in. minimum size, shall be used to transmit power from the motor to the drive shaft and a mechanically activated, electrically released brake shall be installed on the final drive shaft.

(c) All winding drum machine type elevators shall be equipped with top and bottom final limit switches.

(2) Wherever practical, elevator machines shall be installed on the top side of the supporting structure.

(3) All components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment shall be designed to withstand 8 times the total weight to be suspended, including load, counterweight, car and cables.

(4) Gears shall be made of steel or equivalent material. Cast iron gears are prohibited.

(5) A working platform, with railings complying with the applicable requirements adopted according to chapter 49.17 RCW, shall be provided to allow for safely working on equipment.

(6) A light with a switch shall be located near the elevator driving machine or the machinery space.

(7) A means to lockout/tagout the elevator equipment shall be provided.

(8) The elevator machinery shall be protected from the weather.

(9) All sheaves shall be appropriately guarded per the requirements adopted according to chapter 49.17 RCW.

NEW SECTION

WAC 296-96-24557 Buffers. (1) All elevator cars shall be equipped with adequate car buffers.

(2) All elevators using counterweights shall be equipped with adequate counterweight buffers.

NEW SECTION

WAC 296-96-24560 Additional applicable requirements. Car speeds shall not exceed 125 ft./min.

Subpart XIII

Hand Elevators

(Previously Called Hand-Powered Manlifts)

NEW SECTION

WAC 296-96-24600 Scope. This section covers elevators that have the capacity of 1 person and are installed in a facility prior to January 1, 1999, in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

NEW SECTION

WAC 296-96-24611 Maintenance and test requirements. (1) Maintenance and tests shall comply with the applicable requirements found in ASME A17.1/CSA B44, Section 8.6.

(a) Test tag(s) shall be attached to the inside of the car.

(b) Hand elevators with wooden rails shall be tested with no load annually.

(2) Qualified people shall conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular conveyance and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular conveyance who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(3) Examinations, in compliance with WAC 296-96-23605, are to be performed and documented in the maintenance and testing records.

NEW SECTION

WAC 296-96-24620 Landings and entrances. (1) Every landing shall be protected on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landings except the bottom landing shall have a toe board installed on all sides except the landing opening side.

(2) All entrances shall be not less than 78 in. in height and in no case may the width exceed the corresponding car dimensions.

(3) All entrances shall be provided with an approved maze or with a hoistway gate which shall:

(a) Be at least 36 in. in height;

(b) Extend downward to within 1 in. of the landing sill;

(c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop;

(d) Be located within 4 in. of the edge of the landing sill;

(e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate; and

(f) Withstand a 250 lb. horizontal thrust.

(4) An automatic safety device which will prevent the car from leaving the landing until manually released by the operator shall be installed at the bottom landing.

(5) Adequate lighting shall be installed and operating at each landing.

Note: For the purpose of this section "adequate lighting" means 5 foot-candles.

NEW SECTION

WAC 296-96-24630 Habitable space beneath the car and counterweight. There shall not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand the impact of a freely falling car with rated load or counterweight.

NEW SECTION

WAC 296-96-24635 Guide rails. (1) There shall be a minimum of 2 opposing guide rails extending to a point 6 in. beyond the full height of travel of the car when the counterweight buffer is fully compressed.

(2) All rails shall be attached by bolts, lag screws or other approved methods to a vertical supporting member which shall not exceed 1/2 in. deflection with the application of a 250 lb. horizontal thrust at any point.

(3) Wood guide rails shall be at least 1 1/2 in. x 1 1/2 in. vertical grain fir or equivalent and shall not vary more than 3/16 in. in thickness on the sides which the brakes contact. All joints shall be kept smooth and even.

NEW SECTION

WAC 296-96-24640 Buffers. (1) Spring buffers shall be installed below the car and counterweights.

(2) The maximum run-by of the car shall not exceed 8 in. above the top landing when the counterweight buffer spring is fully compressed.

NEW SECTION

WAC 296-96-24645 Car construction. (1) The car shall be built to the following specifications:

(a) The car platform shall be no greater than 30 in. on either side (6.25 ft²);

(b) The car frame and platform shall be of steel or sound seasoned wood construction and be designed with a safety factor of not less than 4 for metal and 6 for wood, based on a maximum capacity of 250 lbs.;

(c) All frame members shall be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts shall be used;

(d) Where wooden frame members are bolted, large washers or metal plates shall be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car shall be enclosed by a minimum of 2 safety guard rails with the top rail not less than 36 in. nor more than 42 in. from the car floor. Rails shall be capable of sustaining a horizontal thrust of 250 lbs. If solid material is used, it shall be smooth surfaced and not less than 1/2 in. thickness, if wood; not less than 16 gauge thickness, if steel; and shall be constructed from the car floor to a height of not less than 3 ft.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate shall be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates shall be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate shall drop into locking slots or be provided with a positive locking type latch capable of withstanding a 250 lb. horizontal thrust.

(3) Every car shall have a substantial protective top. The front half may be hinged. The protective top shall be made from No. 9 U.S. wire gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, 3/4 in. or heavier plywood. If made of wire screen or metal, the openings shall reject a 1/2 in. diameter ball.

(4) Every car shall have a proper rack to hold the balance weights. Weights shall be contained in the proper rack when the car is in motion.

(5) A sign bearing the following information shall be conspicuously posted within the car:

(a) Total load limit in pounds;

(b) "Maximum capacity one person"; and

(c) "For authorized personnel use only."

(6) Every car shall be equipped with a spring loaded foot brake which:

(a) Operates independently of the car safeties;

(b) Operates in both directions and will stop and hold the car and its load; and

(c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) Every car shall be equipped with a car safety device which:

(a) Applies to the sides of the main guide rails; and

(b) Stops and holds the car and its load immediately when the hoisting rope breaks.

(8) Every car shall have a minimum clearance of 78 in. from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) A tool box with minimum dimensions of 4 in. long x 3 in. deep shall be provided and firmly attached to the car structure.

(10) A fire extinguisher in proper working condition shall be available in the car.

NEW SECTION

WAC 296-96-24650 Counterweights. (1) The assembly of sectional counterweights shall conform to the following requirements:

(a) Rectangular counterweights shall be held together by at least 2 tie rods 1/2 in. in diameter fastened with lock washers and double nuts or other approved means;

(b) One 3/4 in. rod may be used to hold the sections of a round counterweight together. Any additional sections or weights shall be secured by an approved means.

(2) The eye bolt for the rope hitch shall be attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts shall be welded to prevent it from opening.

(3) Every counterweight runway shall be enclosed with substantial unperforated material for its full distance of travel. Inspection openings shall be provided at either the top or bottom of the counterweight runway. These openings shall be substantially covered at all times except when actually being used for inspection of counterweight fastenings.

(4) Workers shall load the counterweight for the proper balance of the heaviest person using the elevator and others shall use compensating weights, which shall be available to maintain a balance.

(5) On elevators with a travel of 75 ft. or more, a compensation chain or cable shall be installed to maintain the proper balance of the counterweight to the car and load in all positions.

NEW SECTION

WAC 296-96-24655 Sheaves and supporting members. (1) The minimum sheave diameter shall be 40 times the diameter of the rope used. For example, a 3/8 in. rope requires a 15 in. diameter sheave.

(2) The overhead supporting members shall be designed, based upon impact loads, with a safety factor of:

- (a) 9 If wood; and
- (b) 5 If steel.

NEW SECTION

WAC 296-96-24660 Suspension means. (1) Hoisting ropes shall be of good grade traction elevator wire rope and shall:

- (a) Be not less than 3/8 in. in diameter.
- (b) Provide a safety factor of 5 based on the maximum weight supported.

(c) Be of sufficient length to prevent the counterweight from striking the overhead structure when the car is at the bottom, and prevent the car from striking the overhead before the counterweight is at its lower limit of travel.

(2) Cable fastenings shall be by babbitted tapered elevator sockets or other acceptable methods approved by the department. If cable clamps are used, a minimum of 3 cable clamps shall be provided. U-shaped clamps shall not be acceptable.

Where passed around a metal or other object less than 3 times the diameter of the cable, a thimble of the correct size shall be inserted in the eye.

(3) Approved sockets or fittings with the wire properly turned back and babbitted shall be used in place of clamps noted in subsection (1)(d) of this section.

NEW SECTION

WAC 296-96-24665 Operating ropes. The operating rope shall be of soft hemp, nylon or cotton at least 3/4 in. in diameter. It shall be securely fastened at each end and shall be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

NEW SECTION

WAC 296-96-24670 Hoistway requirements. (1) Escape ladders shall be installed and shall extend the full length of the hoistway.

(a) Ladders shall be installed in a manner to provide access to an emergency exit and shall be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder.

Note: Transfer is considered safe when a person can maintain 3 points of contact while making the transfer.

(b) An "IMPAIRED CLEARANCE" sign shall be posted at the bottom of a ladder when the face of the ladder is less than 30 in. from any structure.

(2) The minimum clearance between a car side and the hoistway enclosure is 1 in.

(3) The clearance between a car platform and a landing sill shall be at least 1/2 in. but not more than 1 1/2 in.

Subpart XIV

Casket Lifts

Note: As a minimum, all such lifts currently installed shall comply with this section. These conveyances are intended to be used only in mortuaries where moving of caskets is necessary. New casket lifts shall comply with either ASME A17.1/CSA B44 Part 7 or with this chapter, Part C1.

NEW SECTION

WAC 296-96-24700 Scope. The rules in this section apply to existing hoisting and lowering mechanisms equipped with cars that:

- (1) Move within guides in a substantially vertical direction;
- (2) Have a maximum net inside area of 28 ft²;
- (3) Have a maximum total internal height of 48 in. and a maximum total internal width of 36.5 in.; and
- (4) Utilize a series of rollers as a platform to exclusively carry caskets;
- (5) Are provided with a hoistway enclosure, and related construction that are in substantial compliance with the building code.

NEW SECTION

WAC 296-96-24703 Minimum maintenance requirements. Owners of casket lifts are responsible for ensuring that:

- (1) The lift and their parts are maintained in a safe condition; and

(2) All devices and safeguards required by these regulations are maintained in good working order.

NEW SECTION

WAC 296-96-24706 Machine rooms and machinery space. (1) Machines and control equipment shall be located:

- (a) Inside a hoistway enclosure, at the top or bottom, without enclosures and platforms; or
- (b) Outside a hoistway if enclosed with a noncombustible material to a height of at least 72 in.

(2) Machines and control equipment located outside the hoistway shall be enclosed in noncombustible material not less than 72 in. high and have a self-closing and locking door. Control equipment located outside the hoistway shall be enclosed in a metal cabinet equipped with a panel door capable of being locked in the closed position to prevent unauthorized access.

(3) Permanent electric lighting shall be provided in all machine rooms and machinery spaces.

NEW SECTION

WAC 296-96-24709 Equipment in machine rooms/spaces. Only machinery and equipment required for the operation of the lift is permitted in the lift machine room.

NEW SECTION

WAC 296-96-24712 Electrical wiring, pipes and ducts in hoistways and machine rooms. (1) Only electrical wiring raceways and cables directly related to a lift's operation may be installed inside the hoistway.

(2) Pipes or ducts that convey gases, vapors, or liquids and are not used in connection with the lift shall not be installed in any hoistway, machine room, or machinery space.

(3) Machinery and sheave beams, supports, and foundations shall be designed to support the loads imposed on equipment.

NEW SECTION

WAC 296-96-24715 Pits. A pit is not required in a casket lift hoistway.

NEW SECTION

WAC 296-96-24718 Hoistway door openings. (1) The width and height of door openings shall not exceed the width and height of the car by more than 1 in. in each dimension; except one door opening may be of sufficient size to permit installing and removing the car, but shall not be more than 57 in. in height.

(2) The bottom of the door opening shall be not less than 24 in. above the floor.

NEW SECTION

WAC 296-96-24721 Hoistway door installation. Hoistway doors shall be hung and guided in such a manner that the doors will not be displaced from the guides or tracks

when in normal service nor when the doors are subjected to a constant horizontal force of 250 lbs. applied at right angles to and approximately at the center of the door or to the center of each door section where multisection doors are used.

NEW SECTION

WAC 296-96-24724 Hoistway door clearances. Hoistway doors shall be located so that the distance from the hoistway face of the doors to the landing sill shall not be more than 2.5 in.

NEW SECTION

WAC 296-96-24727 Hoistway door locking devices. All hoistway doors shall be equipped with a combination mechanical lock and electric contact or door interlock.

NEW SECTION

WAC 296-96-24730 Protection of space beneath hoistway. Where the space below the hoistway is used for a passageway or is occupied by people, or if unoccupied is not secured against unauthorized access, the cars and counterweights shall be equipped with safeties which shall be operated as a result of the breaking of the suspension means. Safeties may be of the inertia type without governors.

NEW SECTION

WAC 296-96-24733 Car doors and gates. There shall not be more than two entrances to the car.

(1) Each entrance shall be provided with a car door or gate which when in a fully closed position shall protect the full width and height of the car entrance opening.

(2) Collapsible type gates, when in a fully closed position, shall reject a 4.5 in. diameter ball.

NEW SECTION

WAC 296-96-24736 Car enclosure. (1) Lift platforms shall be permanently enclosed on all sides and the top.

(2) The enclosure shall be securely fastened to the platform and so supported that it cannot loosen or become displaced in ordinary service.

(3) The enclosure walls shall be of sufficient strength and designed and supported so that when subjected to a pressure of 75 lbs. applied horizontally at any point on the walls of the enclosure, the deflection will not reduce the running clearance to exceed 1 in.

(4) The top of the car enclosure shall be designed and installed so as to be capable of sustaining a load of 300 lbs. on any square area 24 in. on a side and 100 lbs. applied at any point. Simultaneous application of these loads is not required.

NEW SECTION

WAC 296-96-24739 Construction of car frames and platforms. (1) Every lift suspended by wire ropes shall have a car frame consisting of a crosshead, uprights (stiles) and a plank located approximately at the middle of the car platform

and in no case farther from the middle than 1/8 of the distance from the front of the platform.

(2) Car frames shall be guided on each guide rail by upper and lower guiding members attached to the frame.

(3) Car frames and outside members of the platform shall be made of steel.

NEW SECTION

WAC 296-96-24742 Connecting car frames to platforms. Connections between members of the car frames and platform shall be riveted, bolted, or welded and shall meet the following specifications:

(1) Where used through sloping flanges of structural members bolt heads shall be of the tipped head type or shall be fitted with beveled washers.

(2) Nuts used on sloping flanges of structure members shall seat on beveled washers.

(3) Welding of parts upon which safe operation depends shall be done in accordance with the appropriate standards established by the American Welding Society.

NEW SECTION

WAC 296-96-24745 Capacity. (1) Driving machines, car and counterweight suspension mechanisms, and overhead beams and supports shall be able to sustain a car with a structure load capacity based upon the manufacturer's design criteria.

(2) A metal plate which gives the rated load in letters and figures not less than 0.25 in. high stamped, etched or raised on the surface of the plate shall be fastened in a conspicuous place in the car.

NEW SECTION

WAC 296-96-24748 Driving machines. Only drum, traction or plunger type driving machines may be used.

NEW SECTION

WAC 296-96-24751 Material and grooving for sheaves and drums. Material and grooving for sheaves and drums shall be of metal finished grooves and have a pitch diameter not less than 40 times the diameter of the rope.

NEW SECTION

WAC 296-96-24754 Brakes. Lift driving machines shall be equipped with a friction brake applied by a spring or springs and released electrically. The brake shall be designed to have a capacity sufficient to hold the car at rest with its rated load.

NEW SECTION

WAC 296-96-24757 Terminal stopping devices. (1) Upper and lower normal stopping devices shall be provided at the top and bottom of the hoistway.

(2) Final terminal stopping devices shall be provided and arranged to remove electric power to the lift driving machine

motor and brake after the car has passed a terminal landing. Under normal operating conditions the final terminal stopping device shall not function when the car is stopped by the normal terminal stopping device.

(3) Lifts having traction machines shall have final terminal stopping switches located in the hoistway and operated by cams attached to the car.

(4) Lifts having winding drum machines shall have terminal stopping switches located on and operated by the driving machine, which shall not be driven by chain, rope or belt. Also, stopping switches shall be installed in the hoistway and operated by cams attached to the car or counterweights.

(5) Lifts having winding drum machines shall have a slack rope device with an electric switch of the enclosed manually reset type which will cause the electric power to be removed from the driving machine motor and brake if the hoisting ropes become slack.

NEW SECTION

WAC 296-96-24760 Suspension means. (1) Lifts and counterweights shall be suspended by steel wire ropes. Only iron (low carbon steel) or steel wire ropes with fiber cores, having the commercial classification of "elevator wire rope" may be used for the suspension of lifts and for the suspension of counterweights.

(2) The minimum number of hoisting ropes is:

(a) Three .5 in. ropes for traction elevators; and

(b) Two .5 in. ropes for drum type elevators.

(3) Fastenings shall be by individual tapered babbitted rope sockets or by other department-approved types.

(4) The rope sockets shall be of a type which will develop at least 80 percent of the breaking strength of the strongest rope to be used in such fastenings. U-bolt type rope clips (clamps) shall not be used for load line fastenings.

NEW SECTION

WAC 296-96-24765 Hydraulic casket lifts. (1) All hydraulic lifts shall be a plunger type with the plunger securely attached to the car platform.

(2) Plungers composed of more than one section shall have the joints designed and constructed to carry in tension the weight of all plunger sections below the joints.

(3) Plungers shall be provided with solid metal stops to prevent the plunger from traveling beyond the limits of the cylinder. Stops shall be designed and constructed so as to stop the plunger from maximum speed in the "up" direction under full pressure without damage to the hydraulic system.

(4) Any leaking hydraulic oil shall be collected.

NEW SECTION

WAC 296-96-24770 Valves, supply piping and fittings. (1) Valves, piping and fittings shall not be subjected to working pressures that exceed manufacturer recommendations.

(2) Pipes, especially those that may vibrate, shall be sufficiently supported at each joint and fitting so undue stress is eliminated.

(3) A shut-off valve shall be installed in the pit.

(4) Each pump shall be equipped with a relief valve and all relief valves shall be:

- (a) Located between the pump and check valve in a bypass connection;
- (b) A type that cannot be shut off from the hydraulic system; and
- (c) Preset to open at a pressure not greater than 125 percent of the working pressure at the pump.

EXCEPTION: Relief valves are not required for centrifugal pumps driven by an induction motor when the shutoff or maximum pressure that the pump develops is no more than 135 percent of the working pressure at the pump.

(5) A check valve shall be installed that will hold a car and its rated load at any point whenever a pump stops or pump operating pressure drops below the required minimum.

NEW SECTION

WAC 296-96-24775 Stopping devices. Normal stopping devices operated by cams attached to the car shall be installed at the top and bottom of the hoistway. Final terminal stopping devices and anticreep leveling devices are not required.

NEW SECTION

WAC 296-96-24780 Operating devices. Only constant pressure or automatic type operating devices located outside the hoistway may be used.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated?
- WAC 296-96-01050 How do I get a supplemental inspection?
- WAC 296-96-02401 ASME A17.1-8.7.1 Alteration general requirements.
- WAC 296-96-02411 ASME A17.1-8.7.2.13 Door reopening devices.
- WAC 296-96-02420 What are the requirements for temporary construction operating permits?
- WAC 296-96-02450 Can pipes and ducts be installed above a machine room?
- WAC 296-96-02451 When a control space is used in lieu of a machine room.
- WAC 296-96-02455 What is the minimum working space required in machine rooms/control rooms?
- WAC 296-96-02466 ASME A17.1-8.9 Code data plate location and material.

- WAC 296-96-02475 What are the requirements for sprinklers in hoistways and machine rooms?
- WAC 296-96-02480 How does the department enforce ASME requirements for sprinklers, smoke detectors, and heat detectors in hoistways and machine rooms?
- WAC 296-96-02485 What is required for emergency escape hatches?
- WAC 296-96-02486 ASME A17.1-5.7.10.5 Special purpose elevator car doors or gates.
- WAC 296-96-02495 Are self-leveling devices required?
- WAC 296-96-02500 Is a door reopening device required on automatic-closing car doors?
- WAC 296-96-02505 What is the minimum acceptable initial transfer time for an elevator door?
- WAC 296-96-02510 What are the minimum cab size and other applicable requirements for car interiors?
- WAC 296-96-02515 What is required for car controls?
- WAC 296-96-02520 What are the location and operation requirements for car position indicators in the car?
- WAC 296-96-02535 What requirements apply to floor designations on elevator door jambs?
- WAC 296-96-02540 What are the installation and operation requirements for hall buttons?
- WAC 296-96-02545 What are the requirements for installation and operation of hall lanterns?
- WAC 296-96-02550 ASME A17.1-3.18.3.8.3 and ASME A17.1-8.7.3.23.1—What are the requirements for underground hydraulic elevator pipes, fittings, and cylinders?
- WAC 296-96-02551 ASME A17.1-2.6 and ASME A17.1-8.7.2.6 Protection of spaces below hoistways.
- WAC 296-96-02555 What are the requirements for accessing elevated elevator pit equipment?
- WAC 296-96-02556 Minimum width, clearances, and access of pit ladders.
- WAC 296-96-02557 Pit lighting and stop switch.
- WAC 296-96-02560 What are the requirements for submersible pumps or sumps?

WAC 296-96-02564	ASME A17.1-2.4.12.1-2005 Distance required for car top refuge space.	WAC 296-96-07060	What types of bumpers and buffers must be installed on inclined private residence elevators?
WAC 296-96-02566	ASME A17.1-2.14.7.1.4 Requirements for top of car lighting and receptacle for elevators.	WAC 296-96-07070	What are the requirements for machinery beams and supports?
WAC 296-96-02567	ASME A17.1-2.7.6.3.4 Access to governors and brake.	WAC 296-96-07080	What are the load and size requirements for car platforms?
WAC 296-96-02568	ASME A17.1-5.3.1.1 Residential hoistway enclosures.	WAC 296-96-07090	What is the maximum rated speed of an incline elevator?
WAC 296-96-02570	How do we enforce hoistway ventilation?	WAC 296-96-07100	What construction requirements apply to inclined private residence elevators?
WAC 296-96-02575	How do we enforce hoistway pressurization?	WAC 296-96-07110	What construction requirements apply to car enclosures?
WAC 296-96-02585	What are the requirements for fire doors installed in front of hoistway doors?	WAC 296-96-07120	What construction requirements apply to car doors and gates?
WAC 296-96-02595	What are the general requirements for LULA elevators?	WAC 296-96-07130	What type of glass or plastic can be used in a car enclosure?
WAC 296-96-02600	What is required for physically handicapped lifts?	WAC 296-96-07140	Are capacity and data plates required?
WAC 296-96-02620	Private residence vertical platform lifts.	WAC 296-96-07160	What construction requirements apply to counterweights?
WAC 296-96-02625	Private residence incline platform lifts.	WAC 296-96-07170	What are the requirements of safeties and governors?
WAC 296-96-02630	Commercial vertical and incline platform lifts.	WAC 296-96-07171	How and when are safeties and governors tested?
WAC 296-96-05009	What are the requirements for existing material lifts?	WAC 296-96-07180	What are the construction requirements for driving machines and sheaves?
WAC 296-96-07010	What is the scope of Part C-2?	WAC 296-96-07190	What construction requirements apply to terminal stopping switches?
WAC 296-96-07020	What is the definition for inclined private residence elevator?	WAC 296-96-07200	What are the requirements for operation of an inclined private residence elevator?
WAC 296-96-07021	What are the requirements for existing inclined private residence elevators?	WAC 296-96-07210	What are the construction requirements for suspension methods?
WAC 296-96-07024	What rules apply to alterations of inclined private residence elevators?	WAC 296-96-07215	What are the requirements for controllers?
WAC 296-96-07030	Does the department approve private residence elevator plans and specifications?	WAC 296-96-07220	What are the requirements for traveling cables?
WAC 296-96-07035	What are the minimum maintenance requirements for inclined private residence elevators?	WAC 296-96-07230	What requirements apply to electrical wiring?
WAC 296-96-07040	What are the clearance requirements for an incline runway?	WAC 296-96-07240	What are the requirements for track supporting structures?
WAC 296-96-07050	What are the construction requirements for car landing enclosures and gates for inclined private residence elevators?	WAC 296-96-07250	What additional requirements apply to inclined private residence elevators?
		WAC 296-96-08010	What is the scope of Part C-3?

WAC 296-96-08020	What is the definition for inclined private residence conveyances for transporting property?	WAC 296-96-08190	What requirements apply to terminal stopping switches?
WAC 296-96-08022	What are the requirements for existing inclined private residence conveyances for transporting property?	WAC 296-96-08200	What are the requirements for the activation and operation of an inclined private residence conveyances for transporting property?
WAC 296-96-08024	What rules apply to alterations of inclined private residence conveyances for transporting property?	WAC 296-96-08210	What are the requirements for suspension methods?
WAC 296-96-08030	Does the department approve elevators plans and specifications for inclined private residence conveyances for transporting property?	WAC 296-96-08215	What are the requirements for controllers?
WAC 296-96-08035	What are the minimum maintenance requirements for inclined private residence elevators for transporting property?	WAC 296-96-08220	What are the requirements for traveling cables?
WAC 296-96-08050	What are the construction requirements for inclined private residence conveyances for transporting property for cars, landing gates, and enclosures?	WAC 296-96-08230	What requirements apply to electrical wiring?
WAC 296-96-08060	What types of bumpers and buffers must be installed on inclined private residence conveyances for transporting property?	WAC 296-96-08240	What are the requirements for track supporting structures?
WAC 296-96-08070	What are the requirements for machinery beams and supports?	WAC 296-96-08250	What additional requirements apply to inclined private residence conveyances for transporting property?
WAC 296-96-08080	What are the load and size requirements for car platforms?	WAC 296-96-09001	What regulations apply to personnel hoists?
WAC 296-96-08090	What is the maximum rated speed of an inclined conveyance?	WAC 296-96-09002	May a drop plate be used for temporary hoists?
WAC 296-96-08100	What requirements apply to inclined conveyance?	WAC 296-96-09003	What are the requirements for landing gates?
WAC 296-96-08110	What requirements apply to car enclosures?	WAC 296-96-09004	Do jumps (increased travel) have to be inspected?
WAC 296-96-08140	Are capacity and data plates required on inclined private residence conveyances for transporting property?	WAC 296-96-10001	What regulations apply to material hoists?
WAC 296-96-08150	What are the requirements for guide rails, track supports and fastenings?	WAC 296-96-10002	Do jumps (increased travel) have to be inspected?
WAC 296-96-08160	What requirements apply to counterweights?	WAC 296-96-11001	What regulations apply to belt manlifts?
WAC 296-96-08170	What are the requirements of safeties and governors?	WAC 296-96-11010	What are the definitions for belt manlifts?
WAC 296-96-08175	How and when are conveyance safeties tested?	WAC 296-96-11016	What general requirements apply to belt manlift landings?
WAC 296-96-08180	What are the requirements for driving machines and sheaves?	WAC 296-96-11019	What requirements apply to the guards and cones of belt manlift landings?
		WAC 296-96-11022	What requirements apply to guarding lift entrances and exits?
		WAC 296-96-11025	What structural requirements apply to floor opening guards?
		WAC 296-96-11028	What structural requirements apply to floor landing guards?
		WAC 296-96-11031	What requirements apply to bottom landings?

WAC 296-96-11034	What requirements apply to top clearance?	WAC 296-96-13157	What requirements apply to car safeties?
WAC 296-96-11037	What requirements apply to emergency exit ladders?	WAC 296-96-13159	What requirements apply to brakes?
WAC 296-96-11040	What lighting requirements apply to belt manlifts?	WAC 296-96-13161	What requirements apply to car controls and safety devices?
WAC 296-96-11045	What drive machine requirements apply to belt manlifts?	WAC 296-96-13167	What requirements apply to elevator driving machines?
WAC 296-96-11048	What is an acceptable operating speed for a belt manlift?	WAC 296-96-13169	What requirements apply to car and counterweight buffers?
WAC 296-96-11051	What are the construction requirements for steps?	WAC 296-96-13171	What other requirements apply to electric manlifts?
WAC 296-96-11054	What requirements apply to the location and construction of handholds?	WAC 296-96-14010	What is the scope and application of the department's hand-powered manlift rules?
WAC 296-96-11057	What requirements apply to "up-limit stops"?	WAC 296-96-14011	What are the minimum maintenance requirements for hand powered manlifts?
WAC 296-96-11060	What requirements apply to emergency stops?	WAC 296-96-14020	What construction requirements apply to hoistway landings and entrances?
WAC 296-96-11066	What are the warning sign requirements?	WAC 296-96-14025	What are acceptable hoistway clearances?
WAC 296-96-11070	Can you carry tools and materials on a belt manlift?	WAC 296-96-14030	Can there be a habitable space beneath an elevator hoistway or counterweight shaft?
WAC 296-96-11078	What is required for belt manlift inspections?	WAC 296-96-14035	What construction requirements apply to hoistway guide rails?
WAC 296-96-13135	What are the requirements for electric manlifts?	WAC 296-96-14040	What installation requirements apply to buffer springs?
WAC 296-96-13136	What are the minimum maintenance requirements for electric manlifts?	WAC 296-96-14045	What construction specifications apply to hoistway cars?
WAC 296-96-13139	What structural requirements apply to hoistway enclosures and landings?	WAC 296-96-14050	What are the requirements for assembly, installation, and operation of sectional counterweights?
WAC 296-96-13143	What structural requirements apply to hoistway gates and doors?	WAC 296-96-14055	What is the minimum acceptable sheave diameter?
WAC 296-96-13145	What structural requirements apply to elevator cars?	WAC 296-96-14060	What requirements apply to hoisting ropes?
WAC 296-96-13147	What structural requirements apply to elevator doors?	WAC 296-96-14065	What requirements apply to operating ropes?
WAC 296-96-13149	What are the structural requirements for counterweights, counterweight enclosures, and counterweight fastenings?	WAC 296-96-14070	Where must hoistway lights be located?
WAC 296-96-13151	What construction requirements apply to car guide rails?	WAC 296-96-14075	What is the factor of safety for overhead supports?
WAC 296-96-13153	What construction requirements apply to hoisting ropes?	WAC 296-96-14080	What additional requirements apply to the installation and operation of hand powered manlifts?
WAC 296-96-13155	What are the requirements for a hoistway space?	WAC 296-96-16010	What is the scope of the department's casket lift regulations?

WAC 296-96-16011	What are the minimum maintenance requirements for casket lifts?	WAC 296-96-16230	What type of stopping devices must be installed?
WAC 296-96-16020	What requirements apply to the location and operation of machine rooms and machinery space?	WAC 296-96-16240	What type of operating devices must be used?
WAC 296-96-16030	What equipment can be located in a machine room?	WAC 296-96-23105	What is the scope of Subpart I?
WAC 296-96-16040	What requirements apply to the location of electrical wiring, pipes and ducts in hoistways and machine rooms?	WAC 296-96-23110	What structural requirements apply to hoistway enclosures?
WAC 296-96-16050	Is a pit required in a casket lift hoistway?	WAC 296-96-23111	Are guards required for windows in hoistway enclosures?
WAC 296-96-16060	What requirements apply to the size and location of hoistway door openings?	WAC 296-96-23113	What are the requirements for pipes in hoistways that convey gases, vapors, or liquids?
WAC 296-96-16070	How must hoistway doors be hung?	WAC 296-96-23121	What are the requirements for machine room and machinery space access?
WAC 296-96-16080	Where must hoistway doors be located?	WAC 296-96-23124	What installation requirements apply to pipes conveying gases, vapors, or liquids in machine rooms and machinery spaces?
WAC 296-96-16090	What requirements apply to hoistway doors locks?	WAC 296-96-23125	Must elevator machines and control equipment be protected from the weather?
WAC 296-96-16100	How should space beneath a hoistway be protected?	WAC 296-96-23131	What requirements apply to pit drains?
WAC 296-96-16110	What requirements apply to car doors and gates?	WAC 296-96-23133	What requirements apply to counterweight pit guards?
WAC 296-96-16120	What requirements apply to car enclosures?	WAC 296-96-23140	What requirements apply to any space below a hoistway that is not permanently protected from access?
WAC 296-96-16130	What requirements apply to the construction of car frames and platforms?	WAC 296-96-23150	Are hoistway doors (gates) required?
WAC 296-96-16140	How must car frames and platforms be connected?	WAC 296-96-23151	What requirements apply to hoistway door closing devices?
WAC 296-96-16150	What is the load capacity of a casket lift car?	WAC 296-96-23152	What requirements apply to hoistway door vision panels?
WAC 296-96-16160	What types of casket lift driving machines are allowed?	WAC 296-96-23153	What requirements apply to door hangers for horizontal slide doors?
WAC 296-96-16170	What material and grooving is required for sheaves and drums?	WAC 296-96-23154	Are astragals required?
WAC 296-96-16180	What types of brakes must be used on the driving machine?	WAC 296-96-23155	What requirements apply to pull straps?
WAC 296-96-16190	Where must terminal stopping devices be located?	WAC 296-96-23156	What requirements apply to landing sill clearances?
WAC 296-96-16200	What are the specifications for casket lift ropes and rope connections?	WAC 296-96-23157	What is the maximum allowable threshold clearance?
WAC 296-96-16210	What specific requirements apply to hydraulic casket lifts?	WAC 296-96-23160	What requirements apply to hoistway door (gate) locking devices?
WAC 296-96-16220	What requirements apply to valves, supply piping, and fittings?	WAC 296-96-23161	What requirements apply to elevator parking devices?

WAC 296-96-23162	What requirements apply to hoist-way door unlocking devices?	WAC 296-96-23241	What requirements apply to the use of partitions that reduce inside net platform area?
WAC 296-96-23165	What requirements apply to reopening devices for power-operated car doors and gates?	WAC 296-96-23243	What is the minimum rated load for freight elevators?
WAC 296-96-23166	What requirements apply to photo electric or electric eye door reopening devices?	WAC 296-96-23244	What requirements apply to capacity plates?
WAC 296-96-23203	What requirements apply to buffers and bumpers?	WAC 296-96-23245	What requirements apply to signs on freight elevators?
WAC 296-96-23206	What requirements apply to car platforms and frames?	WAC 296-96-23250	What general requirements apply to driving machines and sheaves?
WAC 296-96-23207	What requirements apply to platform guards (aprons)?	WAC 296-96-23255	What requirements apply to winding drum machines?
WAC 296-96-23208	What requirements apply to hinged platform sills?	WAC 296-96-23256	What requirements apply to indirect-drive machines?
WAC 296-96-23209	What requirements apply to floating (movable) platforms?	WAC 296-96-23260	What requirements apply to driving machine brakes?
WAC 296-96-23215	What requirements apply to car enclosures?	WAC 296-96-23261	What requirements apply to the application and release of driving machine brakes?
WAC 296-96-23216	What requirements apply to the lining materials used on passenger car enclosures?	WAC 296-96-23262	What requirements apply to normal terminal stopping devices?
WAC 296-96-23220	What requirements apply to car doors and gates?	WAC 296-96-23264	What requirements apply to final terminal-stopping devices?
WAC 296-96-23221	What requirements apply to the location of car doors and gates?	WAC 296-96-23266	What types of operating devices must not be used?
WAC 296-96-23222	What control requirements apply to operating circuits?	WAC 296-96-23268	What requirements apply to car-switch operation elevators?
WAC 296-96-23225	What requirements apply to car emergency exits?	WAC 296-96-23269	What requirements apply to passenger elevator emergency stop buttons?
WAC 296-96-23226	What requirements apply to car lighting?	WAC 296-96-23270	What requirements apply to car top operating devices?
WAC 296-96-23227	What requirements apply to car safeties?	WAC 296-96-23272	What electrical protective devices are required?
WAC 296-96-23228	What is the maximum amount of governor rope movement allowed when operating a safety mechanism?	WAC 296-96-23274	What requirements apply to the power supply line disconnect?
WAC 296-96-23229	What requirements apply to rail lubricants and lubrication plates?	WAC 296-96-23276	What requirements apply to phase reversal and failure protection methods?
WAC 296-96-23235	What requirements apply to speed governors?	WAC 296-96-23277	What requirements apply to grounding and overcurrent protections?
WAC 296-96-23236	What requirements apply to speed governor overspeed and car safety mechanism switches?	WAC 296-96-23278	What requirements apply to the absorption of regenerated power?
WAC 296-96-23240	What is the minimum rated load for passenger elevators?	WAC 296-96-23279	What requirements apply to door by-pass systems?
		WAC 296-96-23280	What requirements apply to all car emergency signaling devices in all buildings?

WAC 296-96-23282	What requirements apply to suspension systems?	WAC 296-96-23328	What requirements apply to operating devices?
WAC 296-96-23284	What is the factor of safety for wire suspension ropes?	WAC 296-96-23330	What requirements apply to car top operating devices?
WAC 296-96-23285	What is the minimum number of suspension ropes allowed?	WAC 296-96-23332	What requirements apply to anti-creep leveling devices?
WAC 296-96-23287	What requirements apply to suspension rope equalizers?	WAC 296-96-23334	What requirements apply to electrical protective devices?
WAC 296-96-23288	What requirements apply to securing suspension wire ropes to winding drums?	WAC 296-96-23336	What requirements apply to power supply line disconnects?
WAC 296-96-23289	What requirements apply to spare rope turns on winding drum machines?	WAC 296-96-23338	What requirements apply to devices that make hoistway door interlocks or electric contacts and car door (gate) electric contacts inoperative?
WAC 296-96-23290	What requirements apply to suspension rope fastenings?	WAC 296-96-23340	What requirements apply to control and operating circuits?
WAC 296-96-23291	What requirements apply to auxiliary rope fastening devices?	WAC 296-96-23342	What requirements apply to emergency operation and signaling devices?
WAC 296-96-23300	What is the scope of Subpart III, Hydraulic Elevators?	WAC 296-96-23344	What additional requirements apply to counterweighted hydraulic elevators?
WAC 296-96-23302	What requirements apply to hoistways, hoistway enclosures and related construction?	WAC 296-96-23400	What is the scope of Subpart IV, Escalators?
WAC 296-96-23304	What requirements apply to buffers and bumpers?	WAC 296-96-23405	What requirements apply to balustrades?
WAC 296-96-23307	What requirements apply to car frames and platforms?	WAC 296-96-23408	How much clearance is required between skirt panels and step treads?
WAC 296-96-23309	What requirements apply to car enclosures?	WAC 296-96-23410	What requirements apply to guards at ceiling or soffit intersections?
WAC 296-96-23311	What requirements apply to capacity and loading?	WAC 296-96-23412	What requirements apply to anti-slide devices?
WAC 296-96-23313	What requirements apply to driving machine connections?	WAC 296-96-23414	What requirements apply to handrails?
WAC 296-96-23316	What requirements apply to plunger stops?	WAC 296-96-23416	What requirements apply to hand-rail guards?
WAC 296-96-23318	What requirements apply to pump relief valves?	WAC 296-96-23418	What requirements apply to step riser slotting?
WAC 296-96-23321	What requirements apply to check valves?	WAC 296-96-23420	What requirements apply to step tread slotting?
WAC 296-96-23322	What requirements apply to supply piping and fittings?	WAC 296-96-23422	What requirements apply to comb-plates?
WAC 296-96-23323	What requirements apply to flexible hydraulic connections?	WAC 296-96-23424	What general requirements apply to escalator brakes?
WAC 296-96-23324	What general requirements apply to tanks?	WAC 296-96-23427	What requirements apply to main drive shaft brakes?
WAC 296-96-23325	What requirements apply to pressure tanks?	WAC 296-96-23429	What requirements apply to starting switches?
WAC 296-96-23326	What requirements apply to terminal stopping devices?		

WAC 296-96-23431	What requirements apply to emergency stop buttons?	WAC 296-96-23620	What requirements apply to alterations, repairs and maintenance?
WAC 296-96-23432	What requirements apply to speed governors?	WAC 296-96-23621	ASME A17.1-8.7.1.7 Repairs and replacement.
WAC 296-96-23434	What requirements apply to broken step-chain devices?	WAC 296-96-23630	What requirements apply to elevator equipment displaced by seismic activity?
WAC 296-96-23436	What requirements apply to brake applications?	WAC 296-96-23710	What requirements apply to lifts for the physically handicapped?
WAC 296-96-23438	What requirements apply to broken drive-chain devices?	WAC 296-96-23800	What is the scope of Subpart VIII, Sidewalk Elevators?
WAC 296-96-23440	What requirements apply to skirt obstruction devices?	WAC 296-96-23810	What requirements apply to electrically operated sidewalk elevators?
WAC 296-96-23442	What requirements apply to rolling shutter devices?		
WAC 296-96-23444	What requirements apply to reversal stop device?		
WAC 296-96-23446	What requirements apply to tandem operations?		
WAC 296-96-23448	What requirements apply to caution signs?		
WAC 296-96-23450	What requirements apply to step tread lighting?		
WAC 296-96-23455	What requirements apply to comb and step distinction?		
WAC 296-96-23460	What requirements apply to safety zone?		
WAC 296-96-23465	What requirements apply to landing access plates?		
WAC 296-96-23500	What is the scope of Subpart V, Dumbwaiters and hand-powered elevators?		
WAC 296-96-23510	What requirements apply to electric and electro-hydraulic dumbwaiters?		
WAC 296-96-23540	What requirements apply to hand-power elevators and dumbwaiters?		
WAC 296-96-23600	What is the scope of Part VI, Alterations, Repairs and Maintenance?		
WAC 296-96-23601	ASME A17.1-8.6.1.2.1 General maintenance requirements for conveyances regulated by ASME A17.1 Part 8.		
WAC 296-96-23602	ASME A17.1-8.6.1.4 Maintenance records.		
WAC 296-96-23603	ASME A17.1-8.6.1.6.3(a) Wiring diagrams.		
WAC 296-96-23604	ASME A17.1-8.6.1.7 Periodic tests.		
WAC 296-96-23610	What requirements apply to routine examinations and periodic or category 01, 03, and 05 safety tests?		

WSR 18-12-104**PROPOSED RULES****TRANSPORTATION COMMISSION**

[Filed June 5, 2018, 3:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-06-074.

Title of Rule and Other Identifying Information: Amendments to the definitions, toll rate exemptions, and administrative fee rules, and repealing outdated sections of chapter 468-270 WAC, Setting toll amounts for toll facilities in Washington state.

Hearing Location(s): On July 17, 2018, at 1:00 p.m., at the Washington State Department of Transportation (WSDOT) Headquarters Building, Nisqually Conference Room, 310 Maple Park Avenue S.E., Olympia, WA 98501.

Date of Intended Adoption: July 17, 2018.

Submit Written Comments to: Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, email transc@wsdot.wa.gov, fax 360-705-6802, by July 12, 2018.

Assistance for Persons with Disabilities: Contact Cece Zenker, phone 360-705-7070, fax 360-705-6802, email zenkercc@wstc.wa.gov, by July 12, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to propose amendments to definitions, toll rate exemptions, and administrative fee rules in chapter 468-270 WAC to provide a consistent set of non-HOV exemptions and fees for all toll facilities in the state. This rule brings consistency to exemption definitions; expands transit, ride-share, private bus, and school bus exemptions to the Tacoma Narrows Bridge facility; eliminates the requirement that emergency vehicles be responding to or returning from a bona fide emergency; and removes the short-term account discount.

Reasons Supporting Proposal: Rule changes support consistent application of toll rate exemptions and fees for all tolled facilities operated by Washington state. This supports a consistent customer experience and increased fairness between tolled facilities. In addition, consistency of these policies simplifies WSDOT operations regarding toll exemp-

tions and fees, and the transition to a new back office tolling system. Finally, application of transit and ride share vehicle exemptions supports statewide transportation goals for transit use.

Statutory Authority for Adoption: RCW 47.46.100, 47.56.030, 47.46.105, 47.56.795, and 47.56.850.

Statute Being Implemented: RCW 47.56.850.

Rule is necessary because of federal law, 23 U.S.C. 129 (a)(9).

Name of Proponent: Washington state transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Carl See, 2404 Chandler Court S.W., Olympia, WA 98504, 360-705-7070; Implementation and Enforcement: Reema Griffith, 2404 Chandler Court S.W., Olympia, WA 98504, 360-705-7070.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Not required per subsection (5)(b)(vi), as setting or adjusting fees or rates pursuant to legislative standards established in RCW 47.46.100 and 47.56.850.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: Not required per RCW 34.05.310 (4)(f), as setting or adjusting fees or rates pursuant to legislative standards established in RCW 47.46.100 and 47.56.850.

June 5, 2018
Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 15-08-038, filed 3/25/15, effective 4/25/15)

WAC 468-270-030 Definitions. "Authorized emergency vehicle" (~~includes but is not limited to a~~) means an on-duty 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) and which is equipped with emergency lights and siren and used to respond to emergency calls.

~~("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 pays the toll on the Tacoma Narrows Bridge (~~in cash~~) at a toll booth.

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

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

"Express toll lanes" means one or more highway lanes that can be used by authorized high-occupancy vehicles, and by toll-paying vehicles, where toll rates are set to maintain travel speed and reliability.

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

"Good To Go!TM 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.

"Highway or transit operating and maintenance vehicle" means a vehicle assigned to operate or maintain the toll facility, including incident response vehicles, transit service supervisor or maintenance vehicles, and agency tow trucks.

"On-duty" means the vehicle is operating in an official capacity.

"Pass" see *Good To Go!TM 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).~~

~~("Short Term Account" 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.)~~ "Privately owned and operated passenger bus" means: (a) A vehicle with a carrying capacity of sixteen or more persons, including the operator, all of which must be clearly 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, serve the public and/or employees, and meet the annual certification requirements of the department; and (b) privately owned and operated passenger buses designed for carrying ten or more persons, including the operator, with an elevated passenger deck located over a baggage compartment, including charter buses, which serve the public on a regular schedule and on a continuing basis.

"School bus" means a vehicle with a seating capacity of more than sixteen persons including the driver regularly used to transport students to and from school or in connection with school activities.

"Toll account" means a (~~prepaid~~) *Good To Go!TM* account that is linked to a Pass (transponder) or license plates in order to pay a toll by automatic debit.

"Transponder (Pass)" means a device attached to a toll customer's vehicle that automatically identifies the toll customer's vehicle as it passes through the toll facility.

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

AMENDATORY SECTION (Amending WSR 16-11-092, filed 5/18/16, effective 7/1/16)

WAC 468-270-070 What are the toll rates on the Tacoma Narrows Bridge? The toll rates for the Tacoma Narrows Bridge are shown in Table 1.

**Table 1, Effective July 1, 2015
Tacoma Narrows Bridge Toll Rates**

Vehicle Axles	Good to Go!™ Pass ¹	Cash ¹	Pay By Mail ¹	Good To Go!™ Pay by Plate ²	((Short Term Account³))
2	\$5.00	\$6.00	\$7.00	\$5.25	(((\$6.50))
3	\$7.50	\$9.00	\$10.50	\$7.75	(((\$10.00))
4	\$10.00	\$12.00	\$14.00	\$10.25	(((\$13.50))
5	\$12.50	\$15.00	\$17.50	\$12.75	(((\$17.00))
6	\$15.00	\$18.00	\$21.00	\$15.25	(((\$20.50))

Notes: ¹The rate has been rounded to the nearest five cents, as needed.

²For 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.

~~(³For 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.))~~

AMENDATORY SECTION (Amending WSR 16-11-091, filed 5/18/16, effective 7/1/16)

WAC 468-270-071 What are the toll rates on the SR 520 Bridge? Tables 2 through 12 show the applicable toll rates by vehicle axles, day and time of travel, and method of payment.

~~((TABLE 2, Effective July 1, 2016
SR 520 BRIDGE
TWO AXLE VEHICLE TOLL RATES~~

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$1.90	\$3.90	\$2.15	\$3.40
6 a.m. to 7 a.m.	\$3.25	\$5.25	\$3.50	\$4.75
7 a.m. to 9 a.m.	\$4.10	\$6.10	\$4.35	\$5.60
9 a.m. to 10 a.m.	\$3.25	\$5.25	\$3.50	\$4.75
10 a.m. to 2 p.m.	\$2.55	\$4.55	\$2.80	\$4.05
2 p.m. to 3 p.m.	\$3.25	\$5.25	\$3.50	\$4.75
3 p.m. to 6 p.m.	\$4.10	\$6.10	\$4.35	\$5.60
6 p.m. to 7 p.m.	\$3.25	\$5.25	\$3.50	\$4.75
7 p.m. to 9 p.m.	\$2.55	\$4.55	\$2.80	\$4.05
9 p.m. to 11 p.m.	\$1.90	\$3.90	\$2.15	\$3.40
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$1.30	\$3.30	\$1.55	\$2.80
8 a.m. to 11 a.m.	\$1.95	\$3.95	\$2.20	\$3.45
11 a.m. to 6 p.m.	\$2.50	\$4.50	\$2.75	\$4.00
6 p.m. to 9 p.m.	\$1.95	\$3.95	\$2.20	\$3.45
9 p.m. to 11 p.m.	\$1.30	\$3.30	\$1.55	\$2.80

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

- Notes:
- ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
 - ²For 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.
 - ³For 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.
 - ⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 3, Effective July 1, 2016
SR 520 BRIDGE
THREE AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$2.85	\$5.85	\$3.10	\$5.35
6 a.m. to 7 a.m.	\$4.90	\$7.90	\$5.15	\$7.40
7 a.m. to 9 a.m.	\$6.15	\$9.15	\$6.40	\$8.65
9 a.m. to 10 a.m.	\$4.90	\$7.90	\$5.15	\$7.40
10 a.m. to 2 p.m.	\$3.85	\$6.85	\$4.10	\$6.35
2 p.m. to 3 p.m.	\$4.90	\$7.90	\$5.15	\$7.40
3 p.m. to 6 p.m.	\$6.15	\$9.15	\$6.40	\$8.65
6 p.m. to 7 p.m.	\$4.90	\$7.90	\$5.15	\$7.40
7 p.m. to 9 p.m.	\$3.85	\$6.85	\$4.10	\$6.35
9 p.m. to 11 p.m.	\$2.85	\$5.85	\$3.10	\$5.35
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$1.95	\$4.95	\$2.20	\$4.45
8 a.m. to 11 a.m.	\$2.95	\$5.95	\$3.20	\$5.45
11 a.m. to 6 p.m.	\$3.75	\$6.75	\$4.00	\$6.25
6 p.m. to 9 p.m.	\$2.95	\$5.95	\$3.20	\$5.45
9 p.m. to 11 p.m.	\$1.95	\$4.95	\$2.20	\$4.45
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

- Notes:
- ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
 - ²For 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.
 - ³For 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.
 - ⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 4, Effective July 1, 2016
SR 520 BRIDGE
FOUR AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$3.80	\$7.80	\$4.05	\$7.30

Mondays through Fridays	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
6 a.m. to 7 a.m.	\$6.50	\$10.50	\$6.75	\$10.00
7 a.m. to 9 a.m.	\$8.20	\$12.20	\$8.45	\$11.70
9 a.m. to 10 a.m.	\$6.50	\$10.50	\$6.75	\$10.00
10 a.m. to 2 p.m.	\$5.10	\$9.10	\$5.35	\$8.60
2 p.m. to 3 p.m.	\$6.50	\$10.50	\$6.75	\$10.00
3 p.m. to 6 p.m.	\$8.20	\$12.20	\$8.45	\$11.70
6 p.m. to 7 p.m.	\$6.50	\$10.50	\$6.75	\$10.00
7 p.m. to 9 p.m.	\$5.10	\$9.10	\$5.35	\$8.60
9 p.m. to 11 p.m.	\$3.80	\$7.80	\$4.05	\$7.30
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.-	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$2.60	\$6.60	\$2.85	\$6.10
8 a.m. to 11 a.m.	\$3.90	\$7.90	\$4.15	\$7.40
11 a.m. to 6 p.m.	\$5.00	\$9.00	\$5.25	\$8.50
6 p.m. to 9 p.m.	\$3.90	\$7.90	\$4.15	\$7.40
9 p.m. to 11 p.m.	\$2.60	\$6.60	\$2.85	\$6.10
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

- Notes:
- ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
 - ²For 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.
 - ³For 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.
 - ⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 5, Effective July 1, 2016
SR-520 BRIDGE
FIVE AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!TM Pass¹	Pay-By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$4.75	\$9.75	\$5.00	\$9.25
6 a.m. to 7 a.m.	\$8.15	\$13.15	\$8.40	\$12.65
7 a.m. to 9 a.m.	\$10.25	\$15.25	\$10.50	\$14.75
9 a.m. to 10 a.m.	\$8.15	\$13.15	\$8.40	\$12.65
10 a.m. to 2 p.m.	\$6.40	\$11.40	\$6.65	\$10.90
2 p.m. to 3 p.m.	\$8.15	\$13.15	\$8.40	\$12.65
3 p.m. to 6 p.m.	\$10.25	\$15.25	\$10.50	\$14.75
6 p.m. to 7 p.m.	\$8.15	\$13.15	\$8.40	\$12.65
7 p.m. to 9 p.m.	\$6.40	\$11.40	\$6.65	\$10.90
9 p.m. to 11 p.m.	\$4.75	\$9.75	\$5.00	\$9.25
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay-By Mail²	Pay By Plate²	Short-Term Account²
Midnight to 5 a.m.-	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$3.25	\$8.25	\$3.50	\$7.75
8 a.m. to 11 a.m.	\$4.90	\$9.90	\$5.15	\$9.40
11 a.m. to 6 p.m.	\$6.25	\$11.25	\$6.50	\$10.75
6 p.m. to 9 p.m.	\$4.90	\$9.90	\$5.15	\$9.40
9 p.m. to 11 p.m.	\$3.25	\$8.25	\$3.50	\$7.75
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³For 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.
⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 6, Effective July 1, 2016
SR 520 BRIDGE
SIX AXLE OR MORE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!TM Pass¹	Pay-By Mail²	Pay By Plate²	Short-Term Account²
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$5.70	\$11.70	\$5.95	\$11.20
6 a.m. to 7 a.m.	\$9.75	\$15.75	\$10.00	\$15.25
7 a.m. to 9 a.m.	\$12.30	\$18.30	\$12.55	\$17.80
9 a.m. to 10 a.m.	\$9.75	\$15.75	\$10.00	\$15.25
10 a.m. to 2 p.m.	\$7.65	\$13.65	\$7.90	\$13.15
2 p.m. to 3 p.m.	\$9.75	\$15.75	\$10.00	\$15.25
3 p.m. to 6 p.m.	\$12.30	\$18.30	\$12.55	\$17.80
6 p.m. to 7 p.m.	\$9.75	\$15.75	\$10.00	\$15.25
7 p.m. to 9 p.m.	\$7.65	\$13.65	\$7.90	\$13.15
9 p.m. to 11 p.m.	\$5.70	\$11.70	\$5.95	\$11.20
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay-By Mail²	Pay By Plate²	Short-Term Account²
Midnight to 5 a.m.-	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$3.90	\$9.90	\$4.15	\$9.40
8 a.m. to 11 a.m.	\$5.85	\$11.85	\$6.10	\$11.35
11 a.m. to 6 p.m.	\$7.50	\$13.50	\$7.75	\$13.00
6 p.m. to 9 p.m.	\$5.85	\$11.85	\$6.10	\$11.35
9 p.m. to 11 p.m.	\$3.90	\$9.90	\$4.15	\$9.40
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³For 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.
⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.)

TABLE ((7)) 2, Effective July 1, 2017
 SR 520 BRIDGE
 TWO-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short Term Account³))
Midnight to 5 a.m.	\$1.25	\$3.25	\$1.50	((\$2.75))
5 a.m. to 6 a.m.	\$2.00	\$4.00	\$2.25	((\$3.50))
6 a.m. to 7 a.m.	\$3.40	\$5.40	\$3.65	((\$4.90))
7 a.m. to 9 a.m.	\$4.30	\$6.30	\$4.55	((\$5.80))
9 a.m. to 10 a.m.	\$3.40	\$5.40	\$3.65	((\$4.90))
10 a.m. to 2 p.m.	\$2.70	\$4.70	\$2.95	((\$4.20))
2 p.m. to 3 p.m.	\$3.40	\$5.40	\$3.65	((\$4.90))
3 p.m. to 6 p.m.	\$4.30	\$6.30	\$4.55	((\$5.80))
6 p.m. to 7 p.m.	\$3.40	\$5.40	\$3.65	((\$4.90))
7 p.m. to 9 p.m.	\$2.70	\$4.70	\$2.95	((\$4.20))
9 p.m. to 11 p.m.	\$2.00	\$4.00	\$2.25	((\$3.50))
11 p.m. to 11:59 p.m.	\$1.25	\$3.25	\$1.50	((\$2.75))

Saturdays and Sundays⁽⁴⁾ 2	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$1.25	\$3.25	\$1.50	\$2.75
5 a.m. to 8 a.m.	\$1.40	\$3.40	\$1.65	\$2.90
8 a.m. to 11 a.m.	\$2.05	\$4.05	\$2.30	\$3.55
11 a.m. to 6 p.m.	\$2.65	\$4.65	\$2.90	\$4.15
6 p.m. to 9 p.m.	\$2.05	\$4.05	\$2.30	\$3.55
9 p.m. to 11 p.m.	\$1.40	\$3.40	\$1.65	\$2.90
11 p.m. to 11:59 p.m.	\$1.25	\$3.25	\$1.50	\$2.75

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For 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.

³((For 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.

⁴)The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((8)) 3, Effective July 1, 2017
 SR 520 BRIDGE
 THREE-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short Term Account³))
Midnight to 5 a.m.	\$1.90	\$4.90	\$2.15	((\$4.40))
5 a.m. to 6 a.m.	\$3.00	\$6.00	\$3.25	((\$5.50))
6 a.m. to 7 a.m.	\$5.10	\$8.10	\$5.35	((\$7.60))
7 a.m. to 9 a.m.	\$6.45	\$9.45	\$6.70	((\$8.95))
9 a.m. to 10 a.m.	\$5.10	\$8.10	\$5.35	((\$7.60))
10 a.m. to 2 p.m.	\$4.05	\$7.05	\$4.30	((\$6.55))
2 p.m. to 3 p.m.	\$5.10	\$8.10	\$5.35	((\$7.60))
3 p.m. to 6 p.m.	\$6.45	\$9.45	\$6.70	((\$8.95))
6 p.m. to 7 p.m.	\$5.10	\$8.10	\$5.35	((\$7.60))

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
7 p.m. to 9 p.m.	\$4.05	\$7.05	\$4.30	((\$6.55))
9 p.m. to 11 p.m.	\$3.00	\$6.00	\$3.25	((\$5.50))
11 p.m. to 11:59 p.m.	\$1.90	\$4.90	\$2.15	((\$4.40))

Saturdays and Sundays⁽⁴⁾ ³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$1.90	\$4.90	\$2.15	((\$4.40))
5 a.m. to 8 a.m.	\$2.10	\$5.10	\$2.35	((\$4.60))
8 a.m. to 11 a.m.	\$3.10	\$6.10	\$3.35	((\$5.60))
11 a.m. to 6 p.m.	\$4.00	\$7.00	\$4.25	((\$6.50))
6 p.m. to 9 p.m.	\$3.10	\$6.10	\$3.35	((\$5.60))
9 p.m. to 11 p.m.	\$2.10	\$5.10	\$2.35	((\$4.60))
11 p.m. to 11:59 p.m.	\$1.90	\$4.90	\$2.15	((\$4.40))

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³((For 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.
⁴))The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((9)) 4, Effective July 1, 2017
SR 520 BRIDGE
FOUR-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$2.50	\$6.50	\$2.75	((\$6.00))
5 a.m. to 6 a.m.	\$4.00	\$8.00	\$4.25	((\$7.50))
6 a.m. to 7 a.m.	\$6.80	\$10.80	\$7.05	((\$10.30))
7 a.m. to 9 a.m.	\$8.60	\$12.60	\$8.85	((\$12.10))
9 a.m. to 10 a.m.	\$6.80	\$10.80	\$7.05	((\$10.30))
10 a.m. to 2 p.m.	\$5.40	\$9.40	\$5.65	((\$8.90))
2 p.m. to 3 p.m.	\$6.80	\$10.80	\$7.05	((\$10.30))
3 p.m. to 6 p.m.	\$8.60	\$12.60	\$8.85	((\$12.10))
6 p.m. to 7 p.m.	\$6.80	\$10.80	\$7.05	((\$10.30))
7 p.m. to 9 p.m.	\$5.40	\$9.40	\$5.65	((\$8.90))
9 p.m. to 11 p.m.	\$4.00	\$8.00	\$4.25	((\$7.50))
11 p.m. to 11:59 p.m.	\$2.50	\$6.50	\$2.75	((\$6.00))

Saturdays and Sundays⁽⁴⁾ ³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$2.50	\$6.50	\$2.75	((\$6.00))
5 a.m. to 8 a.m.	\$2.80	\$6.80	\$3.05	((\$6.30))
8 a.m. to 11 a.m.	\$4.10	\$8.10	\$4.35	((\$7.60))
11 a.m. to 6 p.m.	\$5.30	\$9.30	\$5.55	((\$8.80))
6 p.m. to 9 p.m.	\$4.10	\$8.10	\$4.35	((\$7.60))
9 p.m. to 11 p.m.	\$2.80	\$6.80	\$3.05	((\$6.30))
11 p.m. to 11:59 p.m.	\$2.50	\$6.50	\$2.75	((\$6.00))

- Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³((For 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.
⁴))The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((40)) 5, Effective July 1, 2017
SR 520 BRIDGE
FIVE-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$3.15	\$8.15	\$3.40	(((\$7.65))
5 a.m. to 6 a.m.	\$5.00	\$10.00	\$5.25	(((\$9.50))
6 a.m. to 7 a.m.	\$8.50	\$13.50	\$8.75	(((\$13.00))
7 a.m. to 9 a.m.	\$10.75	\$15.75	\$11.00	(((\$15.25))
9 a.m. to 10 a.m.	\$8.50	\$13.50	\$8.75	(((\$13.00))
10 a.m. to 2 p.m.	\$6.75	\$11.75	\$7.00	(((\$11.25))
2 p.m. to 3 p.m.	\$8.50	\$13.50	\$8.75	(((\$13.00))
3 p.m. to 6 p.m.	\$10.75	\$15.75	\$11.00	(((\$15.25))
6 p.m. to 7 p.m.	\$8.50	\$13.50	\$8.75	(((\$13.00))
7 p.m. to 9 p.m.	\$6.75	\$11.75	\$7.00	(((\$11.25))
9 p.m. to 11 p.m.	\$5.00	\$10.00	\$5.25	(((\$9.50))
11 p.m. to 11:59 p.m.	\$3.15	\$8.15	\$3.40	(((\$7.65))

Saturdays and Sundays⁽⁴⁾ 5	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$3.15	\$8.15	\$3.40	(((\$7.65))
5 a.m. to 8 a.m.	\$3.50	\$8.50	\$3.75	(((\$8.00))
8 a.m. to 11 a.m.	\$5.15	\$10.15	\$5.40	(((\$9.65))
11 a.m. to 6 p.m.	\$6.65	\$11.65	\$6.90	(((\$11.15))
6 p.m. to 9 p.m.	\$5.15	\$10.15	\$5.40	(((\$9.65))
9 p.m. to 11 p.m.	\$3.50	\$8.50	\$3.75	(((\$8.00))
11 p.m. to 11:59 p.m.	\$3.15	\$8.15	\$3.40	(((\$7.65))

- Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³((For 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.
⁴))The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((44)) 6, Effective July 1, 2017
SR 520 BRIDGE
SIX-AXLE OR MORE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short-Term Account³))
Midnight to 5 a.m.	\$3.75	\$9.75	\$4.00	(((\$9.25))
5 a.m. to 6 a.m.	\$6.00	\$12.00	\$6.25	(((\$11.50))
6 a.m. to 7 a.m.	\$10.20	\$16.20	\$10.45	(((\$15.70))
7 a.m. to 9 a.m.	\$12.90	\$18.90	\$13.15	(((\$18.40))
9 a.m. to 10 a.m.	\$10.20	\$16.20	\$10.45	(((\$15.70))

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short Term Account³))
10 a.m. to 2 p.m.	\$8.10	\$14.10	\$8.35	((\$13.60))
2 p.m. to 3 p.m.	\$10.20	\$16.20	\$10.45	((\$15.70))
3 p.m. to 6 p.m.	\$12.90	\$18.90	\$13.15	((\$18.40))
6 p.m. to 7 p.m.	\$10.20	\$16.20	\$10.45	((\$15.70))
7 p.m. to 9 p.m.	\$8.10	\$14.10	\$8.35	((\$13.60))
9 p.m. to 11 p.m.	\$6.00	\$12.00	\$6.25	((\$11.50))
11 p.m. to 11:59 p.m.	\$3.75	\$9.75	\$4.00	((\$9.25))

Saturdays and Sundays⁽⁴⁾ ³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²	((Short Term Account³))
Midnight to 5 a.m.	\$3.75	\$9.75	\$4.00	((\$9.25))
5 a.m. to 8 a.m.	\$4.20	\$10.20	\$4.45	((\$9.70))
8 a.m. to 11 a.m.	\$6.15	\$12.15	\$6.40	((\$11.65))
11 a.m. to 6 p.m.	\$7.95	\$13.95	\$8.20	((\$13.45))
6 p.m. to 9 p.m.	\$6.15	\$12.15	\$6.40	((\$11.65))
9 p.m. to 11 p.m.	\$4.20	\$10.20	\$4.45	((\$9.70))
11 p.m. to 11:59 p.m.	\$3.75	\$9.75	\$4.00	((\$9.25))

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For 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.
³((For 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.
⁴))The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

NEW SECTION

WAC 468-270-085 What vehicles are exempt from paying tolls on all toll facilities on Washington state highways? Except as provided herein, all vehicles using a toll facility must pay the required toll. Vehicles crossing the Tacoma Narrows Bridge are required to pay a toll only in the eastbound direction. Additional exemptions for high occupancy vehicles apply on the SR 167 HOT lanes and I-405 express toll lanes as defined in WAC 468-270-100 and 468-270-110 respectively.

Only qualified vehicles may be exempted from paying tolls. Exempted vehicles must provide directly for the operation, maintenance, safety, and/or person-carrying capacity of the tolled roadway or for emergency response. The registered owner and operator of the qualified vehicle must comply with the requirements of the department to obtain the exemption as specified in WAC 468-270-095.

The following vehicles, as defined further in WAC 468-270-030, shall qualify for exemption:

- (1) Highway and transit operating and maintenance vehicles, as authorized by the department;
- (2) Tow trucks authorized by the Washington state patrol responding to clear vehicles from the toll facility;
- (3) Authorized, on-duty emergency vehicles;
- (4) Publicly owned or operated transit buses;
- (5) Passenger motor vehicles licensed for ride-sharing as defined in RCW 46.18.285;

- (6) School buses; and
- (7) Privately owned and operated passenger buses meeting annual certification requirements of the department.

AMENDATORY SECTION (Amending WSR 15-08-038, filed 3/25/15, effective 4/25/15)

WAC 468-270-095 What is required to claim a non-carpool toll exemption on ((the Tacoma Narrows Bridge, the SR 520 Bridge, or the I-405 express toll lanes)) all toll facilities on Washington state highways? 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!™" 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.

NEW SECTION

WAC 468-270-105 What high occupancy vehicles are exempt from paying tolls on the SR 167 HOT lanes? In addition to vehicles described in WAC 468-270-085, high

occupancy vehicles described in WAC 468-510-010 are exempt from paying tolls. On SR 167 motorcycles and vehicles with two or more occupants are high occupancy vehicles. 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 toll account.

NEW SECTION

WAC 468-270-115 What high occupancy vehicles are exempt from paying tolls on the I-405 express toll lanes? In addition to vehicles described in WAC 468-270-085, high occupancy vehicles including motorcycles and carpools as defined for the facility in WAC 468-270-120 are exempt

from tolls if they meet the requirements specified in WAC 468-270-130.

AMENDATORY SECTION (Amending WSR 16-11-091, filed 5/18/16, effective 7/1/16)

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 ((12)) 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!™ Pass toll rate.	\$0.25 per transaction
((Short Term Account	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))

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 468-270-090 What vehicles are exempt from paying tolls on the Tacoma Narrows Bridge?
- WAC 468-270-091 What vehicles are exempt from paying tolls on the SR 520 Bridge?
- WAC 468-270-100 What vehicles are exempt from paying tolls on the SR 167 HOT lanes?
- WAC 468-270-110 What vehicles are exempt from paying tolls on the I-405 express toll lanes?

Preproposal statement of inquiry was filed as WSR 17-21-101.

Title of Rule and Other Identifying Information: The department is proposing to create new sections and amend and repeal existing sections in chapter 388-826 WAC, Voluntary placement program, and amend WAC 388-845-1515 Are there limits to the residential habilitation services I can receive?

Hearing Location(s): On July 25, 2018, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than July 26, 2018.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 25, 2018.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by July 11, 2018.

WSR 18-12-108
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Developmental Disabilities Administration)
 [Filed June 6, 2018, 9:04 a.m.]

Original Notice.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules update provider training requirements and clarify client participation and room and board requirements for children receiving voluntary placement services.

Reasons Supporting Proposal: Proposed amendments to add references to Title 182 WAC standardize how client participation and room and board are calculated. Proposed amendments to add references to chapter 388-829 WAC align training requirements for providers of voluntary placement services with other qualified DDA providers. Proposed amendments to WAC 388-845-1515 clarify that residential habilitation services for children under age eighteen are subject to requirements in chapter 388-826 WAC. The proposed amendments clarify the chapter by using plain language and removing redundant information.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 74.13.350.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Nichole Jensen, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1521.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

June 5, 2018
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 18-13 issue of the Register.

WSR 18-12-110
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed June 6, 2018, 9:21 a.m.]

Supplemental Notice to WSR 18-03-138.

Preproposal statement of inquiry was filed as WSR 17-23-160.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-823-0025 Who can apply for DDA eligibility determination? and 388-823-0050 For DDA eligibility, who is considered to be a resident of the state of Washington?

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than July 11, 2018.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., July 10, 2018.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by June 26, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to these rules align requirements with the health care authority's rules under Title 182 WAC, amend who can request a developmental disabilities administration eligibility determination, and clarify who is considered a Washington state resident.

Reasons Supporting Proposal: The proposed amendments simplify the application process for potential clients, including children receiving foster care and dependents of military service members. The proposed amendments also replace inaccurate WAC references to cash and food assistance with residency requirements under chapter 182-503 WAC. The department determined additional edits are required so we are filing this supplemental CR-102.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: RCW 74.04.815.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1589; Implementation and Enforcement: Lonnie Keese, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1547.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions: The proposed amendments impose no new or disproportionate costs on small businesses so a small business economic impact statement is not required.

June 5, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

WAC 388-823-0025 Who ~~(can)~~ may apply for a DDA eligibility determination? (1) You ~~((must be a resident of the state of Washington, as described in WAC 388-823-0050, to))~~ may apply for ~~((an))~~ a DDA eligibility determination on your own behalf.

(2) ~~((The following individuals can apply))~~ A person may submit an application for a DDA eligibility determination on your behalf if the person is:

(a) ~~((If a court has not appointed the child as his own decision maker, a parent or legal representative must apply on behalf of a child under the age of eighteen years))~~ Delegated to consent to routine medical care for you under WAC 388-148-1560;

(b) ~~((If there is a legal guardian of an applicant age eighteen years or older, the legal guardian must apply on behalf of the adult applicant; or~~

~~(c) If there is no legal guardian of an adult applicant age eighteen years or older, the adult applicant can apply on his/her own behalf))~~ Your parent if you are under eighteen;

(c) Your caretaker relative under WAC 182-500-0020;

(d) Your spouse;

(e) Your authorized representative under WAC 182-503-0130; or

(f) Applying for you because a medical condition prevents you from applying on your own behalf.

(3) ~~((A request for eligibility determination requires the signature of the applicant or their legal representative. With the consent of the applicant, any person, agency, or advocate may assist with the application process))~~ If you or your legal representative request it, DDA will withdraw your eligibility application or terminate your eligibility.

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

WAC 388-823-0050 ~~((For DDA eligibility, who is considered to be a resident of the state of))~~ Do I have to be considered a Washington state resident to be eligible for DDA? (1) You must ~~((live in the state of))~~ be considered a Washington state resident to ((apply or continue to be a client of)) be eligible for DDA. If ((you are a child under the age of eighteen, your primary custodian or legal guardian must also live in the state of)) DDA does not consider you a Washington state resident, you are not eligible for DDA and DDA will deny or terminate your eligibility. ((Proof that you live in the state of Washington may include documentation such as a lease agreement, school records, or mail addressed to you.

~~Such documentation will not be considered proof of residency if you have been denied medicaid or other benefits due to failure to meet residency requirements under WAC 388-468-0005.))~~

(2) ~~((DDA will not process your request for determination of eligibility or will terminate your eligibility if you do not live in the state of))~~ You are considered a Washington state resident if you:

(a) Meet residency requirements under WAC 182-503-0520 or 182-503-0525; or

(b) Are a dependent of a military service member and legal resident under RCW 74.04.815.

(3) If DDA learns that you are not a Washington state resident, DDA must terminate your eligibility.

(4) You must inform your DDA case resource manager when your address changes.

(5) If DDA receives returned mail from you with no forwarding address, DDA will try to verify you are a Washington state resident by trying to contact you or anyone identified by you to receive notices.

(6) If DDA cannot contact you or verify you are a Washington state resident, DDA must terminate your eligibility.

(7) If your eligibility was terminated because DDA could not contact you, DDA will restore your eligibility if you:

(a) Verify your continuous Washington state residency;

(b) Request your eligibility be restored; and

(c) Were determined eligible on or after June 1, 2005.

WSR 18-12-111

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 6, 2018, 9:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-111.

Title of Rule and Other Identifying Information: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is proposing expanding the apple maggot quarantine area to include portions of Okanogan County, specifically within the Methow Valley north of Gold Creek.

Hearing Location(s): On July 19, 2018, at 10:00 a.m., at the Virginia Grainger Building, 123 5th Avenue North, Room 150, Okanogan, WA 98840; on July 23, 2018, at 1:00 p.m., at the Washington Department of Agriculture, 21 North First Avenue, Conference Room 238, Yakima, WA 98902; and on July 23, 2018, at 1:00 p.m., at the Washington Department of Agriculture, 1111 Washington Street S.E., Conference Room 259, Olympia, WA 98504.

Date of Intended Adoption: August 6, 2018.

Submit Written Comments to: Henri Gonzales, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wdsrulescomments@agr.wa.gov, fax 360-902-1802, by July 23, 2018.

Assistance for Persons with Disabilities: Contact Deanna Painter, phone 360-902-2061, TTY 800-833-6388 or 711, email dpainter@agr.wa.gov, by July 11, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 16-470

WAC establishes the parameters of the apple maggot quarantine and pest free area within Washington state. The Washington state department of agriculture (WSDA) is proposing the expansion of the apple maggot quarantine area to include portions of Okanogan County, specifically within the Methow Valley north of Gold Creek.

WSDA commissioned a pest risk analysis in April 2016, which found that municipal solid waste and municipal green waste (this includes yard debris, organic feedstock, organic materials, and agricultural waste) pose a high risk for the introduction of apple maggot into pest free areas. See the pest risk analysis dated April 30, 2016: https://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL_PRA_30_4_2016_2.pdf. Within a quarantine area, these regulated commodities are prohibited from moving into the pest free area without a WSDA special permit. Likewise, commercial apple orchards within a quarantine area cannot transport or sell apples in the pest free area (including domestic and international markets) without a WSDA document certifying their fruit is apple maggot free.

Recent apple maggot surveys within Okanogan County provide evidence that the state's apple maggot population has expanded its range. Expanding the apple maggot quarantine area may better protect the apple industry by slowing the possible movements of apple maggot from infested areas into the pest free area.

Reasons Supporting Proposal: The proposed expansion of chapter 16-470 WAC to include parts of Okanogan County aims to prevent or minimize the movement of apple maggot from infested areas, to pest free areas of the state. In turn, this will better protect the Washington apple industry.

The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit, decreasing crop yields and making fruit unfit for human consumption. Once apple maggot is established, treatment is costly and can be harmful to the environment. Apples are a top commodity in Washington. This makes the threat of apple maggot significant, as fruit from the pest free areas has greater access to international markets.

Statutory Authority for Adoption: RCW 17.24.011, 17.24.041, 17.24.051, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSDA, governmental and the Apple Maggot Working Group, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jim Marra, 1111 Washington Street, Olympia, WA 98504, 360-902-2071.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement

Chapter 16-470 WAC

Quarantine - Agricultural Pests

June 6, 2018

SECTION 1: Describe the proposed rule, including: A brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

Chapter 17.24 RCW mandates "a strong system" to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state from the impact of insect pests, plant pathogens, noxious weeds, and bee pests and infestations. WSDA is charged with implementing that mandate by excluding plant and bee pests and diseases from the pest free areas of the state through regulation of movement and quarantine of infested areas. RCW 17.24.041 authorizes the director of WSDA to adopt quarantine areas by rule and to prohibit the movement of all regulated commodities from the quarantined areas.

Chapter 16-470 WAC establishes the parameters of the apple maggot quarantine and pest free areas within Washington state. WSDA is proposing to expand the apple maggot quarantine area to include portions of Okanogan County, specifically within the Methow Valley north of Gold Creek.

The apple maggot (fruit fly) is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit, decreasing crop yields. It is also economically significant to the Washington apple industry, as fruit from the pest free area has greater access to international markets.

Each year, WSDA conducts apple maggot surveys to determine which areas of Washington meet the official pest free designation, conducts certification monitoring in or around apple orchards, and implements an apple maggot detection response plan. Recent apple maggot surveys within Okanogan County provide evidence that the state's apple maggot population has expanded its range. Expanding the apple maggot quarantine area may better protect the apple industry by slowing the possible movements of apple maggot from infested areas into the pest free area. In turn, this could help secure the apple industry's access to domestic and international markets, which have strict regulations around apple maggot.

The movement of noncommercial (for example, back yard trees) fruit from apple maggot infested areas to the pest free areas of apple production poses an unacceptable risk to the tree fruit industry. Additionally, municipal solid waste, yard debris, organic feedstock, organic materials, and agricultural wastes are host mediums for apple maggot because they may contain apples, crabapple, and native hawthorn and pose an unacceptable risk if allowed to move from infested to pest free areas as documented in the *Pest Risk Analysis (PRA) for Apple Maggot (Rhagoletis pomonella) Moving on Municipal Green Waste into the Pest Free Area (PFA) of the State of Washington*, written by Dr. C. E. Sansford, Mr. V. Mastro, and Mr. J. R. Reynolds, in April, 2016. For the full PRA, visit

our web site at https://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL_PRA_30_4_2016_2.pdf.

The proposed expansion of chapter 16-470 WAC to include parts of Okanogan County aims to prevent or minimize the movement of apple maggot from infested areas, to pest free areas of Washington. As shown in the proposed quarantine area, there are a large number of apple orchards located in the pest free area, which are in close proximity to the proposed quarantine area (see link to map at <https://agr.wa.gov/LawsRules/Rulemaking/PP/AppleMaggotQuarantineboundary32118.aspx>). The proposed quarantine is aimed at protecting these apple orchards, as well as the apple industry in Washington from an economically detrimental pest.

In order to comply with the proposed quarantine, apple orchards which transport fruit from the quarantine area, to or through the pest free area will need to go through the apple maggot certification process. The certification process involves trapping and potential field inspections of the fruit. This process is provided at no cost to the orchards by WSDA.

Solid waste collection companies and other waste haulers will need to segregate green waste from solid waste in order to comply with the proposed quarantine regulations. They will also be restricted from moving green waste located in the quarantine area, to the pest free area.

Landscaping services which collect and haul green waste within the proposed quarantine area will be required to comply with the proposed rule.

Professional services will not likely be required for small businesses to comply with the proposed rule.

SECTION 2: Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.

NAICS Code (4, 5 or 6 digit)	NAICS Business Description	# of Businesses in WA	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = .3% of Average Annual Receipts
562111	Solid Waste Collection	160	\$12,069.56	\$17,744.53
111331	Apple Orchards	885	\$7,205.35	Data not available
561730	Landscaping Services	2,509	\$1,525.08	\$1,242.18
562119	Other Waste Collection	16	Data not available	Data not available

SECTION 3: Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: Cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

Apple Orchards: The proposed expansion of the apple maggot quarantine area will incorporate five apple orchards that appear to be small businesses as defined by RCW 19.85-020(3). There are no orchards in the area that are considered large businesses. Some of the apple orchards sell locally at

farmers markets, some use their apples to make cider, and one transports their apples to western Washington.

The boundaries of the proposed quarantine could impact any of the five apple orchards which currently transport or sell apples from the pest free area. These orchards would be required to go through the apple maggot certification program, however this would be at no cost to them. The certification program involves WSDA setting apple maggot traps within a half mile of the orchard, to determine the orchard's threatened or nonthreatened status (as defined in WAC 16-470-103(2)). The orchard is considered threatened if, any life stage of apple maggot has been found within one-half mile of an orchard or other production site. Additionally, any orchard located within a quarantined area that has not been surveyed is also considered threatened. An orchard will be removed from threatened status, if control measures are performed at the detection site, and if survey by WSDA shows no further detections within a one-half mile area around the site through the following growing season.

The results of the orchard trapping survey are reported to the WSDA commodity inspection division (WSDA CID). Before an apple orchard can sell fruit outside of the quarantine area, WSDA CID must issue a permit which allows for the movement of fruit. If the orchard was considered threatened, there are steps they must take in order to get this permit. They could have commodity inspection personnel conduct a free inspection of a portion of the fruit for signs of apple maggot. If no detections are found, they are eligible to receive a permit. In the alternative, they could complete cold storage treatment as specified in WAC 16-470-118(3).

The apple maggot certification process and permit for the movement of fruit will not incur any extra cost to the apple orchard. However, if an apple orchard is under threatened status, it may require control measures. These measures will likely be an added cost to the orchard. These control measures could include the use of pesticides or cold storage to neutralize the pest. Not all orchards will need to utilize additional control measures. Under existing rules, an orchard can already be considered "threatened" if any life form of apple maggot is detected within one-half mile thereby requiring additional control measures.

Determining exact costs to apple orchards is difficult because control measures will not be required for all orchards and techniques used may vary. After an apple orchard successfully completes the apple maggot certification program, there should be no loss of sales or revenue.

Professional services will not likely be required for apple orchards to comply with the proposed rule.

Solid Waste Collection Companies: Entities impacted by the proposed rule include Okanogan County and businesses involved in waste management. Currently, unsorted municipal waste containing apple maggot host material is transported from the proposed quarantine area to a landfill located in the pest free area. Under an expanded quarantine, municipal waste could no longer leave the quarantine boundaries without a special permit issued by WSDA.

Individual households and other "self-haulers" would also be prohibited from moving household waste from the proposed quarantine area to the landfill in the pest free area. These are not small businesses and are not considered in this

assessment. Additionally, landscaping and other waste collection companies (those specializing in bulk household waste removal) will be required to comply with the proposed rule. However, these companies will incur less than minor costs as identified in Section 2. This is because these companies are more specialized in terms of what materials they pick-up and transport.

The proposed expansion of the quarantine area will impact two Okanogan County Public Works facilities and one private waste hauling company. The county facilities impacted by the restrictions of the quarantine include a transfer station located in the proposed quarantine area and a landfill located in the pest free area. Currently, the county hauls waste from the transfer station to the landfill. WAC 16-470-060 restricts the transport of municipal solid waste and green waste from being transported from a quarantine area to a pest free area without a WSDA special permit. Unless a special permit was granted, waste could no longer be hauled from the transfer station in the quarantine area to the landfill in the pest free area. Special permits are granted on a case-by-case basis and cost \$125 for a five-year permit. If a special permit was granted to Okanogan County, they would cover the cost of the permit and be responsible for making sure all waste brought to their facilities is compliant with the regulations. The regulations of the proposed quarantine would require that green waste and solid waste be separated, before municipal solid waste can be transported to the landfill in the pest free area. Separated green waste would be required to remain within the quarantine area or be heat treated before being transported from the quarantine area to the pest free area. The facility would need to separate, store and treat any green waste received. The county is not considered a small business and therefore was not considered in this assessment.

The private waste hauling company that will be impacted by the proposed quarantine specializes in collection within the Methow Valley. The company does not currently separate green waste that is collected. Since this company deposits waste at the county transfer station, any regulations imposed on that facility by the quarantine, will carry forward to them. Therefore, the company would need to begin collecting green waste separately. Starting a green waste collection program may prove costly, as educational outreach to customers would likely take place, a separate collection truck would need to be designated, and new collection or drop-off containers may be required. The private company only has one side loading garbage truck, so separating green waste may be difficult. Staff may also be required to work extra shifts or additional employees may be hired.

The private waste hauling company's current collection routes take them in and out of the proposed quarantine area. For this route, the garbage truck collects all trash on the right side of the road while heading south on Highway 153 to milepost 2 outside of Pateros, then turns around and collects on the other side of the road while heading north on Highway 153 to Twisp. To avoid quarantine violations, the company would have to modify this collection route so waste from the quarantine area is not transported into the pest free area. Since their garbage truck is a side loader, they can only pick up from the right side of the road. This will make changes to their collection route difficult and may force them to double-

back in some areas, which may prove costly both financially and timewise. Additionally, the county's transfer station has a small footprint, so with separation and treatment of green waste occurring, this might cause delays or slower drop-off times for the waste hauling company.

Determining exact costs for the private hauling company is difficult, because the cost can vary greatly depending on logistical and operational changes the organization chooses to make. However, costs to the private hauler will be more than minor as identified in Section 2.

The proposed quarantine amendment may cause the private hauling company to lose sales or revenue. Customers of the private hauling company will be required to segregate green waste. This may cause discontent among customers which could ultimately lead to a loss of sales.

Professional services will not likely be required for the waste hauling company to comply with the proposed rule.

SECTION 4: Analyze whether the proposed rule may impose more than minor costs on businesses in the industry.

Overall, it is possible that the proposed quarantine could impose more than minor costs on apple orchards and businesses in the solid waste collection industry. However, a 2016 analysis done by the United States Department of Agriculture National Agricultural Statistics Services found that apples are Washington's top commodity, grossing around \$2 billion annually and adding to the state's overall economy. Any threat to Washington's apple industry by large or small businesses is unacceptable to WSDA under its statutory mandate to protect agriculture from plant pests.

The boundaries of the proposed quarantine will impact apple orchards which transport or sell apples in the pest free area. These orchards would be required to go through the apple maggot certification program, this would be at no cost to them. However, if an apple orchard is under threatened status, it may require control measures. These measures will likely be an added cost to the orchard. Determining exact costs to apple orchards is difficult, because control measures will not be required for all orchards and techniques used may vary. After an apple orchard successfully completes the apple maggot certification program, there should be no loss of sales or revenue.

Entities impacted by the proposed rule include Okanogan County and businesses involved in waste management. The county is not considered a small business and therefore was not considered in this assessment. Determining exact costs for the private hauling company is difficult, because the cost can vary greatly depending on logistical and operational changes the organization chooses to make. However, we expect the private hauling company to incur more than minor costs as identified in Section 2 in order to comply with the rule amendment.

SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the ten percent of businesses that are the largest businesses required to comply with the proposed rule.

The five apple orchards located within the proposed quarantine area are all considered small businesses under chapter 19.85 RCW. Since there are no large businesses

impacted by the proposed amendment, the impact is inherently disproportionate. However, any additional control measures apple growers may be required to undertake will be based on acreage and crop size. The larger the acreage, the more pesticide will be needed. Commercial apple orchards may already be using a variety of control measures (including pesticides) to control apple maggot. Larger acreage normally relates to a larger crop. If the apple grower decides to store their apples in a controlled atmosphere storage facility as a control measure, costs will be based on the amount of apples. However, the statutory purpose of the proposed rule is to protect Washington's apple industry, therefore the proposed amendment is necessary.

The transfer station and landfill which will likely be impacted by the proposed quarantine are operated by Okanogan County Public Works, which is not considered a small business in this assessment. The private waste hauler is considered a small business and will be disproportionately impacted by the proposed rule. This is largely due to the fact that they are the only residential solid waste hauler servicing the proposed quarantine area. There are no large business waste haulers operating there.

SECTION 6: If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs cannot be reduced provide a clear explanation of why.

Apple orchards within the proposed quarantine area will not experience a cost increase due to the apple maggot certification program. This program is conducted by WSDA and there is no cost associated with it. All trapping and inspection is done by WSDA employees. It cannot be determined at this time whether or not control measures are necessary for any of the orchards and if so, what control measures will be used. Therefore, the costs for this cannot be reduced.

The proposed quarantine will require that solid waste collection companies separate green waste. This would require companies to educate customers and residents on policy changes. WSDA has offered to mitigate the cost of this by funding residential mailers that are sent out, as well as assisting with the design of educational materials. WSDA has also provided educational handouts on apple maggot to disperse within the proposed quarantine area.

Additional costs to solid waste collection companies cannot be reduced due to findings in the PRA which concluded that, "the overall risk of entry of *R. pomonella* (apple maggot) on MGW (municipal green waste) from the quarantine area to the pest free area is assessed as likely to occur with low uncertainty." WSDA relied upon the findings and conclusions of the PRA in adopting the amendments of the quarantine rule. The PRA found that segregation of municipal green waste is essential to slow the possible movement of apple maggot into pest free areas. Based on these conclusions, it is necessary for solid waste collection companies to segregate waste and if required, obtain a special permit to transport waste into or through the pest free area.

RCW 19.85.030(2) requires consideration of the following methods of reducing the impact of the proposed amendment on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements -

Over the last three years the increasing numbers of adult flies trapped in the Methow Valley suggested the apple maggot may have become permanently established there. However, in early 2017, the apple maggot working group (AMWG) postponed recommending a quarantine in the hope that aggressive control actions by the Okanogan County Pest Board might eradicate populations locally, thereby averting a quarantine. Control methods used included the removal of residential host trees, and abandoned orchards, and the application of insecticides. By the end of the 2017 trapping season, however, the discovery of multiple life stages gave evidence that a reproducing population of apple maggot was present, eradication was no longer an option and that a quarantine of the Methow Valley would be necessary to protect growers in the remaining pest free area.

Any reduction, modification, or elimination of the regulatory requirements of the proposed amendment could increase the risk of the entry of apple maggot into the pest free area according to the findings of the PRA. However, upon meeting with the private waste hauler and hearing their concerns over the proposed amendment, there has been discussion of exempting commercial food waste from specific businesses they service. These businesses include hospitals, hotels, grocery stores, and restaurants. The private waste hauler expressed great concern over segregating food waste from these businesses. The risk level for the entry of apple maggot on food waste from these businesses into the pest free area is considered low. Currently, no decisions have been made on this potential exemption, as further discussion is required.

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements -

The proposed amendment does not specify any recordkeeping or reporting requirements for the small businesses discussed in this assessment. Record keeping and reporting is only required for organizations which apply for a special permit for the transport of MSW (municipal solid waste) from the apple maggot quarantine area to the pest free area.

(c) Reducing the frequency of inspections -

For apple orchards, inspections are only performed when an orchard is considered threatened and chooses to have WSDA CID inspect their fruit to determine if apple maggot is present. This is part of the apple maggot certification process and the inspection is free for the orchard. In most cases, only one inspection will be necessary to certify an orchard. Eliminating the single inspection would undermine and violate the quarantine order. No inspections will be conducted for the private waste hauler.

(d) Delaying compliance timetables -

Delaying compliance timetables will result in a higher risk for the entry of apple maggot into the pest free area. The findings of the PRA support this, by showing a high likelihood of apple maggot being transported on municipal green waste. By delaying compliance timetables, apple maggot will have greater opportunity to spread into the pest free area.

(e) Reducing or modifying fine schedules for noncompliance -

RCW 17.24.141 specifies the penalty for violating a quarantine order. Chapter 16-470 WAC does not address penalties for violations of the apple maggot quarantine. Reducing or modifying fine schedules would involve a legislative change and is not part of this rule making.

SECTION 7: Describe how small businesses were involved in the development of the proposed rule.

Over the past three years, there has been discussion with AMWG on partially quarantining Okanogan County. The AMWG includes members from the tree fruit industry, researchers, federal regulators, county extension, and WSDA. These members represent and speak for memberships that include small businesses.

WSDA has had direct conversations with small businesses in the area that could be impacted by the proposed quarantine. An attempt was made to contact apple orchards within the proposed quarantine area. However, only two orchards were successfully reached. The boundary and regulations of the proposed quarantine were discussed, as well as conditions of the apple maggot certification process. Additionally, multiple discussions have taken place with the small private waste hauling company. These discussions covered the boundaries and regulations of the proposed quarantine, as well as potential economic and operational impacts to the small waste hauling company.

In late February 2018, WSDA convened the AMWG to consider the proposed quarantine boundary. It was determined that the quarantine boundary was necessary to prevent the spread of apple maggot in the area.

SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

The exact cost of compliance for apple orchards is difficult to determine. Apple orchards will not incur any costs from the apple maggot certification process. It is difficult to determine if any of the effected apple orchards will be considered threatened, and if so, what control measures they will implement. Therefore, an estimate of the number of jobs that will be created or lost, if any, cannot be determined at this time.

The exact costs of compliance for the impacted private hauling company known to transport municipal waste from the apple maggot quarantine area to the pest free area is difficult to determine, because it is unclear what logistical and operational changes will occur. Since the county is not a small business, it was not considered in this assessment. Therefore, an estimate of the number of jobs that will be created or lost, if any, cannot be determined at this time.

A copy of the statement may be obtained by contacting Henri Gonzales, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, TTY 800-833-6388, email wsdarulescomments@agr.wa.gov.

June 6, 2018
Brad White
Assistant Director

AMENDATORY SECTION (Amending WSR 16-24-027, filed 11/30/16, effective 1/1/17)

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, (~~Okanogan~~), Pend Oreille, Stevens, Walla Walla, and Whitman.

(b) The portion of Kittitas County designated as follows: Beginning at the point where Interstate Highway No. 90 crosses longitude 120°31' W; thence southerly to the Kittitas-Yakima County line; thence easterly along the county line to the Columbia River; thence northerly along the Columbia River to Interstate Highway No. 90; thence westerly along Interstate Highway No. 90 to the point of beginning.

(c) Yakima County, except for the area designated in subsection (2)(c) of this section.

(d) Chelan County, except for the area designated in subsection (2)(d) of this section.

(e) Lincoln County, except for the area designated in subsection (2)(e) of this section.

(f) Okanogan County, except for the area designated in subsection (2)(f) of this section.

(2) A quarantine for apple maggot is declared for the following portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1)(b) of this section.

(c) The portion of Yakima County designated as follows: Beginning at the northeastern corner of Yakima County on the west bank of the Columbia River; thence southerly along the Columbia River to the Yakima-Benton County line; thence southerly along the county line to latitude N46°30'; thence west to longitude W120°20'; thence north to latitude N46°30.48'; thence west to longitude W120°25'; thence north to latitude N46°31.47'; thence west to longitude W120°28'; thence north to latitude N46°32'; thence west to longitude W120°36'; thence south to latitude N46°30'; thence west to longitude W120°48'; thence southerly to the Klickitat-Yakima County line; thence westerly along the county line to the Yakima-Skamania County line; thence northerly along the county line to the Lewis-Yakima County line; thence easterly and northerly along the county line to the Pierce-Yakima County line; thence northerly and easterly along the county line to the Kittitas-Yakima County line; thence easterly and southerly along the county line to the west bank of the Columbia River and the point of beginning.

(d) The portion of Chelan County designated as follows: Beginning at the point where the northern boundary of the county crosses longitude W120°43.02' following the longitudinal line due south to the fork of Highway 207 and Chiwawa Loop Road; thence south following the eastern edge of Highway 207 which becomes Beaver Valley Road and then Chumstick Highway; thence southeast along the eastern edge of Highway 2 to the point where the northern ridgeline of Boundary Butte drops to meet Highway 2; thence southerly,

following the ridgeline of Boundary Butte gaining in elevation into the Stuart Range to the highest point of McClellan Peak; thence due south from McClellan Peak to the southern boundary of the county; thence following the county line west, then north, and then east to the beginning point.

(e) The portion of Lincoln County designated as follows: Beginning at longitude W118°20'0" on the Lincoln-Adams County line; thence northerly to State Highway Route 28 (SR 28); thence northerly and easterly along SR 28 to latitude N47°37'38.6"; thence easterly to the Lincoln-Spokane County line; thence south to the Lincoln-Whitman County line; thence west along the Lincoln County line to longitude W118°20'0" and the point of beginning.

(f) The portion of Okanogan County designated as follows: Beginning at the northern corner of the Okanogan-Whatcom County line; thence southerly to the Okanogan-Skagit County line; thence southerly and easterly along the Okanogan-Chelan County line; thence easterly to latitude N48°12'05.4"; thence northerly to longitude W119°53'05.9"; and thence westerly along the Okanogan County-Canada border to the beginning point.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

WSR 18-12-113

PROPOSED RULES

DEPARTMENT OF HEALTH

(Occupational Therapy Practice Board)

[Filed June 6, 2018, 9:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-03-108.

Title of Rule and Other Identifying Information: WAC 246-847-080 Examinations, 246-847-135 Standards of supervision, and 246-847-150 Fieldwork experience OTA, the occupational therapy practice board (board) is revising sections of the occupational therapy chapter. This proposal is to complement the board's separate rule-making effort, filed as WSR 18-09-032 into performing a formal five-year review in accordance with RCW 43.70.041. The board proposes rule revisions that will provide consistency and cohesion to existing rules.

Hearing Location(s): On July 20, 2018, at 9:10 a.m., at the Department of Health, Town Center Two, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: July 20, 2018.

Submit Written Comments to: Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by July 19, 2018.

Assistance for Persons with Disabilities: Contact Kathy Weed, phone 360-236-4883, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov, by July 13, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules complement recent rule making, filed as WSR 18-09-032, to ensure consistency in the chapter, formalize department processes, and update standards of supervision. Proposed language will more accurately reflect current national guidelines regarding timelines for accomplishing fieldwork, more clarification on proper conduct during supervision, and add requirements for a jurisprudence exam as part of the application process.

Reasons Supporting Proposal: The proposed rule will clarify the current department process of requiring the jurisprudence exam, ensure consistency in the chapter with the changes made recently in WSR 18-09-032, align with national trends for fieldwork requirements, and provide public safety with regards to clear expectations for standards of supervision. These changes were not incorporated into the adoption of WSR 18-09-032, which was filed last month, because these particular sections were not listed in the original CR-101.

Statutory Authority for Adoption: RCW 18.59.130.

Statute Being Implemented: RCW 18.59.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: The occupational therapy practice board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathy Weed, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4883.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

June 6, 2018

Sheryl Zylstra, OT
Board Chair

AMENDATORY SECTION (Amending WSR 06-24-137, filed 12/6/06, effective 1/6/07)

WAC 246-847-080 Examinations. (1) The occupational therapy practice board recognizes the examination administered by the National Board for Certification in Occupational Therapy or its ((successor/predecessor)) predecessor organization ((shall be)) as the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) To be eligible for a license((;)) an applicant((s)) must;

(a) Attain a passing score on the examination determined by the National Board for Certification in Occupational Therapy or its ((successor/predecessor)) predecessor organization; and

(b) Successfully pass the department's occupational therapy jurisprudence examination with a passing score of one hundred percent.

AMENDATORY SECTION (Amending WSR 07-20-076, filed 10/1/07, effective 11/1/07)

WAC 246-847-135 Standards of supervision. The following are the standards for supervision of occupational therapy assistants, limited permit holders, and occupational therapy aides:

(1) A licensed occupational therapy assistant((s)) must be ((supervised through)) in regular consultation ((by)), as defined by WAC 246-847-010, with an occupational therapist licensed in the state of Washington. Regular consultation must be documented and the documentation must be kept in a location determined by the supervising occupational therapist or occupational therapy assistant.

(2)((~~(a)~~)) A limited permit holder:

(a) Who is waiting to take the examination for licensure must work in association with an occupational therapist licensed in the state of Washington with a minimum of one year of experience. "In association with" ((shall)) includes consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of all notes by the supervising occupational therapist.

(b) ((Limited permit holders who have)) Who has failed the examination must be directly supervised by an occupational therapist licensed in the state of Washington with a minimum of one year of experience. Direct supervision must include consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of all notes by the supervising occupational therapist.

(3) An occupational therapy aide((s)) must be ((professionally)) supervised and trained by an occupational therapist or an occupational therapy assistant licensed in the state of Washington. Professional supervision must include documented supervision and training.

(a) The occupational therapist or occupational therapy assistant shall ((train)) provide professional supervision as defined in WAC 246-847-010 to the occupational therapy aide on client and nonclient related tasks ((at least once a month)).

(b) When performing client related tasks, the occupational therapist or occupational therapy assistant must ensure the occupational therapy aide is trained and competent in performing the task on the specific client.

(c) The documentation must be maintained in a location determined by the supervising occupational therapist or occupational therapy assistant.

~~((4) Definitions can be found in WAC 246-847-010.))~~

AMENDATORY SECTION (Amending WSR 91-05-027, filed 2/12/91, effective 3/15/91)

WAC 246-847-150 Supervised fieldwork experience—Occupational therapy assistants. ~~((^(b)))~~ Supervised fieldwork experience((^(b))) as defined in RCW 18.59.050 (1)(c)(ii) ((shall)) means, for an occupational therapy assistant, a minimum two months, or eight weeks, of full-time equivalency of Level II fieldwork. The Level II fieldwork must be conducted in settings approved by the applicant's academic or training program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapy assistant entry-level roles. The minimum two months, or eight weeks, of full-time equivalency supervised fieldwork experience required by RCW 18.59.050 (1)(c)(ii) ((shall)) does not include Level I fieldwork experience as defined by the ((American)) accreditation council for occupational therapy ((Association)) education.

~~((The supervised fieldwork experience shall consist of a minimum of two one month sustained fieldwork placements not less than forty full time workdays. "Full time workdays" is as required by the fieldwork setting.))~~

WSR 18-12-115

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 6, 2018, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-20-064.

Title of Rule and Other Identifying Information: WAC 246-815-155 Suicide prevention training for dental hygienists, creating a new section to establish a one-time continuing education requirement for dental hygienists in suicide prevention.

Hearing Location(s): On July 13, 2018, at 1:00 p.m., at the Department of Health, Town Center Two, Room 158, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: August 13, 2018.

Submit Written Comments to: Bruce Bronoske, Jr., Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4901, bruce.bronoske@doh.wa.gov, by July 13, 2018.

Assistance for Persons with Disabilities: Contact bruce.bronoske@doh.wa.gov, phone 360-236-4843, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov, by July 6, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule implements E2SHB 1612 (chapter 262, Laws of 2017). The law amended RCW 43.70.442 by adding dental hygienists to the list of professionals required to complete a one-time continuing education course in suicide prevention effective August 1, 2020. The proposed rule requires dental hygienists to take a one-time, three-hour training in suicide assessment that includes screening and referral.

Reasons Supporting Proposal: The educational requirements proposed in this new rule will increase dental hygienist's knowledge and understanding of suicidal ideation and better prepare dental hygienists if they encounter suicidal patients. The goal of both E2SHB 1612 and RCW 43.70.442 is to save the lives of Washington residents, and the department proposes to achieve that goal through establishment of this rule.

Statutory Authority for Adoption: RCW 18.29.210, 18.29.130, 43.70.442 as amended by chapter 262, Laws of 2017.

Statute Being Implemented: E2SHB 1612 (chapter 262, Laws of 2017).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bruce Bronoske, Jr., 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4843.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Bruce Bronoske, Jr., P.O. Box 47852, Tumwater, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rules do not impact businesses.

June 5, 2018

John Wiesman, DrPH, MPH
Secretary

NEW SECTION

WAC 246-815-155 Dental hygienist suicide prevention education. Effective August 1, 2020, a licensed dental hygienist must complete a department-approved one-time training that is at least three hours in length for suicide assessment that includes screening and referral.

(1) This training must be completed by the end of the first full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later.

(2) Training approved by the department for this requirement must be on the department's model list as authorized in chapter 246-12 WAC, Part 14.

(3) Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, is accepted as meeting the one-time training requirement of this section.

(4) The hours spent completing the training in suicide assessment under this section count toward meeting applicable continuing education requirements for dental hygiene license renewal.

WSR 18-12-117 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 6, 2018, 10:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-01-107.

Title of Rule and Other Identifying Information: Chapter 246-790 WAC, Special supplemental nutrition program for women, infants, and children (WIC), the department of health (DOH) is proposing to amend vendor and participant sections of the chapter to clarify business integrity requirements; clarify types of monitoring activities; and define "pattern" relating to vendor violations and sanctions, and remove a sanction.

Hearing Location(s): On July 12, 2018, at 2:00 p.m., at DOH, Town Center 2, Room 158, 111 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: July 18, 2018.

Submit Written Comments to: Troy Parks, Office of Nutrition Services, DOH, 310 Israel Road S.E., Tumwater, WA 98501, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2345, 360-236-3610, by July 12, 2018.

Assistance for Persons with Disabilities: Contact Troy Parks, phone 360-236-3610, fax 360-236-2345, TTY 360-833-6388 or 711, email troy.parks@doh.wa.gov, by July 2, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes revise definitions, add clarification to areas of vendor section, remove a sanction and clarify amounts of participant sanction criteria.

The proposed changes to remove a sanction and clarify sanction amounts in the participant section are required by USDA/FNS, program oversight agency. Revisions of definitions and clarifications to areas of the vendor section are in the interest of vendors to better understand the requirements of the WAC to support compliance with program rules.

The proposed rules will:

- Remove a sanction for selling or giving away breast pumps.
- Clarify the dollar amount of several participant sanctions.
- Clarify business integrity and vendor selection criteria.
- Remove requirement for vendors to only purchase WIC approved foods from approved wholesalers, and to include frozen fruit and vegetables in the full service grocery requirement.
- Align language in WAC with federal C.F.R. requirements.
- Provide a clearer description of vendor compliance activities.
- Clarify how an individual store contract termination or disqualification impacts multistore vendors.
- Allow eWIC card as a method of payment.

Reasons Supporting Proposal: 7 C.F.R. 246.12 (u)(1) requires DOH to establish procedures designed to control vendor and participant violations and to establish sanctions. Under RCW 43.70.120, DOH can adopt such rules and regu-

lations as may be necessary to entitle Washington to receive federal funds. The proposed revisions to the rule will support DOH's ability to recover losses to the program when a violation occurs, and with improved clarity may result in fewer program violations. The proposed revisions are necessary to support DOH's compliance with federal regulations.

Statutory Authority for Adoption: RCW 43.70.120.

Statute Being Implemented: RCW 43.70.120.

Rule is necessary because of federal law, 7 C.F.R. 246.

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Troy Parks, Point Plaza East, 310 Israel Road S.E., Tumwater, WA 98501, 360-236-3610; and Implementation: Paul Throne, Point Plaza East, 310 Israel Road S.E., Tumwater, WA 98501, 360-236-3720.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 7 C.F.R. 246, failure to comply with federal requirements may result in loss of funding necessary for the implementation of the WIC program in this state.

June 5, 2018

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 14-21-110, filed 10/16/14, effective 11/16/14)

WAC 246-790-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Administrative appeal" means a ~~((formal proceeding where a vendor who has received a notice of violation from the department has the opportunity to present his or her case in an impartial setting and be heard by the department))~~ proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of an order under this chapter.

(2) "Applicant" means any vendor, or person representing a vendor, or vendors reapplying for authorization, requesting authorization to participate in the WIC program by submitting a completed application for authorization and all corresponding documentation.

(3) "Approved infant formula wholesaler" means a supplier or manufacturer listed in the document titled "*Washington WIC Approved Infant Formula Suppliers.*"

(4) "Authorized vendor" means a vendor who has met the vendor selection criteria as required by the United States Department of Agriculture (USDA) and the department, received training on WIC program requirements, and entered into a fully executed contract with the department.

(5) "Business integrity" means ~~((the))~~ a store's uncompromising commitment and adherence to honesty, truthfulness, and accuracy in interactions with the department, customers, creditors, suppliers, associates, and the public at large.

(6) "Business and financial documentation" means all documents required to own and operate a business as a retailer which may include, but not be limited to, banking and financial records; property sales, leases and rental agreements; insurance records; affiliate arrangements; inventory records; accounting, sales, and tax records; records of ownership; or articles of incorporation, bylaws and operating agreements.

(7) "C.F.R." means Code of Federal Regulations.

~~((7))~~ (8) "Cash value voucher" means a WIC food instrument used by a participant to obtain fresh fruits and vegetables.

~~((8))~~ (9) "Civil monetary penalty" means a sum of money imposed by the WIC program for noncompliance with program requirements.

~~((9))~~ (10) "Contract" means the department's standard WIC contract form that, once completed and signed by both parties, becomes the written legal document binding a vendor and the department to designated terms and conditions and authorizes the vendor to transact food instruments.

~~((10))~~ (11) "Cost containment" means the process of controlling expenses required to operate the WIC program.

~~((11))~~ (12) "Department" means the Washington state department of health.

~~((12))~~ (13) "Disqualification" means the act of revoking the authorization and terminating the contract of an authorized vendor for a specific period of time or permanently for noncompliance with WIC program requirements.

~~((13))~~ (14) "EBT (electronic benefits transfer)" means the electronic system that allows a participant to authorize transfer of their government food benefits from a federal account to a vendor account to pay for products they buy.

~~((14))~~ (15) "Food instrument" means ~~((the method of payment used by a participant to obtain WIC approved foods. This method may include WIC checks, cash value vouchers, or EBT payment))~~ a WIC program voucher, check, coupon, electronic benefit transfer (eWIC card), or other document which is used to obtain authorized foods.

~~((15))~~ (16) "*Minimum Inventory Requirements*" means the document created, maintained and supplied by the department that lists the required minimum stock levels of department-authorized foods a store must maintain on premises at all times.

~~((16))~~ (17) "Notice of violation" means a written document given to a vendor when the department determines the vendor has not complied with program requirements, federal WIC regulations, this chapter, or ~~((the))~~ a contract.

~~((17))~~ (18) "Participant" means a woman, infant or child receiving WIC benefits.

~~((18))~~ (19) "Participant access" means the ability of WIC participants to purchase authorized WIC foods, with consideration made to factors including, but not limited to, geography, population density, and participant dietary needs, as determined by the department.

~~((19))~~ (20) "Peer group" means a group of authorized vendors that share certain characteristics and can be expected to have similar business practices and prices. Peer group criteria and assignments are determined by the department. Vendors in the same peer group are subject to the same WIC maximum reimbursement levels. Peer group criteria include, but are not limited to, characteristics such as geography or size.

~~((20))~~ (21) "SNAP" means the federal supplemental nutrition assistance program. SNAP was previously known as the food stamp program.

~~((21))~~ (22) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any organization, association, or business entity. Evidence of substantial interest may include, but not be limited to:

(a) Directly or indirectly owning, operating, managing, or controlling an entity or any part of any entity;

(b) Directly or indirectly profiting from an entity or assuming liability for debts or expenditures of the entity; or

(c) Being an officer or director or managing member of an entity.

(23) "Variety" means a collection of similar, but not identical, foods and products. This may include different brands, sizes or flavors of similar foods and products.

~~((22))~~ (24) "Vendor," also known as "retailer," means a sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one or more stores authorized by the state WIC program to provide WIC-approved foods to WIC participants.

~~((23))~~ (25) "Vendor compliance activities" means on-site contract monitoring, covert compliance buys, and inventory audits.

(26) "Vendor selection criteria" means the federally approved standards the department uses to select vendors for WIC authorization.

~~((24))~~ (27) "Wholesale supplier" means a business licensed to sell food and other goods at prices lower than retail to a retail vendor for resale to customers.

~~((25))~~ (28) "WIC" means the federally funded special supplemental nutrition program for women, infants, and children as described in 7 C.F.R. 246.

AMENDATORY SECTION (Amending WSR 14-21-110, filed 10/16/14, effective 11/16/14)

WAC 246-790-075 Vendor application. (1) To be considered for WIC vendor authorization, an applicant must:

(a) Be a food vendor that meets or exceeds all selection criteria listed in WAC 246-790-077;

(b) Apply to the department using ~~((department forms))~~ the required format;

(c) Provide complete and truthful information in the application;

(d) Allow the department to inspect the store; and

(e) Participate in training on WIC program requirements.

(2) If the department declines an application, the applicant may reapply no sooner than six months afterwards.

(3) Before declining an application for the first time, the department shall give an applicant thirty days' notice to submit missing materials or information, if such is the basis for denial.

(4) An applicant may request an exemption to the vendor selection criteria in WAC 246-790-077.

(a) The request must:

(i) Be in writing, dated, and signed by the applicant;

(ii) Explain the reasons for the request in detail;

(iii) Demonstrate how the requested exemption is consistent with the requirements, purpose, and objectives of the program; and

(iv) List, in the body of the request, the physical address of the applicant.

(b) The department may grant the requested exemption if the applicant's request conforms to (a) of this subsection and the department determines that allowing the exemption is consistent with the requirements, purpose, and objectives of the program and is necessary to assure participant access.

(c) The department shall respond in writing to a request for exemption with its decision to grant or deny the request.

AMENDATORY SECTION (Amending WSR 14-21-110, filed 10/16/14, effective 11/16/14)

WAC 246-790-077 Vendor selection criteria. At the time of application, applicants must meet the following criteria; all authorized vendors must continue to meet the following criteria throughout the period of authorization:

(1) Purchase WIC approved infant formula directly from an infant formula manufacturer or supplier named on the "WIC approved infant formula suppliers" document.

~~(2) (Purchase WIC approved foods directly from a wholesale supplier or other nonretail supplier, such as a food manufacturer, wholesaler, dairy, or fresh produce supplier.~~

~~(3))~~ (3) Maintain in store at all times the minimum quantities and varieties of WIC approved foods, including infant formula, as required by the "WIC minimum inventory requirements" document. Expired or spoiled foods do not count as inventory.

~~((4))~~ (3) Maintain an active electronic mailing address to be used for department communications.

~~((5))~~ (4) Be primarily engaged in the retail sale of food products and general merchandise as a full line grocery store. A full line grocery store carries the designated products in the following categories on a continuous basis. These requirements are separate from the "minimum inventory requirements."

(a) Canned foods: At least twenty total varieties of canned foods such as fruit, vegetables, beans, meat, poultry, chili, soup, stew, broth or sauce (excluding canned infant formula, fish, juice or other beverages).

(b) Frozen foods: At least ten total varieties of frozen foods such as dinners, pizza, fruit, or vegetables (excluding

frozen juice, meat, seafood, poultry, desserts, snacks or novelties).

(c) Dairy products: At least ten total varieties of refrigerated dairy products such as butter, yogurt, cottage cheese, string cheese, cream cheese, whipped cream, sour cream or ice cream (excluding milk, WIC-approved cheeses, infant formula, or individual serving size packages of dairy products).

(d) Frozen and unfrozen meat, seafood, and poultry: At least six total varieties (all unbreaded) of frozen meat, unfrozen meat, frozen seafood, unfrozen seafood, frozen poultry, or unfrozen poultry, including at least two varieties of meat and at least two varieties of poultry (excluding precooked and deli-style products).

(e) ~~((Fresh))~~ Fruit and vegetables: At least twenty total varieties of fresh or frozen fruits or fresh or frozen vegetables including at least five varieties of fruits and at least five varieties of vegetables. The store must have a minimum of five linear feet of refrigerated display space for its produce.

(f) Bread and tortillas: At least ten total varieties of bread products such as bread, rolls, bagels, and tortillas. Breads and tortillas exclude muffins, pastries, cookies, cakes, crackers, or other snack foods.

(g) Grains, pasta, and dried beans: At least ten total varieties of grains, pasta, or beans such as oatmeal, rice, bulgur, pasta, beans, peas, or lentils (excluding bread, canned products or other breakfast cereals).

(h) Baby products: At least ten total varieties of baby products such as diapers, baby bottles, baby wipes, baby shampoo, or baby lotion ~~((or baby bottles))~~ (excluding infant formula).

(i) Household cleaners and laundry products: At least ten total varieties of household cleaning or laundry products used for cleaning kitchens, dishes, bathrooms, windows, floors, furniture, clothes, or fabrics.

(j) Health care products: At least twenty total varieties of health care products such as pain relievers, cold/cough/allergy products, digestive aids, dental care products, feminine hygiene products, or toilet paper.

~~((6))~~ (5) Maintain prices for WIC-approved foods that are at or below the limits established by the WIC nutrition program's current price management system.

~~((7))~~ (6) Be currently authorized and participating as a vendor in the supplemental nutrition assistance program (SNAP).

~~((8))~~ (7) Receive or expect to receive less than fifty percent in annual food sales revenue from WIC transactions.

~~((9))~~ (8) Be open for business at least eight hours per day, six days per week.

~~((10))~~ (9) Submit to the department, upon request, sales information including gross sales and tax exempt food sales.

(10) Be current with state, federal and local taxes.

(11) Have electronic cash registers capable of producing receipts that include:

- (a) The store name;
- (b) Food product name and description;
- (c) Quantity sold ~~((s))~~ and price of each item;
- (d) Total actual purchase price; and
- (e) The date of sale.

(12) Post food prices for all foods, including fresh fruits and vegetables, on each item, or on the shelf next to the item.

(13) Maintain a business model that promotes business integrity. The department may investigate the business integrity of a WIC vendor or applicant at any time. In its determination of business integrity, the department's considerations will include, but ~~((is))~~ are not limited to, the following:

(a) Providing complete and truthful information in the application, correspondence, and other documents requested by the department.

(b) Cooperating with department requests to complete WIC authorization or compliance activities, including granting access to WIC food instruments.

(c) Providing business and financial documentation to the department upon request.

(d) Ensuring all current owners, officers, managers, or representatives have had no criminal convictions or civil judgments entered against them in the last six years for fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, ~~((and))~~ or obstruction of justice.

~~((e))~~ (e) Having no uncorrected violation(s) from a previous contracting period, current disqualification, or outstanding claims owed to the department.

~~((f))~~ (f) Not being currently disqualified from the SNAP or having a civil money penalty levied instead of SNAP disqualification.

~~((g))~~ (g) Disclosure of any third party, agent or broker involved in any part of the application process.

~~((h))~~ (h) Where a store has an outstanding WIC or SNAP sanction or claim, not attempting to avoid sanction or claim by reapplying after:

(i) Conveying any legal interest in a store to a relative or other person with whom the owner or owners have a financial relationship.

(ii) Accepting any legal interest in a store from a relative by blood or marriage or other person with whom the owner or owners have a financial relationship.

(iii) Reorganizing the business to another form, such as, but not limited to, corporation, general partnership, limited partnership, sole proprietorship, ~~((and))~~ or limited liability company.

(iv) Failing to cooperate with WIC authorization of compliance activities.

(14) The department may verify the identity of an applicant at any time.

(15) When evaluating business integrity, the department may take into account whether a store subject to a sanction or claim has been sold for less than fair market value.

~~((15))~~ (16) Not own or be a substantial interest holder, have previously owned or been a substantial interest holder, or have a legal interest in a business that has a WIC sanction currently in effect. This includes any business for which a vendor may be applying.

~~((16))~~ (17) Use a recordkeeping system that complies with the Washington state department of revenue requirements in WAC 458-20-254, maintains inventory records for Federal tax reporting, preserves original documents and

records organized in a logical way that conforms to acceptable accounting methods and procedures.

~~((17))~~ (18) Comply with all federal and state nondiscrimination laws, regulations, and policies. This includes, but is not limited to, 7 C.F.R. Parts 15, 15a, and 15b and RCW 49.60.030.

~~((18))~~ (19) Comply with the Americans with Disabilities Act (ADA) of 1990, Public Law 101-336.

~~((19))~~ (20) Comply with all other federal, state, county, and city required licenses, permits and certifications.

~~((20))~~ (21) Exemptions.

(a) Oregon and Idaho vendors located on the Washington border and that serve Washington residents are exempt from Washington state business license, permit, and certification requirements. They shall meet all applicable business license, permit and certification requirements for their respective state.

(b) An "infant formula-only provider" is exempt from the full line grocery store requirement. Infant formula-only provider means an authorized vendor or pharmacy for whom WIC authorization is limited to the redemption of WIC checks issued for infant formula.

NEW SECTION

WAC 246-790-095 Vendor compliance activities.

There are three primary types of vendor compliance activities:

(1) On-site contract monitoring is an overt compliance inspection conducted by department staff to confirm a vendor's compliance with state vendor agreement requirements, and state and federal WIC regulations.

(2) A compliance buy is a covert shopping experience conducted by department staff at WIC-authorized vendors. The compliance buy activity is used to test vendor staff's knowledge of compliance rules.

(3) An inventory audit is an examination of food invoices or other proof of purchase to determine whether a vendor has purchased sufficient quantities of authorized food to support the vendor's claim(s) for reimbursement for such foods from the department during a specific point in time.

AMENDATORY SECTION (Amending WSR 14-21-110, filed 10/16/14, effective 11/16/14)

WAC 246-790-105 Failure to meet WIC program requirements. (1) When an authorized vendor is out of compliance with the requirements of 7 C.F.R. 246.12, this chapter, or the contract, the department will initiate appropriate enforcement action which may include notices of violation, unless the department determines that notification would compromise the investigation; claims for reimbursement; and sanctions as set forth in the applicable federal regulations or the contract.

(2) Where a violation requires disqualification, the department may impose a civil penalty in lieu of disqualification if the department determines, in its sole discretion and in accordance with the department's participant access criteria, that the continued operation of the store is necessary to assure adequate participant access.

(3) An authorized vendor's contract is terminated on the effective date of a disqualification. A multistore vendor's contract shall be amended to remove only the disqualified store on the effective date of disqualification.

(4) Where a sanction requires a pattern of violations, a "pattern" is established by ~~((more than one))~~ three separate documented incidents of the same ((type of violation within a)) federal or state contract violation identified during a single contract period.

(5) A disqualified vendor may reapply at the end of the disqualification period.

(6) The department will document complaints against authorized vendors and any resulting corrective action.

(7) The effective date of all sanctions is twenty-eight days after an authorized vendor receives notice of the department's decision to impose sanctions, unless otherwise specified in this chapter, the contract, or in the department's notice. The department, in its sole discretion, may temporarily suspend the contract in lieu of termination to resolve any uncertain matters, including appeals.

AMENDATORY SECTION (Amending WSR 17-08-020, filed 3/27/17, effective 4/27/17)

WAC 246-790-500 Definitions related to participant compliance. The definitions in this section apply to this section through WAC 246-790-570 unless the context clearly indicates otherwise.

(1) "Appeal" means a formal proceeding where a participant who has received a notice of violation from the department has the opportunity to present his or her case in an impartial setting and be heard by the department.

(2) "Applicant" means any pregnant woman, postpartum woman, infant ~~((or))~~, child, or caregiver of an infant or child who is applying to receive WIC program benefits, ~~((and))~~ or a breastfeeding infant of an applicant breastfeeding woman. Applicants include individuals who are currently participating in the program but are applying because their certification period is about to expire.

(3) "Authorized supplemental foods" means those supplemental foods authorized by the department for issuance to a particular participant.

(4) "Certification" means the implementation of criteria and procedures to assess and document each applicant's eligibility for participation in the WIC program.

(5) "C.F.R." means Code of Federal Regulations.

(6) "Claim" means a type of sanction demanding repayment for misuse of ~~((WIC/FMNP))~~ WIC/farmers' market nutrition program (FMNP) benefits by a WIC participant.

(7) "Deliberate" means acting intentionally, knowingly and voluntarily ~~((and not because of mistake or accident))~~.

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

(9) "Disqualification" means the act of ending the WIC program participation of a participant, whether as a punitive sanction or for administrative reasons.

(10) "Dual participation" means program participation in one or more than one WIC clinic.

(11) "Eligibility criteria" means the reasons people qualify for WIC program benefits as described in 7 C.F.R. Sec. 246.7(c).

(12) "Farmers' market nutrition program (FMNP)" means a program to provide fresh, unprepared, locally grown fruits and vegetables to WIC participants, and to expand the awareness, use of, and sales at farmers' markets.

(13) "Food instrument" means the method of payment used by a participant to obtain WIC-approved foods. ~~((This))~~ These methods may include WIC checks, WIC farmers' market nutrition program checks, cash value vouchers, or electronic benefit transfer (EBT) payments.

(14) "Local agency" means:

(a) A public or private nonprofit health or human services agency that provides health services either directly or through contract with the department to provide services ~~((s))~~ in accordance with 7 C.F.R. Sec. 245.5;

(b) An Indian health services unit in contract with the department to provide services;

(c) An Indian tribe, band or group recognized by the department; and/or

(d) An intertribal council or group that is an authorized representative of Indian tribes, bands or groups.

(15) "Notice of violation" means a written document given to a participant, or caregiver of an infant or child participant, when the department determines a participant or caregiver ~~((s))~~ of an infant or child participant, ~~((have))~~ has not complied with WIC program requirements, federal WIC regulations, this chapter, or the participant rights and responsibilities form. This notice is a type of sanction which explains the violation and provides a warning about repercussions of subsequent violations.

(16) "Nutritional risk" means detrimental or abnormal nutritional conditions detectable by biochemical or anthropomorphic measurements; other documented nutritionally related medical conditions; dietary deficiencies that impair or endanger health; conditions that directly affect the nutritional health of a person, including alcoholism or drug abuse; or conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions including, but not limited to, homelessness and migrancy, as specified in 7 C.F.R. Sec. 246.2.

(17) "Participant" means a woman, infant or child receiving WIC benefits.

(18) "Participant violation" means any deliberate action of a participant, parent or caretaker of an infant or child participant, or proxy that violates federal or state statutes, regulations, policies, or procedures governing the WIC program.

(19) "Proxy" means an individual who is designated by a participant or a child or infant participant's parent, guardian, or caretaker to receive ~~((food instruments and to))~~ and redeem food instruments for the participant and whose name is ~~((on file at))~~ filed with the local agency.

(20) "Restitution" means reimbursement to the department of the cash value of ~~((the))~~ WIC program benefits received by a participant as the result of a sanction imposed for a violation.

(21) "Sanction" means a penalty imposed by the department of health WIC program because of a violation. The three types of sanctions are notice of violation, disqualification, and claim.

(22) "SNAP" means the federal Supplemental Nutrition Assistance Program. SNAP was previously known as the Food Stamp Program.

(23) "Vendor" means a sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one or more stores authorized by the state WIC program to provide WIC-approved foods to WIC participants.

(24) "Violation" means any deliberate action of a WIC participant or caregiver of an infant or child participant, including actions listed in WAC 246-790-520 that violate federal or state statutes, regulations, policies, or procedures governing the WIC program.

(25) "WIC" means the federally funded special supplemental nutrition program for women, infants, and children as described in 7 C.F.R. Sec. 246.

(26) "WIC benefits" means benefits a participant receives that include, but are not limited to, food, infant formula, and breast pumps.

(27) "WIC Participant Rights and Responsibilities form" means a document signed by a WIC participant or proxy ~~((has signed))~~ showing she or he has been advised of and agrees to WIC program rights and obligations.

AMENDATORY SECTION (Amending WSR 17-08-020, filed 3/27/17, effective 4/27/17)

WAC 246-790-530 WIC participant violations and sanctions. (1) When any WIC participant or caregiver deliberately violates ~~((the))~~ federal or state statutes, regulations, policies or procedures governing the WIC program, the department will initiate appropriate enforcement action, which may include establishment of claims under WAC 246-790-550 or disqualification under WAC 246-790-560. Violations and applicable sanctions are listed below:

Violations	1st Instance	2nd Instance	Subsequent Instances
((Redeeming or)) Attempting to redeem a food instrument for unauthorized foods or formula.	Notice of violation	((6-month disqualification and claim if claim is less than \$100 1-year disqualification and claim if claim is over \$100)) <u>Notice of violation</u>	((1-year)) <u>6-month</u> disqualification ((and claim))
<u>Redeeming a food instrument for unauthorized foods or formula.</u>	<u>Notice of violation and claim</u>	<u>1-year disqualification and claim</u>	<u>1-year disqualification and claim</u>

Violations	1st Instance	2nd Instance	Subsequent Instances
	<u>1-year disqualification and claim if claim is \$100 or more</u>		
<u>Attempting to return foods purchased with a food instrument to a WIC vendor in exchange for money, credit, a different food or food in excess of those on the food instrument.</u>	<u>Notice of violation</u>	<u>Notice of violation</u>	<u>6-month disqualification</u>
Returning ((or attempting to return)) foods purchased with a food instrument to a WIC vendor in exchange for money ((or)), <u>credit, a different food, or food in excess of those on the food instrument.</u>	Notice of violation and <u>claim</u> <u>1-year disqualification and claim if claim is \$100 or more</u>	((6-month)) <u>1-year</u> disqualification and claim ((if claim is less than \$100 1-year disqualification and claim if claim is over \$100))	1-year disqualification and claim
Redeeming a food instrument reported as lost or stolen, and then replaced.	Notice of violation and <u>claim</u> <u>1-year disqualification and claim if claim is \$100 or more</u>	((6-month)) <u>1-year</u> disqualification and claim ((if claim is less than \$100 1-year disqualification and claim if claim is over \$100))	1-year disqualification and claim
Destruction of vendor ((or)), <u>farmer or local agency</u> property during a WIC transaction <u>or visit.</u>	Notice of violation if replacement or repair cost is less than \$100 6-month disqualification if replacement or repair cost is ((more than)) <u>\$100 or more</u> <u>Note: Replacement or repair cost will be determined by affected vendor, farmer or local agency</u>	1-year disqualification	1-year disqualification
Destruction of state ((or local)) agency property during a WIC visit.	Notice of violation ((if replacement or repair cost)) and <u>claim if claim</u> is less than \$100 ((6-month)) <u>1-year</u> disqualification ((if replacement or repair cost is more than \$100)) and <u>claim if claim is \$100 or more</u>	1-year disqualification	1-year disqualification
Altering a food instrument.	6-month disqualification and claim if claim is less than \$100 1-year disqualification and claim if claim is ((over)) <u>\$100 or more</u>	1-year disqualification and claim	1-year disqualification and claim

Violations	1st Instance	2nd Instance	Subsequent Instances
Making false or misleading statements or deliberately misrepresenting, concealing or withholding facts to obtain or increase benefits.	Notice of violation and claim if claim is less than \$100 1-year disqualification and claim if claim is ((over)) \$100 <u>or more</u>	1-year disqualification and claim	1-year disqualification and claim
Participating in and spending WIC food instruments from more than one WIC clinic during the same time period (dual participation).	((Notice of violation and claim if claim is less than \$100; termination from one of the WIC clinics)) 1-year disqualification and claim ((if claim is over \$100))	1-year disqualification and claim	1-year disqualification and claim
Threatening to harm or physically harming clinic, farmer or vendor staff during a WIC visit.	6-month disqualification	1-year disqualification	1-year disqualification
Failure to comply with department or local agency request for information ((required to verify eligibility)) <u>during an investigation.</u>	1-year disqualification	1-year disqualification	1-year disqualification
Selling, attempting to sell, exchanging, attempting to exchange, or allowing another person to sell <u>food instrument</u> or exchange food or formula purchased with a food instrument for cash, credit, merchandise, favors, or other nonfood items (trafficking) ((This includes)) verbally, in print, or online through web sites ((and)) <u>or social media.</u>	<u>Notice of violation and claim if claim is less than \$100</u> 1-year disqualification and claim <u>if claim is \$100 or more</u>	1-year disqualification and claim	1-year disqualification and claim
((Selling, attempting to sell, exchanging, attempting to exchange, or allowing another person to sell or exchange a WIC multi-user breast pump for cash, credit, merchandise, favors, or other items (trafficking). This includes verbally, in print or online through web sites and social media.	1-year disqualification and claim	1-year disqualification and claim	1-year disqualification and claim))
Theft of a food instrument by a WIC participant.	1-year disqualification and claim	1-year disqualification and claim	1-year disqualification and claim

(2) During each certification visit, participants will be informed of their rights and responsibilities, program rules, and that there ~~((are))~~ may be potential sanctions should they deliberately violate a program rule.

(3) Whenever the department assesses a claim of misappropriated WIC program benefits of one hundred dollars or more resulting from a participant violation, assesses a claim for dual participation, or assesses a second or subsequent

claim of any amount resulting from a participant violation, the department must disqualify the participant for one year.

(4) The department may decide not to impose a disqualification if, within thirty days of the date the letter was mailed demanding repayment, full restitution is made or a repayment schedule is agreed upon. In the case of a violation committed by the parent or caretaker of an infant or child participant, or by a participant under the age of eighteen, the department

may approve the designation of a proxy in order to continue program benefits to these participants.

(5) Participants may reapply for benefits at any time after the disqualification period (~~(is over)~~) concludes.

(6) The department must consider designating a substitute caregiver instead of disqualification for infants, children, and women under eighteen years of age.

(7) Second and subsequent instances of violations are assessed based on a twelve-month period from the first notice that a violation has occurred.

AMENDATORY SECTION (Amending WSR 17-08-020, filed 3/27/17, effective 4/27/17)

WAC 246-790-560 Participant disqualification. (1) In addition to the disqualifications set forth in the table under WAC 246-790-530, whenever the department assesses a claim under WAC 246-790-550 of one hundred dollars or more, or assesses a second or subsequent claim of any amount resulting from a participant violation, the department must disqualify the participant for one year. In addition, a claim may be assessed for misuse of WIC/FMNP benefits. Dual participation violations will result in disqualification regardless of claim amount.

(2) The department will count any violation occurring within the consecutive twelve-month period following the first notice of violation as a second or subsequent violation. Second or subsequent violations do not have to be for the same violation type.

(3) The department will count any second or subsequent violation as a second or subsequent violation even if:

(a) Another member of the WIC participant's household commits the violation; or

(b) The violation affects the WIC benefits of another WIC participant in the same household.

(4) The department shall provide a written notice to the WIC participant describing the violations and specifying the sanction.

(5) For a violation involving a claim, the department may decline to impose a disqualification if the WIC participant makes full restitution, or agrees to a repayment schedule, within thirty days of the date the notice of disqualification was sent.

(6) Where a parent or caregiver of an infant or child participant or a WIC participant under the age of eighteen has committed ~~((the))~~ a violation, the department must consider designating a substitute caregiver to continue providing WIC benefits to the participant.

(7) Participants may reapply for benefits at any time after the end of the disqualification period.

Title of Rule and Other Identifying Information: The department is considering amendments to current recreational fishing rules resulting from stakeholder recommendations made during North of Falcon meetings and to incorporate changes in the rules brought about from the department's freshwater recreational rule simplification project: WAC 220-220-160 Two-pole endorsement, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Hearing Location(s): On July 10, 2018, at 10:00 a.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 682, Olympia, WA 98501, Puget Sound Marine and Freshwater; on July 10, 2018, at 3:00 p.m., at the Region 5 Office, 5525 South 11th Street, Room 102A, Ridgefield, WA 98642, Columbia River; on July 10, 2018, at 1:00 p.m., at the Region 6 Office, 48 Devonshire Road, Large Conference Room, Montesano, WA 98563, coastal marine; and on July 11, 2018, at 9:00 a.m., at the Region 6 Office, 48 Devonshire Road, Large Conference Room, Montesano, WA 98563, coastal freshwater.

Date of Intended Adoption: July 16, 2018.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW), Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by July 10, 2018.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by July 10, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Recreational salmon fishing rules for Puget Sound, Coast and Columbia River freshwater and Puget Sound and coast saltwater based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

Reasons Supporting Proposal: To protect fish species listed as endangered while supporting recreational fishing opportunity and to make changes to salmon seasons and harvest amounts pursuant to agreements and recommendations made at the North of Falcon meetings. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Ron Warren, 1111

WSR 18-12-120
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 6, 2018, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-03-109 on January 18, 2018.

Washington Street, Olympia, WA 98501, 360-902-2799; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule does not affect hydraulics.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

- Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

June 6, 2018
Scott Bird
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

WAC 220-220-160 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	
Para-juvenile Lake	Adams	
Headgate Pond	Asotin	
Columbia Park Pond	Benton	
Blackbird Island Pond	Chelan	
Aldwell Lake	Clallam	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Pit Lake	Douglas	
Ping Pond	Grant	
Mill Creek Pond	Grays Harbor	

Water Body	County	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.
Vance Creek Pond #1	Grays Harbor	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.
Mill Pond	King	Auburn.
Old Fishing Hole Pond	King	Kent.
Portage Bay	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake.
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Walupt Lake	Lewis	
Willame Lake	Lewis	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Silvermail Lake	Okanogan	
Cases Pond	Pacific	
South Bend Mill Pond	Pacific	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount.
Northern State Hospital Pond	Skagit	
Vogler Lake	Skagit	
Drano Lake	Skamania	January 1 through April 30 and July 1 through September 30.

Water Body	County	River	County	Section
Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.		From Wanapum Dam to Wells Dam: July 1 through August 31.
Fortson Mill Pond #2	Snohomish			From Wells Dam to Highway 173 Bridge at Brewster: July 16 through August 31.
Jennings Park Pond	Snohomish			From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 1 through August 31.
Monte Cristo Lake	Snohomish			
North Gissburg Pond	Snohomish			
Spada Lake	Snohomish			
Bear Lake	Spokane			
North Silver Lake	Spokane			
Lucky Duck Pond	Stevens			
Long's Pond	Thurston	Cowlitz	Lewis	((Lexington Bridge Drive in Kelso)) From the boundary markers at the mouth upstream to 400' or posted markers below the Barrier Dam.
Munn Lake	Thurston			
Jefferson Park Pond	Walla Walla			
Lions Park Pond	Walla Walla	College Place.		
Diablo Lake	Whatcom	((Lewis	Clark	From railroad bridge near Kuhn's Road to mouth of East Fork Lewis.))
Gorge Lake	Whatcom			
Lake Whatcom	Whatcom			
Ross Lake	Whatcom	((North Fork)	Clark/Cowlitz	From a straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore upstream to the mouth ((†)) of Johnson Creek.
Squalicum Lake	Whatcom	Lewis		
Garfield Juvenile Pond	Whitman			
Clear Lake	Yakima			
Leech Lake	Yakima	White Pass area.		
Mud Lake	Yakima			
Myron Lake	Yakima			
Sarge Hubbard Park Pond	Yakima			
Yakima Sportsmen's Park Ponds	Yakima		Naselle	Pacific/Wahkiakum

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section	River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): August 1 through November 30.	Okanogan	Okanogan	From the mouth to Highway 97 Bridge immediately upstream of the mouth: July 1 through August 31.
Columbia		Camas Slough: August 1 through December 31.	Pend Oreille	Pend Oreille	Mouth to base of Palouse Falls: June 16 through August 31.
		From Highway 395 Bridge at Pasco to Old Hanford townsite wooden powerline towers: Year-round, except for sturgeon.	Palouse	Whitman	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.
		From wooden powerline towers to Vernita Bridge: February 1 through October 22, except for sturgeon.	Spokane	Spokane and Stevens	
		From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon.	Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
		From Priest Rapids Dam to Wanapum Dam: July 1 through August 31.	Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: ((May 1)) <u>March 16</u> through June 30.

River	County	Section
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through August 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. When permissible in WAC 220-313-070.
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
Hood Canal	12: South of Ayock only, excluding Hoodsport Hatchery zone: July 1 through September 30.
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-312-020 Freshwater exceptions to state-wide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

- (a) It is unlawful to use anything other than one barbless hook.
- (b) It is unlawful to use bait.
- (c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

(3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

- (a) It is unlawful to use anything other than one barbless hook.
- (b) It is unlawful to use bait.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(4) **Bear River (Pacific County):**

- (a) Open the Saturday before Memorial Day through March 31.
- (b) From August 16 through November 30: Night closure.
- (c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):
 - (i) From August 16 through November 30:
 - (ii) Barbless hooks required.
 - (iii) Anti-snagging rule.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (v) Salmon:
 - (A) Open September 1 through January 31.
 - (B) Limit 6 fish; only 4 may be adults of which only one may be a wild adult coho.
 - (C) Release wild Chinook.

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(5) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

- (a) From the mouth upstream to Beaver Falls:
- (b) It is unlawful to use anything other than one barbless hook.
- (c) It is unlawful to use bait.
- (d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(6) **Beaver Lake (Clallam County):** Selective gear rules.

(7) **Big River (Clallam County), outside of Olympic National Park:**

- (a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(8) **Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.

(9) **Black River (Grays Harbor/Thurston counties):**

- ~~((a))~~ From the mouth to ~~((State Highway 12:~~
 - ~~(i) Selective gear rules.~~
 - ~~((ii)) the bridge on 128th Ave. S.W.:~~
 - ~~(a) Anti-snagging rule.~~
 - ~~(b) Night closure.~~
 - ~~(c) Barbless hooks required.~~
 - ~~(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~
- ~~((b)) From Highway 12 to bridge on 128th Ave. S.W.:~~
 - ~~(i) Anti-snagging rule.~~
 - ~~(ii) Night closure.~~
 - ~~(iii) Barbless hooks required.~~
 - ~~(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v))~~ (e) Salmon: Open October 1 through ~~((December 31))~~ November 30.

- ~~((A))~~ (i) Daily limit 6, of which 2 may be adults.
- ~~((B)) Only one wild coho may be retained.~~
- ~~(C))~~ (ii) Release adult Chinook and ~~((ehum))~~ wild adult coho.

(10) **Bogachiel Hatchery Pond, South (Clallam County):** Open the fourth Saturday in April through October 31.

(11) **Bogachiel River (Clallam County):**

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.

- (c) From the mouth to Highway 101 Bridge:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon:
- (A) From July 1 through August 31:
- (I) Limit 6; no more than 2 adults may be retained.
- (II) Release wild adult Chinook and wild adult coho.
- (B) From September 1 through November 30: Limit 3; no more than one adult may be retained.
- (d) From Highway 101 Bridge to Olympic National Park boundary:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (12) **Calawah River (Clallam County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.
- (c) From the mouth to the Highway 101 Bridge:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (C) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon (~~((open July 1 through November 30))~~):
- (A) (~~((From))~~) Open July 1 through August 31:
- (I) Limit 6; only 2 adults may be retained.
- (II) Release wild adult Chinook and wild adult coho.
- (B) (~~((From))~~) Open September 1 through November 30:
- (I) Limit 3; only one adult may be retained.
- (II) Release wild adult coho.
- (d) From the Highway 101 Bridge to the forks:
- (i) Open the Saturday before Memorial Day through April 30.
- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except:
- (A) Release wild rainbow trout.
- (B) Cutthroat trout: Minimum length 14 inches.
- (13) **Calawah River, North Fork (Clallam County):**
- (a) It is unlawful to use anything other than one barbless hook.
- (b) It is unlawful to use bait.
- (c) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (14) **Calawah River, South Fork (Clallam County):**
- (a) From the mouth to the Olympic National Park boundary:
- (b) Open the Saturday before Memorial Day through the last day in February.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) It is unlawful to use anything other than one barbless hook.
- (e) It is unlawful to use bait.
- (f) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.
- (15) **Canyon River (Grays River County):** Closed waters.
- (16) **Cases Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (17) **Cedar Creek (Jefferson County), outside Olympic National Park:**
- (a) Open the Saturday before Memorial Day through the last day in February.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (18) **Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**
- (a) From the mouth (Highway 101 Bridge in Aberdeen) to (~~((South Elma Bridge (Wakefield Road)))~~) Highway 107 Bridge including all channels, sloughs, and interconnected waterways:
- (i) From August 1 through November 30: Single-point barbless hooks are required.
- (ii) Anglers may fish with two poles (~~((from the mouth to the South Elma Bridge (Wakefield Road)))~~), provided they possess a valid two-pole endorsement.
- (iii) Open the Saturday before Memorial Day through April 15:
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (v) Salmon:
- (A) From August 1 through September 15:
- (I) Limit 6.
- (II) Release adult salmon.
- (B) From (~~((September 16))~~) October 1 through (~~((December 31))~~) November 30:
- (I) Limit 6; only (~~((two))~~) one adult(~~((s))~~) may be retained.
- (II) (~~((Only one wild adult coho may be retained.~~))) Release adult Chinook.

~~(C) From ~~((January))~~ May 1 through ~~((January 31))~~~~

~~(F) Limit 6; only two adults may be retained.~~

~~(H) Release Chinook and wild coho.)~~ June 30: Limit one Chinook.

(b) From the Highway 107 Bridge upstream to the South Elma Bridge (Wakefield Road).

(i) From August 1 through November 30: Single-point barbless hooks are required.

(ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From August 1 through September 15:

(I) Limit 6.

(II) Release adult salmon.

(B) From October 1 through November 30:

(I) Limit 6; only 2 adults may be retained.

(III) Release adult Chinook and wild adult coho.

(C) From May 1 through June 30: Limit one Chinook.

(c) From South Elma Bridge (Wakefield Road) to the confluence with Black River:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From ~~((September 16))~~ October 1 through ~~((December 31))~~ November 30:

(I) Limit 6; only ~~((two))~~ 2 adults may be retained.

(II) ~~((Only one wild adult coho may be retained.~~

~~((H))~~ Release adult Chinook and wild adult coho.

(B) From ~~((January))~~ May 1 through ~~((January 31))~~

~~(F) Limit 6; only two adults may be retained.~~

~~(H) Release Chinook and wild coho.)~~ June 30: Limit one Chinook.

~~((e))~~ (d) From the confluence of Black River to the ~~((high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell))~~ Highway 6 Bridge near the town of Adna:

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From ~~((September 16))~~ October 1 through ~~((December 31))~~ November 30:

(I) Limit 6; only ~~((two))~~ 2 adults may be retained.

(II) ~~((Only one wild coho may be retained.~~

~~((H) Release Chinook and chum.)~~ Release adult Chinook and wild adult coho.

(B) From ~~((January))~~ May 1 through ~~((January 31))~~ June 30: ~~((F) Limit 6; only two adults may be retained.~~

~~(H) Release Chinook, chum, and wild coho.~~

~~((d))~~ Limit one Chinook.

(e) From Highway 6 Bridge near the town of Adna to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From October 1 through November 30:

(B) Limit 6; only 2 adults may be retained.

(C) Release adult Chinook and wild adult coho.

(f) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(19) Chehalis River, South Fork (Lewis County): From the mouth to County Highway Bridge near Boistfort School:

(a) Open the Saturday before Memorial Day through April 15.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(20) Chimacum Creek (Jefferson County):

(a) From the mouth to Ness's Corner Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Ness's Corner Road upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) Clallam River (Clallam County):

(a) Open the Saturday before Memorial Day through October 31:

(i) Selective gear rules.

(ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) Clearwater River (Jefferson County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through September 30 and December 1 through April 15((~~±~~)).

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open September 1 through September 30:

(A) Limit 3; only one adult may be retained;

(B) Release wild coho.

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

(23) Cloquallum Creek (Grays Harbor County):

From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(24) Copalis River (Grays Harbor County):

(a) From the mouth to Carlisle Bridge:

(i) From the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From October 1 through (~~December 31~~) November 30.

(A) Limit 6; only (~~two~~) one adult salmon may be retained.

(B) (~~Only one wild adult coho may be retained.~~

~~(C))~~ Release adult Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(25) Crim Creek (Lewis County) (Chehalis River tributary): Closed waters.

(26) Deep Creek (Clallam County) (tributary to the straits):

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) Dickey River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open July 1 through November 30:

(A) July 1 through August 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) September 1 through November 30:

(I) Limit 3; only one adult may be retained.

(II) Release wild adult coho.

(d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(28) Duck Lake (Grays Harbor County):

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

(29) Dungeness River (Clallam County): From the mouth to the forks at Dungeness Forks Campground:

(a) Open October (~~(6)~~) 16 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 16 through November 30 (~~(from the mouth to the hatchery intake pipe at river mile 11.3))~~).

(ii) Limit 4 coho only.

(iii) Release wild coho.

(30) East Twin River (Clallam County):

(a) Selective gear rules.

(b) Release all fish.

(31) Elk Creek (Lewis County) (Chehalis River tributary): Open the Saturday before Memorial Day through September 30 and January 1 through March 31.

(32) Elk Lake (Clallam County):

(a) Open the Saturday before Memorial Day through October 15.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Release kokanee.

(33) Elk River (Grays Harbor County):

(a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through November 30.

(A) Daily limit 6, of which 2 may be adults.

(B) ~~((Only one wild adult coho may be retained.~~

~~(C))~~ Release adult Chinook and wild adult coho.

(b) From confluence of the middle branch upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(34) Elwha River (Clallam County): Closed waters.

(35) Failor Lake (Grays Harbor County): Open the fourth Saturday in April through September 15.

~~((35))~~ **(36) Fork Creek (Pacific County) (Willapa River tributary):**

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.

(ii) Night closure.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks required.

(B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon open: ~~((A))~~ From October 1 through ~~(November 30)~~ January 31:

~~((H))~~ (A) Limit 6; only 3 adults may be retained, and only ~~((2))~~ one may be a wild adult coho.

~~((H))~~ (B) Release wild Chinook.

~~((B))~~ From December 1 through January 31:

~~(H)~~ Limit 6; only 2 adults may be retained, and only one may be a wild coho.

~~(H) Release wild Chinook.)~~

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((36))~~ **(37) Goodman Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((37))~~ **(38) Gray Wolf River (Clallam County):**

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((38))~~ **(39) Hoh River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) It is unlawful to use bait from ~~((the Saturday before Memorial Day))~~ June 1 through September ~~((30))~~ 15 and February 16 through April 15.

(ii) Open the ~~((Saturday before Memorial Day))~~ June 1 through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open June 1 through June 30: Limit one; release wild Chinook.

(B) Open September 16 through November 30: Limit 6; only 2 adults may be retained of which only one may be a Chinook.

(d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open ~~((the Saturday before Memorial Day))~~ June 1 through April 15.

(ii) It is unlawful to use bait the Saturday before Memorial Day through October 15 and December 1 through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon open October 16 through November 30: Limit 6; only 2 adults may be retained, of which only one may be a Chinook.

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open ~~((the Saturday before Memorial Day))~~ June 1 through April 15.

(ii) It is unlawful to use bait.

(iii) It is unlawful to fish from a floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

~~((39))~~ **(40) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open ~~((the Saturday before Memorial Day))~~ June 1 through April 15.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((40))~~ **(41) Hoko River (Clallam County):**

(a) From the mouth to the upper Hoko Bridge:

(i) From the hatchery ladder downstream 100 feet: Closed waters.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) From September 1 through October 31: Open to fly fishing only.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the Saturday before Memorial Day through March 31 to fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((41))~~ **(42) Hoquiam River, including West Fork (Grays Harbor County):**

(a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((December 31))~~ November 30.

(A) Daily limit 6, of which 2 may be adults.

(B) ~~((Only one wild coho may be retained.~~

~~(C)))~~ Release adult Chinook and wild adult coho.

(b) From Dekay Road Bridge upstream:
(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((42))~~ **(43) Hoquiam River, East Fork (Grays Harbor County):**

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day of February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((December 31))~~ November 30.

(A) Daily limit 6, of which 2 may be adults.

(B) ~~((Only one wild coho may be retained.~~

~~(C)))~~ Release adult Chinook and wild adult coho.

(b) From the confluence of Berryman Creek upstream:
(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Selective gear rules.

~~((43))~~ **(44) Humptulips River (Grays Harbor County):**

(a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From September 1 through ~~((October 15))~~ September 30:

(I) Limit 6; only 2 adults may be retained of which only one may be a wild Chinook.

(II) Release ~~((wild Chinook and))~~ wild coho.

(B) From October ~~((16))~~ 1 through ~~((October 31))~~ November 30:

(I) Limit 6; only 2 adults may be retained ~~((, and only one may be a Chinook))~~.

(II) Release wild adult Chinook and wild coho.

~~((C))~~ ~~From November 1 through January 31:~~

~~(I) Limit 6: Only two adults may be retained.~~

~~(II) Release Chinook and wild coho.)~~

(b) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iii) Open the Saturday before Memorial Day through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From September 1 through ~~((October 15))~~ September 30:

(I) Limit 6; only 2 adults may be retained of which only one may be a wild Chinook.

(II) Release ~~((wild Chinook and))~~ wild coho.

(B) From October ~~((16))~~ 1 through ~~((October 31))~~ November 30:

(I) Limit 6; only 2 adults may be retained ~~((, and only one may be a Chinook))~~.

(II) Release wild adult Chinook and wild coho.

~~((C) From November 1 through January 31:~~

~~((I) Limit 6; only two adults may be retained.~~

~~((H) Release Chinook and wild coho.~~

~~((44))~~ (45) Humptulips River, East Fork (Grays Harbor County): From August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

~~((45))~~ (46) Humptulips River, West Fork (Grays Harbor County): From the mouth to Donkey Creek:

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through March 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((46))~~ (47) Joe Creek (Grays Harbor County): From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through ~~((December 31))~~ November 30:

(i) Limit 6; only ~~((two))~~ one adult~~((s))~~ may be retained.

(ii) ~~((Only one wild adult coho may be retained.~~

~~((iii))~~ Release adult Chinook.

~~((47))~~ (48) Johns River (Grays Harbor County): From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through November 30.

(i) Daily limit 6, of which 2 may be adults.

(ii) ~~((Only one wild adult coho may be retained.~~

~~((iii))~~ Release adult Chinook and wild adult coho.

~~((48))~~ (49) Kalaloch Creek (Jefferson County), outside Olympic National Park:

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((49))~~ (50) Lena Lake, Lower (Jefferson County): The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

~~((50))~~ (51) Lincoln Pond (Clallam County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((51))~~ (52) Little Hoko River (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((52))~~ (53) Loomis Lake (Pacific County): Open the fourth Saturday in April through October 31.

~~((53))~~ (54) Lyre River (Clallam County):

(a) From the mouth to falls near river mile 3:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((54))~~ (55) Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((55))~~ (56) McDonald Creek (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((56) Middle Nemah River (Pacific County))~~:

~~((a) From the mouth upstream to the department of natural resources bridge on the Middle Nemah A-Line Road:~~

~~((i) Open the Saturday before Memorial Day through March 31.~~

~~((ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((iii) From August 1 through November 30:~~

~~((A) Night closure.~~

~~((B) Single-point barbless hooks are required.~~

~~((iv) Salmon:~~

~~((A) Open September 1 through January 31.~~

~~((B) Limit 6; no more than 4 adults may be retained.~~

~~((C) Release wild Chinook.~~

~~((b) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:~~

~~(i) Open the Saturday before Memorial Day through March 31:~~

~~(ii) Selective gear rules:~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) From August 16 through November 30:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.))~~

(57) Moclips River (Grays Harbor County):

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) Salmon: Open October 1 through ~~((December 31))~~ November 30.

(i) Daily limit 6, of which ~~((2))~~ one may be an adult(s).

(ii) ~~((Only one wild adult coho may be retained.~~

~~((iii)))~~ Release adult Chinook.

(58) Morse Creek (Clallam County): From the mouth to Port Angeles Dam:

(a) Open from December 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(59) Mosquito Creek (Jefferson County): From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(60) Naselle River (Pacific/Wahkiakum counties):

(a) From the Highway 101 Bridge to the ~~((Highway 401 Bridge))~~ South Fork:

(i) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(ii) Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: ~~((A))~~ Open August 1 through ~~((October))~~ January 31:

~~((H))~~ (A) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.

~~((H))~~ (B) Release wild Chinook.

~~((B) Open November 1 through January 31:~~

~~(I) Limit 6; only 4 adults may be retained and only two adults may be wild coho.~~

~~(II) Release wild Chinook.~~

~~(b) From the Highway 401 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:~~

~~(i))~~ (b) From the confluence of the South Fork to the Highway 4 Bridge:

(i) From February 1 through April 15: Selective gear rules.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through July 31 and September 16 through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open August 1 through September 30.

(I) Limit 6; only 2 adults may be retained, of which only one may be a wild adult coho.

(II) Release wild Chinook.

(B) Open October 1 through January 31.

(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.

(II) Release wild Chinook.

(c) From the Highway 4 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From February 1 through April 15: Selective gear rules.

(iii) From August 16 through October 15: Bait or lure must be suspended below a float.

(iv) From August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon:

(A) Open August 16 through September 30.

(I) Limit 6; only 2 adults may be retained, of which only one may be a wild adult coho.

(II) Release wild Chinook.

(B) Open October 1 through January 31.

(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.

(II) Release wild Chinook.

(viii) From the upstream entrance of the hatchery attraction channel downstream 300 feet: Closed waters.

~~((ii))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~(iii) From February 1 through April 15: Selective gear rules.~~

~~(iv) From August 16 through October 15: Bait or lure must be suspended below a float.~~

~~(v) From August 16 through November 15:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(C) Barbless hooks are required.~~

~~(D) Stationary gear rules.~~

~~(vi) Open the Saturday before Memorial Day through July 31 and September 16 through April 15.~~

~~(vii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(viii) Salmon:~~

~~(A) Open August 16 through September 15.~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(H) Release wild Chinook.~~

~~(B) Open September 16 through October 31.~~

~~(I) Limit 6; only 4 adults may be retained.~~

~~(H) Release wild Chinook.~~

~~(C) Open November 1 through January 31.~~

~~(I) Limit 6; only 4 adults may be retained and only two may be wild coho.~~

~~(H) Release wild Chinook.~~

~~(e)) (d) From the upstream entrance of the Naselle Hatchery Attraction Channel to the Crown Mainline (Salme) Bridge:~~

~~(i) From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet: Closed waters.~~

~~(ii) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed waters August 1 through October 15.~~

~~(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv) From August 1 through November 15:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(C) Barbless hooks are required.~~

~~(D) Stationary gear rules.~~

~~(v) Open the Saturday before Memorial Day through April 15.~~

~~(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(vii) Salmon: ((A)) Open October 16 through ((October 31)) January 31.~~

~~((H)) (A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.~~

~~((H)) (B) Release wild Chinook.~~

~~((B) Open November 1 through January 31.~~

~~(I) Limit 6; only 4 adults may be retained and only two may be wild coho.~~

~~(H) Release wild Chinook.~~

~~(d)) (e) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:~~

~~(i) From February 1 through April 15; selective gear rules.~~

~~(ii) Open the Saturday before Memorial Day through April 15.~~

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

~~((e))~~ (f) Upstream from the mouth of the North Fork.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~(61) ((South)) Naselle River, South (Pacific County):~~

~~(a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.~~

~~(b) From the Saturday before Memorial Day through August 15: Selective gear rules.~~

~~(c) From August 16 through November 30: Anti-snagging rule and night closure.~~

~~(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(62) Nemah River, Middle (Pacific County):~~

~~(a) From the mouth upstream to the department of natural resources bridge on the Middle Nemah A-Line Road:~~

~~(i) Open the Saturday before Memorial Day through March 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

~~(A) Night closure.~~

~~(B) Single-point barbless hooks are required.~~

~~(iv) Salmon:~~

~~(A) Open September 1 through January 31.~~

~~(B) Limit 6; no more than 4 adults may be retained, of which one may be a wild adult coho.~~

~~(C) Release wild Chinook.~~

~~(b) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:~~

~~(i) Open the Saturday before Memorial Day through March 31:~~

~~(ii) Selective gear rules.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) From August 16 through November 30:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(63) Nemah River, North (Pacific County):~~

~~(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:~~

~~(i) Open the Saturday before Memorial Day through March 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

~~(A) Night closure.~~

~~(B) Stationary gear restriction.~~

~~(C) Single-point barbless hooks are required.~~

- (iv) Salmon: Open August 1 through January 31.
(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.
(B) Release wild Chinook.
(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:
(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(iii) From August 16 through November 30:
(A) Anti-snagging rule.
(B) Night closure.
(iv) From December 1 through March 31: Selective gear rules.
(c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):
(i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15.
(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.
(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(iv) From August 16 through November 30:
(A) Anti-snagging rule.
(B) Night closure.
(v) From December 1 through March 31: Selective gear rules.
(A) Limit 6; only 4 adults may be retained, of which only one may be a wild coho.
(B) Release wild Chinook.
(d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.
(e) From the Nemah Hatchery Dam upstream to N-700 Road:
(i) Open the Saturday before Memorial Day through March 31.
(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(iii) From August 16 through November 30:
(A) Night closure.
(B) Anti-snagging rule.
(iv) From December 1 through March 31: Selective gear rules.
(v) Salmon: Open October 1 through January 31:
(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.
(B) Release wild Chinook.
(f) From the N-700 Road to Cruiser Creek:
(i) Open the Saturday before Memorial Day through March 31.
(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (ii) From August 16 through November 30:
(A) Night closure.
(B) Anti-snagging rule.
(iv) From December 1 through March 31: Selective gear rules.
(64) Nemah River, South (Pacific County):
(a) From September 1 through November 30:
(i) Night closure.
(ii) Single-point barbless hooks are required.
(b) Open the Saturday before Memorial Day through March 31:
(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(d) Salmon: Open September 1 through January 31.
(i) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.
(ii) Release wild Chinook.
(65) Newaukum River, including South Fork (Lewis County):
(a) From the mouth to Leonard Road near Onalaska:
(i) Open the Saturday before Memorial Day through March 31:
(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(iii) From August 16 through November 30:
(A) Night closure.
(B) Single-point barbless hooks are required.
(iv) Salmon: Open October 16 through ~~((December 31))~~ November 30:
(A) Limit 6; only ~~((two))~~ 2 adults may be retained.
(B) ~~((Only one wild coho may be retained.~~
~~((C)))~~ Release adult Chinook and ~~((ehum))~~ wild adult coho.
(b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:
(i) Open the Saturday before Memorial Day through March 31:
(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
(iii) From August 16 through November 30:
(A) Night closure.
(B) Single-point barbless hooks are required.
~~((63))~~ (66) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:
(a) Open the Saturday before Memorial Day through March 31.
(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
~~((64))~~ (67) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:
(a) Open the Saturday before Memorial Day through March 31.
(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((65))~~ **(68) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:

- (a) From August 16 through November 30:
 - (i) Night closure.
 - (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through November 30.

~~((e) Salmon:~~

- ~~(i) Open September 1 through November 30.~~
- ~~(ii) Limit 6; only 2 adults may be retained.~~
- ~~(iii) Release wild Chinook.~~

(66) North Nemah River (Pacific County):

(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

~~(i) Open the Saturday before Memorial Day through March 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

~~(A) Night closure.~~

~~(B) Stationary gear restriction.~~

~~(C) Single point barbless hooks are required.~~

~~(iv) Salmon: Open August 1 through January 31.~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

~~(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 16 through November 30:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(iv) From December 1 through March 31: Selective gear rules:~~

~~(e) From the Hancock property line upstream approximately 900 feet to Nemah Hatchery barrier dam:~~

~~(i) Closed from bridge at Nemah Hatchery upstream to Nemah Hatchery barrier dam, except open only for salmon for anglers that possess a senior's license from August 16 through November 15.~~

~~(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) From August 16 through November 30:~~

~~(A) Anti-snagging rule.~~

~~(B) Night closure.~~

~~(v) From December 1 through March 31: Selective gear rules:~~

~~(vi) Salmon open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card from August 16 through November 15.~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~(d) From the Nemah Hatchery barrier dam upstream to Cruiser Creek:~~

~~(i) Open the Saturday before Memorial Day through March 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) From August 16 through November 30:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(iv) From December 1 through March 31: Selective gear rules:~~

~~(v) Salmon: Open October 1 through January 31:~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~(67))~~ **(69) North River (Grays Harbor/Pacific counties):**

(a) From the Highway 105 Bridge to Fall River:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Anti-snagging rule.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31.

(A) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.

(B) Release wild Chinook.

(b) From Fall River to Raimie Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((68))~~ **(70) Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

~~((69))~~ **(71) Palix River, including all forks (Pacific County):**

(a) From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv) Salmon:~~

~~(A) Open September 1 through January 31.~~

~~(B) Limit 6; only 4 adults may be retained.~~

~~(C) Release wild Chinook.))~~

(b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) From August 16 through October 15:

(A) Anti-snagging rule.

(B) Night closure.

(ii) From the Saturday before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules.

(iii) Open the Saturday before Memorial Day through October 15, and from December 16 through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((70))~~ **(72) Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((71))~~ **(73) Pleasant Lake (Clallam County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(b) Kokanee: Daily limit 5; minimum length 8 inches, maximum length 18 inches.

~~((72))~~ **(74) Pysht River (Clallam County):**

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) From the Saturday before Memorial Day through October 31.

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) From November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((73))~~ **(75) Quigg Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) Salmon:

(i) Open October 1 through January 31.

(ii) Limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

~~((74))~~ **(76) Quillayute River (Clallam County), outside of Olympic National Park:**

(a) Open year-round.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) From February 1 through August 31:

(A) Limit 6; only 2 adults may be retained, of which only one may be a sockeye.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30:

~~(A) Limit 6; only ((3)) 2 adults may be retained, ((and only one of the adults may be wild-~~

~~(75)) of which only one may be a Chinook and only one may be a sockeye.~~

~~(B) Release wild adult coho.~~

~~(77) Quinault River (Grays Harbor County):~~ From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon:

(i) Open July 1 through September 30 limit 6 jack salmon only.

(ii) Open October 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

~~((76))~~ **(78) Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.

~~((77))~~ **(79) Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((78))~~ **(80) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait the Saturday before Memorial Day through August 31.

(d) Open the Saturday before Memorial Day through the last day in February.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(iii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iv) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon: Open September 1 through September 30:

(i) Limit 6; only 2 may be adults and only one of the adults may be a Chinook.

(ii) Release wild coho.

~~((79))~~ **(81) Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) ~~((Open the Saturday before Memorial Day through January 31:~~

~~((b))~~ Selective gear rules.

~~((c))~~ **(b)** From the Saturday before Memorial Day through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

~~((80))~~ **(82) Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: ~~((A))~~ Open October 1 through ~~((December 31))~~ **November 30:**

~~((H))~~ **(A)** Limit 6; only ~~((two))~~ 2 adults may be retained.

~~((H))~~ Only one wild coho may be retained.

~~((H))~~ Release Chinook.

~~((B))~~ Open January 1 through January 31.

~~((F))~~ Limit 6; only two adults may be retained.

~~((H))~~ **(B)** Release adult Chinook and wild adult coho.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) From August 16 through ~~((October 31))~~ **November 30:** Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: ~~((A))~~ Open October 1 through ~~((December 31))~~ **November 30:**

~~((H))~~ **(A)** Limit 6; only ~~((two))~~ 2 adults may be retained.

~~((H))~~ Only one wild coho may be retained.

~~((H))~~ Release Chinook.

~~((B))~~ Open January 1 through January 31.

~~((F))~~ Limit 6; only two adults may be retained.

~~((H))~~ **(B)** Release adult Chinook and wild adult coho.

~~((81))~~ **(83) Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):**

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((82))~~ **(84) Satsop River, West Fork (Grays Harbor County):**

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((83))~~ **(85) Sekiu River (Clallam County):** From mouth to forks:

(a) Open the Saturday before Memorial Day through January 31.

(b) ~~((From the Saturday before Memorial Day through October 31:))~~ Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((84))~~ **(86) Siebert Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((85))~~ **(87) Sitkum River (Clallam County) (Cawah River tributary):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((86))~~ **(88) Skookumchuck River (Thurston County):** From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(a) From August 16 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through April 30:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon: Open October 16 through ~~((December 31))~~ November 30:

(i) Limit 6; only ~~((two))~~ 2 adults may be retained.

(ii) ~~((Only one wild coho may be retained.~~

~~((iii)))~~ Release adult Chinook and ~~((ehum))~~ wild adult coho.

~~((87))~~ **(89) Smith Creek (near North River) (Pacific County):**

(a) From the mouth to the Highway 101 Bridge:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31:

(A) Limit 6; only 3 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((88))~~ **(90) Snahapish River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((89))~~ **(91) Snow Creek and all tributaries (Jefferson County):** Closed waters.

~~((90))~~ **(92) Sol Duc River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) It is unlawful to use bait July ~~((+))~~ 16 through August 31 and February 16 through April 30.

(ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((iii))~~ ~~((November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((iv)))~~ Salmon:

(A) From February 1 through August 31:

(I) Limit 6; only 2 adults may be retained, of which only one may be a sockeye.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30:

~~((C))~~ (I) Limit 6; only 3 ~~((may be))~~ adults ~~((and only one adult may be wild))~~ may be retained, of which only one may be a Chinook and only one may be a sockeye.

(II) Release wild adult coho.

(d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) It is unlawful to use bait.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((91))~~ **(93) Sol Duc River tributaries unless otherwise listed (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((92))~~ **(94) Solleks River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((93))~~ **(95) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:** Open the Saturday before Memorial Day through the last day in February.

~~((94))~~ **(96) South Bend Mill Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((95))~~ **South Nemah River (Pacific County):**

(a) From September 1 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

~~(b) Open the Saturday before Memorial Day through March 31:~~

~~(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(d) Salmon: Open September 1 through January 31.~~

~~(i) Limit 6; only 4 adults may be retained.~~

~~(ii) Release wild Chinook.~~

~~(96)) (97) Stevens Creek (Grays Harbor County):~~
From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((97)) (98) Sutherland Lake (Clallam County):~~

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

~~((98)) (99) Thrash Creek (Pacific/Lewis County):~~
Closed waters.

~~((99)) (100) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):~~

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

~~((100)) (101) Valley Creek (Clallam County):~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((101)) (102) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines):~~ Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((102)) (103) Van Winkle Creek (Grays Harbor County):~~

(a) From August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: ~~((A))~~ Open ~~((September 16))~~ October 1 through ~~((December 31))~~ November 30:

~~((H))~~ (A) Limit 6; only ~~((two))~~ 2 adults may be retained.

~~((H))~~ Only one wild adult coho may be retained.

~~((H))~~ (B) Release adult Chinook and wild adult coho.

~~((B))~~ Open January 1 through January 31.

~~(I)~~ Limit 6; only two adults may be retained.

~~(H)~~ Release Chinook and wild coho.

~~(103)) (104) West Twin River (Clallam County):~~

(a) Selective gear rules.

(b) Release all fish.

~~((104)) (105) Willapa River (Pacific County):~~

(a) From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:

(i) From August 1 through November 30:

(A) It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).

(B) Night closure.

(C) Single-point barbless hooks are required.

(D) Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road: Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

(b) From Highway 6 Bridge to Fork Creek:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through August 15 and from September 16 through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 16 through September 15:

(A) Limit 6; only 2 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

(v) Salmon: Open September 16 through January 31:

(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

(c) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained ~~((and only two))~~, of which only one may be a wild adult coho.

(B) Release wild Chinook.

(d) From the Highway 6 Bridge near the town of Lebam upstream:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((105))~~ **(106) Willapa River, South Fork (Pacific County):**

(a) From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open August 1 through January 31:

(A) Limit 6; only 3 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

(c) From Pehl Road upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((106))~~ **(107) Wishkah River (Grays Harbor County):**

(a) From August 16 through November 30: Single-point barbless hooks are required.

(b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open October 1 through ~~((December 31))~~ November 30:

(A) Limit 6; only ~~((two))~~ 2 adults may be retained.

(B) ~~((Only one wild adult coho may be retained.~~

~~((C)))~~ Release adult Chinook and wild adult coho.

(iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

~~((107))~~ **(108) Wynoochee River (Grays Harbor County):**

(a) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((December 31))~~ November 30.

(A) Limit 6; only ~~((two))~~ 2 adults may be retained.

(B) ~~((Only one wild adult coho may be retained.~~

~~((C)))~~ Release adult Chinook and wild adult coho.

(b) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the Saturday before Memorial Day through March 31:

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(i) From 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale: Closed waters.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Selective gear rules.

~~((108))~~ **(109) Wynoochee Reservoir (Grays Harbor County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-312-030 Freshwater exceptions to state-wide rules—Southwest. (1) Abernathy Creek and tributaries (Cowlitz County):

(a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(2) **Beaver Creek (Wahkiakum County):** Closed waters.

(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.

(b) Anti-snagging rule. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(c) Night closure.

(d) Barbless hooks are required for salmon and steelhead.

(e) Open Saturday before Memorial Day through April 15.

(f) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 5; minimum length 8 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(g) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(4) **Blue Lake (Cowlitz County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Release all fish.

(5) **Blue Lake Creek (Lewis County):** Selective gear rules.

(6) **Butter Creek (Lewis County):** Selective gear rules.

(7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.

(8) **Carlisle Lake (Lewis County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

(9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**

(a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.

(b) Selective gear rules.

(c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:

(a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(b) Barbless hooks are required for salmon and steelhead.

(c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(d) Salmon:

(i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(12) **Cispus River, North Fork (Lewis County):** Selective gear rules.

(13) **Coal Creek (Cowlitz County):**

(a) From the mouth to 400 feet below the falls:

(i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open November 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From 400 feet below the falls to the falls: Closed waters.

(14) **Coldwater Lake (Cowlitz County):**

(a) The Coldwater Lake inlet and outlet streams: Closed waters.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(15) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):

- (a) Selective gear rules.
- (b) Open the Saturday before Memorial Day through August 31.

(16) Coweeman River and tributaries (Cowlitz County):

- (a) Barbless hooks are required for salmon and steelhead.
- (b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
- (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.

(17) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

- (a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.
- (b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.
- (c) Barbless hooks are required for salmon and steelhead.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout:
 - (i) Release wild rainbow and wild cutthroat trout.
 - (ii) Daily limit 10; minimum length 8 inches.
- (e) Salmon:
 - (i) Daily limit 6; minimum length 12 inches.
 - (ii) Up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.

(18) Cowlitz River (Lewis County):

- (a) From the boundary markers at the mouth to Mayfield Dam:
 - (i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.
 - (ii) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.
 - (iii) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.
 - (iv) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card: Closed waters.

- (v) Barbless hooks are required for salmon, steelhead, and cutthroat trout August 1 through May 31.

(vi) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:

- (A) It is unlawful to fish from a floating device.
- (B) April 1 through November 30:
 - (I) Anti-snagging rule. (~~(Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.)~~)
 - (II) Night closure.
- (C) May 1 through June 15: It is unlawful to fish from the south side of the river.
 - (vii) Open year-round.
 - (viii) Game fish: Statewide minimum length/daily limit, except:

- (A) Trout.
 - (I) Release wild rainbow and wild cutthroat trout.
 - (II) The Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches.
- (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (ix) Salmon:
 - (A) Open (~~(year-round)~~) January 1 through July 31.
 - (~~(B)~~) (I) Limit 6; up to 2 may be adults.
 - (~~(C)~~) (II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.**(I) Limit 6; up to 3 may be adults, of which 2 may be Chinook.****(II) Only hatchery Chinook and hatchery coho may be retained.****(b) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):**

- (i) Barbless hooks are required for salmon and steelhead.
- (ii) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.
 - (iii) September 1 through October 31: Anti-snagging rule and night closure. (~~(When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.)~~)
- (iv) Open year-round.
- (v) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(vi) Salmon:

- (A) Open year-round.
- (B) Limit 6; up to 2 may be adults.
- (C) Only hatchery Chinook and hatchery coho may be retained.

(c) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(19) Deep River (Wahkiakum County):

- (a) Open year-round.
- (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (c) Salmon:
 - (i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(20) Delameter Creek (Cowlitz County):

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(21) Drano Lake (Skamania County): In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Barbless hooks are required for salmon and steelhead January 1 through March 15 and July 1 through September 30.

(b) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(d) March 16 through ~~((October 31))~~ June 30: Night closure.

(e) August 1 through December 31: Anti-snagging rule. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(f) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(g) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

(h) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) August 1 through December 31: Limit 6; no more than 3 adult salmonids, of which no more than ~~((2))~~ one hatchery steelhead may be retained.

(22) Elochoman River (Wahkiakum County):

(a) From 200 feet above the department of fish and wild-life temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river: Closed waters.

(b) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Closed waters.

(c) From the mouth to West Fork:

(i) Open the Saturday before Memorial Day through March 15.

(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(iii) Barbless hooks are required for salmon and steelhead August 1 through the Friday before Memorial Day.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

(d) From the mouth to the ~~((Beaver Creek))~~ Elochoman Hatchery Bridge: Salmon and steelhead:

(i) Open April 16 through the Friday before Memorial Day.

(ii) Minimum length 12 inches; daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(e) From West Fork upstream:

(i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

(23) Franz Lake (Skamania County): Closed waters.

(24) Germany Creek (Cowlitz County) and all tributaries:

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(25) Grays River (Wahkiakum County): From the mouth to South Fork:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the Saturday before Memorial Day through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.

(d) Anti-snagging rule, night closure and stationary gear restriction:

(i) From the mouth to the Highway 4 Bridge August 1 through November 15.

(ii) From the Highway 4 Bridge to the mouth of South Fork August 1 through October 15.

~~((iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(e) Selective gear rules January 1 through March 15.

(f) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge: Open the Saturday before Memorial Day through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(ii) From the Highway 4 Bridge to the South Fork: Open the Saturday before Memorial Day through October 15 and December 1 through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(h) From South Fork upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through December 31.

(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.

(C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.

(26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) Grays River, East Fork (Wahkiakum County):

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(29) Grays River, South Fork (Wahkiakum County):

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(31) Grays River, West Fork (Wahkiakum County):

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the Saturday before Memorial Day through December 31.

(c) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) Salmon: Open the Saturday before Memorial Day through December 31.

(i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook or hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(33) Green River (Cowlitz County):

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(iv) Barbless hooks required for salmon and steelhead August 1 through November 30.

(v) Selective gear rules from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(vi) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vii) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to 2 may be adults.

(C) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) Green River tributaries (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(35) Grizzly Lake (Skamania County): Closed waters.

(36) Hamilton Creek (Skamania County):

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(37) Horsethief Lake (Klickitat County): Open the fourth Saturday in April through October 31.

(38) Indian Heaven Wilderness Lakes (Skamania County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

(39) Johnson Creek (Lewis County) (Cowlitz River tributary): Selective gear rules.

(40) Kalama River (Cowlitz County):

(a) From boundary markers at the mouth upstream to 1,000 feet below the fishway at the upper salmon hatchery:

(i) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.

(ii) From the railroad bridge below I-5 to the intake at the lower salmon hatchery: From April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.

(iv) Barbless hooks are required for salmon and steelhead.

(v) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.

(vi) Open year-round.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon:

(A) Open ~~((year-round.~~

~~(B))~~ January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

~~((C))~~ (II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.

(c) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek ~~((and all tributaries))~~:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) From Summers Creek upstream to the intersection of 6000 and 6420 roads:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open year-round:

(A) Fly fishing only.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) ~~((6420 Road Bridge to Jack Creek and tributaries))~~ From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.

(41) Klickitat River (Klickitat County):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) April 1 to the Friday before Memorial Day open only for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:

(A) Anti-snagging rule and night closure. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(B) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(C) Release wild Chinook.

(D) Barbless hooks required for salmon and steelhead.

(ii) Open Saturday before Memorial Day through July 31.

(A) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) Salmon: Daily limit 6; no more than 2 adults may be retained: Release wild Chinook.

(C) Barbless hooks required for salmon and steelhead.

(iii) Open August 1 through January 31.

(A) Anti-snagging rule and night closure. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon: Daily limit 6; no more than 3 adults may be retained.

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(iv) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(iv) Barbless hooks are required for salmon and steelhead.

(42) Lacamas Creek (Clark County):

(a) From the mouth to the footbridge at the lower falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.

(43) Lacamas Creek, tributary of Cowlitz River (Lewis County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(44) Lewis River (Clark County):

(a) Mouth to the mouth of Colvin Creek:

(i) Open year-round.

(ii) From Johnson Creek upstream May 1 through May 31: Closed waters.

(iii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.

(iv) Barbless hooks are required for salmon and steelhead.

(v) Anti-snagging rule and night closure from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(vi) It is unlawful to fish from a floating device from October 1 through November 30 from the mouth of Johnson Creek upstream to the mouth of Colvin Creek.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((vii))~~ (viii) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through ~~((the fourth Friday in))~~ September 30:

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open ~~((the fourth Saturday in September))~~ October 1 through December 31:

(I) Limit 6; up to 2 may be adults, of which only one may be a Chinook.

(II) Only Chinook and hatchery coho may be retained.

(b) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 31 and December 16 through April 30.

(iii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open August 1 through October 31 and December 16 through April 30.

(B) January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.

(C) August 1 through ~~((the fourth Friday in))~~ September 30:

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(D) ~~((The fourth Saturday in September))~~ October 1 through October 31 and December 16 through December 31:

(I) Limit 6; up to 2 may be adults, of which one may be a Chinook.

(II) Only Chinook and hatchery coho may be retained.

(c) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.

(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

(e) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.

(f) Lewis River Power Canal:

(i) Open the fourth Saturday in April through October 31.

(ii) It is unlawful to fish from a floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout: Daily limit 5; no minimum length.

(g) From Eagle Cliff Bridge to Muddy River, including tributaries:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(h) From Muddy River to the lower falls and tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(45) Lewis River, East Fork (Clark/Skamania counties):

(a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.

(b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

(c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.

(d) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open September 16 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(46) Little Klickitat River (Klickitat County): Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

(47) Little Washougal River (Clark County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (48) Little White Salmon River (Skamania County):**
 - (a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.
- (49) Love Lake (Clark County):** Closed waters.
- (50) Mayfield Lake (Reservoir) (Lewis County):**
 - (a) Open from the Mayfield Dam to Onion Rock Bridge.
 - (b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 10; minimum length 8 inches.
 - (ii) Release wild rainbow trout and wild cutthroat trout.
 - (d) Salmon:
 - (i) Open September 1 through December 31:
 - (ii) Daily limit 6; minimum length 12 inches.
 - (iii) No more than 2 may be adults.
 - (iv) Only hatchery Chinook and hatchery coho may be retained.
- (51) Merrill Lake (Cowlitz County):**
 - (a) Fly fishing only.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Release all fish.
- (52) Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.
- (53) Mill Creek (Cowlitz County):**
 - (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (54) Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.
 - (a) Selective gear rules.
 - (b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.
 - (c) Anti-snagging rule from December 1 through December 31. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~
 - (d) Night closure from December 1 through December 31.
 - (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (f) Salmon:
 - (i) Open August 1 through October 31 and December 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (55) Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.
- (56) Olequa Creek (Lewis/Cowlitz counties):**
 - (a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open August 1 through October 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (57) Ostrander Creek (Cowlitz County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (58) Outlet Creek (Silver Lake) (Cowlitz County):**
 - (a) From the Saturday before Memorial Day through November 30.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open August 1 through November 30.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (59) Rainey Creek (Lewis County):**
 - (a) From mouth to Highway 12.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 5; minimum length 8 inches.
 - (ii) Release wild rainbow and cutthroat trout.
- (60) Riffe Lake (Reservoir) (Lewis County):**
 - (a) Open from Mossyrock Dam to Cowlitz Falls Dam:
 - (b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.
 - (c) It is permissible to fish up to the base of Swofford Pond Dam.
 - (d) Landlocked salmon rules.
- (61) Rock Creek (Klickitat County):**
 - (a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the Saturday before Memorial Day through March 15.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(63) **Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through March 31.

(64) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the Saturday before Memorial Day through March 15.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(65) **Salmon Creek (Lewis County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook or hatchery coho may be retained.

(66) **Silver Lake (Cowlitz County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Grass carp: No daily limit; no minimum length.

(67) **Silver Creek (tributary to Cowlitz River) (Lewis County):** From the mouth to USFS Road 4778. Selective gear rules.

(68) **Skamokawa Creek (Wahkiakum County):**

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(69) **Skate Creek (tributary to Cowlitz River) (Lewis County):** Selective gear rules.

(70) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.

(71) **Spirit Lake (Skamania County):** Closed waters.

(72) **Spring Creek (Klickitat County):** From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.

(73) **Stillwater Creek (Lewis County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(74) **Swift Reservoir (Skamania County):**

(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(iii) Salmon:

(A) Open the Saturday before Memorial Day through November 30.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July ~~(34)~~ 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(75) **Tilton River (Lewis County):** From the mouth to the West Fork:

(a) Within posted "Closed Waters": Signs around the adult fish release site: Closed waters.

(b) Barbless hooks are required for salmon and steelhead.

(c) Anti-snagging rule from September 1 through October 31. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(d) Night closure from September 1 through October 31.

(e) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(f) Salmon:

(i) Open year-round.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(76) **Tilton River, East, North, South and West Forks (Lewis County):** Selective gear rules.

(77) **Toutle River (Cowlitz County):** From the mouth to the forks:

(a) Barbless hooks required for salmon and steelhead.

(b) Open the Saturday before Memorial Day through March 15.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(d) Salmon open August 1 through November 30:

(i) Limit 6; up to 2 may be adults, of which one may be a hatchery Chinook.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(78) **Toutle River tributaries (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

(79) **Toutle River, North Fork (Cowlitz County):**

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(iii) Barbless hooks are required for salmon and steelhead.

(iv) Selective gear rules the Saturday before Memorial Day through July 31 and December 1 through March 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 2 may be adults, of which one may be a Chinook.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) **Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(81) **Toutle River, South Fork (Cowlitz County):**

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30:

(A) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) From December 1 through March 15: Selective gear rules.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(82) **Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(83) **Walupt Lake (Lewis County):** All inlet streams: Closed waters.

(84) **Washougal River (Clark County):**

(a) From the mouth to the Mount Norway Bridge:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) Anti-snagging rule from July 1 through October 31. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release all trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Open the Saturday before Memorial Day through March 15.

(A) Barbless hooks are required for salmon and steelhead.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From the Mount Norway Bridge to the bridge at Salmon Falls:

(i) Anti-snagging rule from August 1 through October 31. ~~((When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(ii) Night closure from August 1 through October 31.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.

(85) **Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

(b) From the intake at the department hatchery upstream:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(86) **White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(ii) Open year-round.

(iii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iv) August 1 through December 31: Anti-snagging rule ~~((When the anti-snagging rule is in effect, fish must be hooked inside the mouth to be retained.))~~

~~((v) August 1 through October 31: Night closure in effect for all species)).~~

~~((vi))~~ (v) Salmon and steelhead ~~((open year-round))~~:

(A) April 1 through July 31:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) August 1 through March 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Salmon: Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to ~~((the Northwestern Road Bridge))~~ **Big Brother Falls (river mile 16):**

~~((i))~~ ~~((Open April 1 through October 31:))~~

~~((A))~~ From Big Brother Falls downstream 400 feet: Closed waters.

~~((ii))~~ (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

~~((B))~~ ~~((iii))~~ (iii) Selective gear rules.

~~((iii))~~ (iv) Salmon and steelhead:

(A) ~~((April 1))~~ Saturday before Memorial Day through July 31:

(I) Daily limit 2 fish, no more than 2 salmon, or 2 steelhead, or one of each may be retained.

(II) ~~((Release wild Chinook.))~~ Only hatchery salmon and hatchery steelhead may be retained.

(B) August 1 through October 31: ~~((Limit 6; up to 2 may be adults.))~~

~~(c) From the Northwestern Road Bridge upstream to Big Brother Falls (river mile 16):~~

~~(i) From Big Brother Falls downstream 400 feet: Closed waters.~~

~~(ii) Selective gear rules.~~

~~(iii) Open the Saturday before Memorial Day through October 31:~~

~~(iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.~~

~~(v) Salmon and steelhead: August 1 through October 31: Limit 6, and up to 2 may be adults.))~~

(I) Daily limit 6; no more than 2 adult salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(87) Wind River (Skamania County):

(a) From the mouth to the Highway 14 Bridge:

(i) Open year-round.

(ii) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(iii) March 16 through June 30: Night closure.

(iv) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(v) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(vi) August 1 through October 31: Anti-snagging rule applies. ~~((When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.))~~

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

(A) Open March 16 through October 31:

(B) Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(C) Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

(ii) Barbless hooks are required for salmon and steelhead from July 1 through March 15.

(iii) March 16 through June 30: Night closure.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31. ~~((Only fish hooked inside the mouth may be retained when anti-snagging rule is in effect.))~~

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through October 31.

(B) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(C) Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Anti-snagging rule. ~~((Only fish hooked inside the mouth may be retained.))~~

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule. ~~((Only fish hooked inside the mouth may be retained.))~~

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules.

(iv) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules.

(h) From Moore Bridge upstream: Closed waters.

(88) Wind River tributaries (Skamania County): Closed waters.

(89) Yale Reservoir (Cowlitz County): Landlocked salmon rules.

(90) Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-312-040 Freshwater exceptions to statewide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) County-wide freshwater exceptions to statewide rules:

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

- (3) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (4) **Alexander Lake (Kitsap County):** Closed waters.
- (5) **American Lake (Pierce County):**
- (a) Chumming is permissible.
- (b) Combined daily limit of trout and kokanee is 5, any length.
- (6) **Anderson Creek (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (7) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (8) **Bainbridge Island - All streams (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (9) **Baker Lake (Whatcom County):**
- (a) Closed waters within a 200 foot radius around the pump discharge at the south end of the lake.
- (b) Chumming is permissible.
- (c) Open the fourth Saturday in April through October 31.
- (d) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.
- (e) Salmon: Open July ((8)) 7 through September 7.
- (i) Sockeye: Daily limit ((4)) 3; minimum length 18 inches.
- (ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.
- (10) **Baker River (Skagit/Whatcom County):** From the mouth to the Lower Baker Dam: Closed waters.
- (11) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (12) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**
- (a) Open July 1 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (13) **Big Beef Creek (Kitsap County):**
- (a) From Seabeck Highway Bridge to Lake Symington:
- (i) Open the Saturday before Memorial Day through August 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.
- (b) From Lake Symington upstream:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (14) **Big Lake (Skagit County):** Landlocked salmon rules.
- (15) **Big Mission Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (16) **Big Quilcene River (Jefferson County):**
- (a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15.
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From Rodgers Street to the Highway 101 Bridge:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) From August 16 through October 31:
- (A) Night closure.
- (B) Anti-snagging rules.
- (v) Salmon:
- (A) Open August 16 through October 31.
- (B) Daily limit 4 coho only; minimum length 12 inches.
- (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.
- (d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (17) **Big Soos Creek (King County):** From the mouth to the hatchery rack:
- (a) Open the Saturday before Memorial Day through August 31.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (ii) Release all steelhead.
- (18) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except:
- (a) Crappie: Daily limit 10; minimum length 9 inches.
- (b) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (19) **Blackjack Creek (Kitsap County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (20) **Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.
- (21) **Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (22) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:
- (a) Open the Saturday before Memorial Day through July 31.

(b) Selective gear rules.

~~((b))~~ (c) Game fish: Statewide minimum length/daily limit, except: Release (~~(cutthroat trout and wild rainbow)~~) trout.

(23) **Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(24) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(25) **Burley Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(26) **Cady Lake (Mason County):**

(a) Fly fishing only.

(b) Release all fish.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(27) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(28) **Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(29) **Campbell Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(30) **Campbell Lake (Skagit County):** Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

(31) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**

(a) From the mouth to the forks (North Fork and South Fork).

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the forks (North Fork and South Fork) upstream: Closed waters.

(32) **Capitol Lake (Thurston County):** Closed waters.

(33) **Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through November 30.

(B) Daily limit 6 fish of which no more than 2 may be adults (~~(hatchery Chinook)~~), minimum length 12 inches.

(C) Release (~~(chum and)~~) wild coho, wild (~~(adult)~~) Chinook (~~(salmon)~~) and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) **Carney Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules.

(35) **Cascade Creek (San Juan County):**

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(36) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.

(37) **Cascade River (Skagit County):**

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through January 31:

(A) June 1 through July 15: Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.

(C) Release all other salmon.

(iii) Open September 16 through November 30.

(A) Daily limit 4 coho may be retained; minimum length 12 inches. Release all other salmon.

(B) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(38) **Cavanaugh Lake (Skagit County):** Chumming is permissible.

(39) **Cedar River (King County):**

(a) From the mouth to Landsburg Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) From Landsburg Bridge upstream to the falls: Closed waters.

(40) Chain Lake (Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(41) Chambers Creek (Pierce County):

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:

(i) Selective gear rules, except bait is permissible September 1 through October 15.

(ii) Open the Saturday before Memorial Day through November 15 for game fish and salmon.

(iii) Night closure.

(iv) Anti-snagging rules.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Selective gear rules.

(ii) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(42) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(43) Channel Creek (Whatcom County) (Baker River tributary): Open the Saturday before Memorial Day through August 31.

(44) Chaplain Creek (Snohomish County) (Sultan River tributary): Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

(45) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River): From the mouth to Cherry Creek Falls: Selective gear rules.

(46) Chico Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(47) Church Creek (Mason County): From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.

(48) Clear Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(49) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(50) Clear Lake (Thurston County): Open the fourth Saturday in April through October 31.

(51) Clearwater River (Pierce County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(52) Clover Creek (Pierce County): From the mouth upstream to Steilacoom Lake: Closed waters.

(53) Cottage Lake (King County): Open the fourth Saturday in April through October 31.

(54) Coulter Creek (Kitsap/Mason counties):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) County Line Ponds (Skagit County): Closed waters.

(56) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(57) Cranberry Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(58) Crescent Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout((= Minimum length 14 inches)).

(59) Crescent Lake (Pierce County): Open the fourth Saturday in April through October 31.

(60) Crocker Lake (Jefferson County): Closed to trout fishing.

(61) Cushman Lake (Mason County): Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.

(62) Dakota Creek (Whatcom County): From the mouth to Giles Road Bridge.

(a) Open the Saturday before Memorial Day through December 31.

(b) Selective gear rules.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Daily limit 2 salmon; minimum length 12 inches.

(iii) Release wild Chinook and wild coho.

~~((62))~~ **(63) De Coursey Pond (Pierce County):** Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((63))~~ **(64) Deer Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((64))~~ **(65) Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:** Closed waters.

~~((65))~~ **(66) Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

~~((66))~~ **(67) Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((67))~~ **(68) Deschutes River (Thurston County):**
~~((a))~~ From Old Highway 99 Bridge ~~(near Tumwater to Henderson Boulevard Bridge near Pioneer Park)~~ upstream:

~~((i))~~ **(a)** Selective gear rules ~~(, except bait is allowed September 1 through October 15).~~

~~((ii))~~ **(b)** Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((iii))~~ **(c)** Salmon:

~~((A))~~ **(i)** Open July 1 through October 15.

~~((B))~~ **(ii)** Limit 6; no more than 2 adult salmon may be retained.

~~((C))~~ **(iii)** Release coho.

~~((b))~~ From Henderson Boulevard Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

~~((68))~~ **(69) Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((69))~~ **(70) Dewatto River (Mason County):**

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the Saturday before Memorial Day through August 15 and October 1 through October 31.

(ii) Selective gear rules.

(iii) October 1 through October 31: Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) No steelhead retention.

~~((v))~~ **Salmon:**

~~((A))~~ Open October 1 through October 31.

~~((B))~~ Limit 2 coho only.)

(b) From Dewatto-Holly Road Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((70))~~ **(71) Dogfish Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((71))~~ **(72) Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.

~~((72))~~ **(73) Dosewallips River (Jefferson County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((73))~~ **(74) Duckabush River (Jefferson County):**

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Daily limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((74))~~ **(75) Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((75))~~ **(76) Eglon Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((76))~~ **(77) Elson Creek (Thurston County):** Closed waters.

~~((77))~~ **(78) Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.

~~((78))~~ **(79) Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((79))~~ **(80) Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

~~((80))~~ **(81) Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.

~~((81))~~ **(82) Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((82))~~ **(83) Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((83))~~ **(84) Fulton Creek (Mason County):** From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((84))~~ (85) Geneva Lake (King County): Open the fourth Saturday in April through October 31.

~~((85))~~ (86) Gibbs Lake (Jefferson County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((86))~~ (87) Gissberg Pond, North (Snohomish County): Open for juvenile anglers only.

~~((87))~~ (88) Goldsborough Creek and tributaries (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((88))~~ (89) Goodwin Lake (Snohomish County): Chumming is permissible.

~~((89))~~ (90) Goss Lake (Island County): Open the fourth Saturday in April through October 31.

~~((90))~~ (91) Gorst Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((91))~~ (92) Granite Lakes (near Marblemount) (Skagit County): Game fish: Statewide minimum length/daily limit, except: Release Grayling.

~~((92))~~ (93) Grass Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((93))~~ (94) Green (Duwamish) River (King County):

(a) From an east-west line extending through the southernmost tip of Harbor Island to ~~((the First Avenue South Bridge))~~ Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Release steelhead.

(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except:

(aa) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(bb) Release steelhead.

~~(b) ((From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:~~

~~(i) Open for game fish the Saturday before Memorial Day through July 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(I) Release Chinook.~~

~~(II) Salmon minimum length 12 inches.~~

~~(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(D) In years ending in even numbers, open for game fish and salmon September 1 through December 31:~~

~~(I) Anti-snagging rules.~~

~~(II) Night closure.~~

~~(III) Daily limit 6 salmon of which no more than 3 adults may be retained.~~

~~(iv) Release Chinook.~~

~~(v) Salmon minimum length 12 inches.~~

~~(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(e)) From Tukwila International Boulevard/Old Highway 99 to the ((Interstate 405)) South 212th Street Bridge:~~

~~(i) Open for game fish the Saturday before Memorial Day through July 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(B) Release steelhead.~~

~~(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~((iv) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.)~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~((v)) (iv) August 20 through August 31: Release Chinook.~~

~~((vi)) (v) September 1 through December 31: Only one Chinook may be retained.~~

~~(A) Salmon minimum length 12 inches.~~

(B) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((viii))~~ (vi) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon ~~((of which no more than)), up to 3 adults may be retained, of which one may be a Chinook.~~

~~(I) (Release Chinook.~~

~~(H))~~ Salmon: Minimum length 12 inches.

~~((HH))~~ (II) Game fish: Statewide minimum length/daily limit, except:

~~(aa)~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((d) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:~~

~~(i) Open for game fish the Saturday before Memorial Day through July 31.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iii) In years ending in odd numbers, open for game fish and salmon September 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(I) Release Chinook.~~

~~(H) Salmon: Minimum length 12 inches.~~

~~(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 adults may be retained:~~

~~(I) Release Chinook.~~

~~(H) Salmon: Minimum length 12 inches.~~

~~(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(e))~~ (bb) Release steelhead.

~~(c) From the South ~~((277th))~~ 212th Street Bridge to the Auburn-Black Diamond Road Bridge:~~

~~(i) From 150 feet below the mouth of Big Soos Creek to the Auburn Black Diamond Road Bridge: Closed waters.~~

~~(ii) Open for game fish the Saturday before Memorial Day through August 15.~~

~~((H))~~ (iii) Game fish: Statewide minimum length/daily limit, except:

~~(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((H))~~ (B) Release steelhead.

~~(iv) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((iv))~~ (v) In years ending in even numbers, open for game fish and salmon October ~~((46))~~ 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Game fish: Statewide minimum length/daily limit, except:

~~(I)~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((F))~~ (II) Release steelhead.

~~(d) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek (at Flaming Geyser State Park):~~

~~(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.~~

~~(ii) Open for game fish the Saturday before Memorial Day through September 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(B) Release steelhead.~~

~~(iv) Open for game fish and salmon November 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(I) Release Chinook.~~

~~(II) Salmon: Minimum length 12 inches.~~

~~(D) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((G))~~ (II) Release steelhead.

~~(e) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):~~

~~(i) Closed waters within 150 feet of the Palmer Pond outlet rack.~~

~~(ii) Open for game fish the Saturday before Memorial Day through December 31.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((H))~~ (B) Release steelhead.

~~(iv) Open for game fish and salmon November 1 through December 31:~~

~~(A) Anti-snagging rules.~~

- (B) Night closure.
- (C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.
- (I) Release Chinook.
- (II) Salmon: Minimum length 12 inches.
- ~~((D)) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~
- ~~(h) From Friday Creek upstream, including all tributaries and their tributaries: Open for game fish the Saturday before Memorial Day through October 31.~~
- ~~((94)) (95) Greenwater River (King County): From the mouth to Greenwater Lakes:~~
- (a) Open December 1 through last day in February for whitefish only.
- (b) Whitefish gear rules.
- ~~((95)) (96) Grovers Creek (Kitsap County):~~
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((96)) (97) Hamma Hamma River (Mason County): From the mouth to 400 feet below the falls:~~
- (a) Open the Saturday before Memorial Day through August 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- ~~((97)) (98) Hancock Lake (King County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~
- ~~((98)) (99) Harvey Creek (Snohomish County): Closed waters.~~
- ~~((99)) (100) Haven Lake (Mason County): Open the fourth Saturday in April through October 31.~~
- ~~((100)) (101) Heart Lake (near Anacortes) (Skagit County): Open the fourth Saturday in April through October 31.~~
- ~~((101)) (102) Heins Lake (Kitsap County): Closed waters.~~
- ~~((102)) (103) Hicks Lake (Thurston County): Open the fourth Saturday in April through October 31.~~
- ~~((103)) (104) Horseshoe Lake (Jefferson County):~~
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- ~~((104)) (105) Horseshoe Lake (Kitsap County): Open the fourth Saturday in April through October 31.~~
- ~~((105)) (106) Howard Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~
- ~~((106)) (107) Howell Lake (Mason County): Open the fourth Saturday in April through October 31.~~
- ~~((107)) (108) Hozomeen Lake (Whatcom County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~
- ~~((108)) (109) Illahee Creek (Kitsap County):~~
- (a) Selective gear rules.

- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((109)) (110) Issaquah Creek (King County): Open the Saturday before Memorial Day through August 31.~~
- ~~((110)) (111) Jackson Lake (Pierce County): Open the fourth Saturday in April through October 31.~~
- ~~((111)) (112) Jennings Park Pond (Snohomish County): Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.~~
- ~~((112)) (113) Jimmy-come-lately Creek (Clallam County): From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.~~
- ~~((113)) (114) Johns Creek (Mason County):~~
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- ~~((114)) (115) Kendall Creek (Whatcom County) (N.F. Nooksack tributary): From the mouth through the hatchery to the hatchery boundary fence: Closed waters.~~
- ~~((115)) (116) Kennedy Creek (Mason County):~~
- (a) From the mouth to Highway 101 Bridge:
- (i) Open the Saturday before Memorial Day through the last day in February.
- (ii) October 1 through December 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) ~~((116))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) Salmon:
- (A) Open October 1 through November 30.
- (B) Limit 6; no more than 2 adults may be retained.
- (C) Release wild coho.
- (b) From Highway 101 Bridge upstream:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (iv) October 1 through October 31:
- (A) Anti-snagging rules.
- (B) Night closure.
- ~~((116)) (117) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~
- ~~((117)) (118) Kings Lake Bog (King County): Closed waters.~~
- ~~((118)) (119) Kitsap Creek (Kitsap County):~~
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((119)) (120) Koeneman Lake (Fern Lake) (Kitsap County):~~
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Release all fish.

~~((120))~~ (121) **Langlois Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((121))~~ (122) **LeBar Creek (Mason County)**: From the mouth to the falls at river mile 1: Closed waters.

~~((122))~~ (123) **Lilliwaup River (Mason County)**: From the mouth to 200 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((123))~~ (124) **Limerick Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((124))~~ (125) **Little Quilcene River (Jefferson County)**: From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((125))~~ (126) **Little Scandia Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((126))~~ (127) **Lone Lake (Island County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

~~((127))~~ (128) **Long's Pond (Thurston County)**: Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

~~((128))~~ (129) **Maggie Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((129))~~ (130) **Malaney Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((130))~~ (131) **Margaret Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((131))~~ (132) **Martha Lake (Alderwood Manor) (Snohomish County)**: Open the fourth Saturday in April through October 31.

~~((132))~~ (133) **Martha Lake (Warm Beach) (Snohomish County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((133))~~ (134) **Mashel River (Pierce County)**: Closed waters.

~~((134))~~ (135) **McAllister Creek (Thurston County)**:

(a) Open the Saturday before Memorial Day through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open July 1 through November 30.

(ii) Limit 6; of which no more than 2 may be adults.

(iii) Release coho, chum, and wild Chinook.

~~((135))~~ (136) **McLane Creek (Thurston County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Night closure.

~~((136))~~ (137) **McMurray Lake (Skagit County)**: Open the fourth Saturday in April through October 31. Land-locked salmon rules.

~~((137))~~ (138) **Melbourne Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((138))~~ (139) **Mill Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((139))~~ (140) **Mill Pond (Auburn) (King County)**:

Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((140))~~ (141) **Minter Creek (Pierce/Kitsap counties)**: From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon (~~(November 1)~~) October 16 through December (~~(31)~~) 15.

(b) Night closure.

(c) Anti-snagging rule.

~~((141))~~ (142) **Mission Lake (Kitsap County)**: Open the fourth Saturday in April through October 31.

~~((142))~~ (143) **Monte Cristo Lake (Snohomish County)**:

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

~~((143))~~ (144) **Mud Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((144))~~ (145) **Munn Lake (Thurston County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

~~((145))~~ (146) **Nisqually River (Pierce County)**:

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through (~~(November 15)~~) September 30.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: Open July 1 through (~~(November 15)~~) October 1; Closed Sundays.

- (A) Daily limit 6; no more than 2 adults may be retained.
- (B) Release coho, chum, and wild Chinook (~~and chum~~)).
- (b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- ~~((146))~~ **(147) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- ~~((147))~~ **(148) Nooksack River (Whatcom County):**
- (a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:
- (i) Open the Saturday before Memorial Day through January 31.
- (ii) From the Saturday before Memorial Day through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
- (A) Open September 1 through December 31:
- (I) Daily limit 2, plus 2 additional hatchery coho(~~release wild coho~~)).
- (II) Release wild Chinook September 1 through September 30.
- (B) In odd-numbered years, open July 16 through August 31:
- (I) Daily limit 4 pink salmon.
- (II) It is unlawful to use bait.
- (III) It is unlawful to use anything other than single-point barbless hooks measuring 1/2 inch or less from point to shank.
- (b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:
- (i) Open from October 1 through January 31.
- (ii) October 1 through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
- (A) Open October 1 through December 31:
- (B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.
- (C) Release wild (~~coho and wild~~) Chinook.
- ~~((148))~~ **(149) Nooksack River, North Fork (Whatcom County):**
- (a) From the mouth to (~~Maple Creek~~) the Highway 9 bridge: Closed waters.
- (b) From the Highway 9 bridge to Maple Creek:

- (i) Open the Saturday before Memorial Day through February 15.
- (ii) From the Saturday before Memorial Day through November 30:
- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (v) Salmon:
- (A) Open October 1 through November 30.
- (B) Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho(~~release wild coho~~)).
- ~~((149))~~ **(150) Nooksack River, Middle Fork (Whatcom County):** From the mouth to the city of Bellingham diversion dam:
- (a) November 1 through January 31: It is unlawful to use motors.
- (b) Open the Saturday before Memorial Day through January 31.
- (c) Selective gear rules.
- (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((150))~~ **(151) Nooksack River, South Fork (Skagit/Whatcom counties):**
- (a) From the mouth to Skookum Creek:
- (i) Open October 1 through January 31.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) Only one single-point hook allowed.
- (iv) From October 1 through November 30: Night closure.
- (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (vi) Salmon open October 1 through December 31:
- (A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.
- (B) Release chum (~~and wild coho~~)).
- (C) Release wild Chinook October 1 through October 15.
- (b) From Skookum Creek upstream to Wanlick Creek: Closed waters.
- (c) Upstream from and including Wanlick Creek, including all tributaries:
- (i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((151))~~ (152) **North Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((152))~~ (153) **Northern State Hospital Pond (Skagit County)**: Open for juvenile anglers only.

~~((153))~~ (154) **Olalla Creek (Kitsap County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((154))~~ (155) **Old Fishing Hole Pond (Kent, King County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

~~((155))~~ (156) **Osborne Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((156))~~ (157) **Padden Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

~~((157))~~ (158) **Panther Lake (Kitsap/Mason counties)**: Open the fourth Saturday in April through October 31.

~~((158))~~ (159) **Pass Lake (Skagit County)**:

(a) Fly fishing only.

(b) All motors prohibited.

(c) Release all fish.

~~((159))~~ (160) **Perry Creek (Thurston County)**: From the mouth to the falls:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((160))~~ (161) **Phillips Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((161))~~ (162) **Pilchuck Creek (Snohomish County)**: From the mouth to the Pilchuck Falls:

(a) Open the Saturday before Memorial Day through January 31.

(b) From the Saturday before Memorial Day through November 30; selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((162))~~ (163) **Pilchuck River (Snohomish County)**:

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

~~((163))~~ (164) **Pine Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((164))~~ (165) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County)**: Closed waters.

~~((165))~~ (166) **Pipers Creek (King County) and tributaries**: Closed waters.

~~((166))~~ (167) **Portage Creek (Snohomish County)**: Closed waters.

~~((167))~~ (168) **Prices Lake (Mason County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

~~((168))~~ (169) **Puyallup River (Pierce County)**:

(a) From the 11th Street Bridge to Carbon River:

(i) Open for game fish August 15 through December 31.

(ii) Closed waters within 400 feet of the mouth of Clarks Creek.

(iv) From August 15 through August 31 all waters closed Sundays.

(iv) From September 1 through October 31 all waters closed Sundays, Mondays, and Tuesdays.

(v) August 15 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

~~((169))~~ (vi) Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((170))~~ (vii) Salmon:

(A) Open August 15 through December 31.

(B) Daily limit 6. No more than 2 adults may be retained.

~~((171))~~ (C) Release wild (~~adult~~) coho and wild Chinook.

(b) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((169))~~ (170) **Raging River (King County)**: From the mouth to the Highway 18 Bridge:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((170))~~ (171) **Rapjohn Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

~~((171))~~ (172) **Rattlesnake Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((172))~~ (173) **Ravensdale Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((173))~~ (174) **Riley Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

~~((174))~~ (175) **Robbins Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((175))~~ (176) **Rocky Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

~~((176))~~ (177) **Roesiger Lake (Snohomish County)**: Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

((177)) (178) **Ross Lake (Reservoir) (Whatcom County):**

- (a) Open July 1 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.
 - (ii) Eastern brook trout: Daily limit 5; no minimum size.

((178)) (179) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):** From one mile above the mouths to the headwaters: Open July 1 through October 31.

((179)) (180) **Ruby Creek (Whatcom County):** Closed waters.

((180)) (181) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

((181)) (182) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

- ((182)) (183) **Salmonberry Creek (Kitsap County):**
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((183)) (184) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: Daily limit 2; minimum length 14 inches.

((184)) (185) **Samish River (Skagit County):**

- (a) From the mouth to the I-5 Bridge:
 - (i) Open the Saturday before Memorial Day through November 30.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iii) From August 1 through November 30:
 - (A) Night closure.
 - (B) It is unlawful to use anything other than one single-point hook.
 - (iv) From December 1 through December 31: Selective gear rules.
- (v) Salmon:
 - (A) Open August 1 through ~~(November 30)~~ October 31.
 - (B) Daily limit 2; anglers may only retain fish hooked inside the mouth.
 - (C) Release wild coho.
 - (b) From the I-5 Bridge to the Old Highway 99 Bridge:
 - (i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.
 - (ii) Open the Saturday before Memorial Day through August 30.
 - (iii) Selective gear rules.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (c) From the WDFW hatchery rack to Hickson Bridge:
 - (i) Open the Saturday before Memorial Day through November 30.
 - (ii) Selective gear rules.

- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((185)) (186) **Sammamish Lake (King County):**

- (a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
- (b) Game fish: Statewide minimum length/daily limit, except: Release all kokanee.
- (c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

- (d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.
- (e) Open for salmon from October 1 through November 30.
 - (i) Salmon: Daily limit 4 coho only.
 - (ii) Release Chinook and sockeye.

((186)) (187) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:

- (a) Open from January 1 through August 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

((187)) (188) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

((188)) (189) **Sauk River (Skagit/Snohomish counties):**

- (a) Selective gear rules.
- (b) Release all fish except hatchery steelhead.
- (c) From the mouth to Darrington Bridge:
 - (i) Open June 1 through January 31.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.
- (e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.
- (f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.

((189)) (190) **Sawyer Lake (King County):** Chumming is permissible.

((190)) (191) **Schneider Creek (Thurston County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

((191)) (192) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

((192)) (193) **Shady Lake (King County):** Open the fourth Saturday in April through October 31.

((193)) (194) **Shannon, Lake (Skagit County):**

- (a) Open the fourth Saturday in April through October 31.
- (b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.

~~((194))~~ (195) Shelton Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((195))~~ (196) Sherwood Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((196))~~ (197) Sherwood Creek Mill Pond (Mason County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((197))~~ (198) Shoe Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((198))~~ (199) Silent Lake (Jefferson County): Open the fourth Saturday in April through October 31.

~~((199))~~ (200) Silver Lake (Pierce County): Open the fourth Saturday in April through October 31.

~~((200))~~ (201) Silver Lake (Whatcom County): Open the fourth Saturday in April through October 31.

~~((201))~~ (202) Sixteen Lake (Skagit County): Open the fourth Saturday in April through October 31.

~~((202))~~ (203) Skagit River (Skagit/Whatcom counties):

(a) From the mouth to Highway 530 Bridge at Rockport: Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) March 1 through ~~((July 15))~~ August 31:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 2 adult salmon, release Chinook and chum.

(c) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(A) Night closure: June 1 through July 15.

(B) ~~From~~ June 1 through June ~~((40:))~~ 15 and July 16 through August 31.

(I) Selective gear rules except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(ii) Salmon:

(A) Open June ((4+)) 16 through July 15(~~(; daily limit 3 sockeye only))~~.

(B) Daily limit 3 sockeye only.

(I) Open September 1 through December 31.

(II) Daily limit 2 adult salmon, release Chinook and chum.

(d) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) From June 1 through ~~((July 15))~~ August 31:

(A) Selective gear rules.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(C) Night closure.

(iii) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 2 adult salmon, release Chinook and chum.

(e) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through ~~((July 15))~~ August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through ~~((July 15))~~ August 31:

(A) Night closure.

(B) Selective gear rules.

(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 2 adult salmon, release Chinook and chum.

(f) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:

(A) June 1 through July 15; anti-snagging rules.

(B) June 1 through July 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:

(A) Open June 1 through July 15(~~(; daily limit 2 sockeye only))~~.

(B) Daily limit 4 hatchery Chinook only.

~~((B))~~ (C) Only 2 adult hatchery Chinook may be retained as part of the limit.

(D) Open September 1 through December 31.

(E) Daily limit 2 adult salmon, release Chinook and chum.

(g) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except hatchery steelhead.

~~((203))~~ (204) Skokomish River (Mason County):

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

~~((204))~~ (205) **Skokomish River, North Fork (Mason County):**

(a) From the mouth to the lower dam:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Release all fish.

~~((205))~~ (206) **Skokomish River, South Fork (Mason County):**

(a) From the mouth to the mouth of LeBar Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

~~((206))~~ (207) **Skookum Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((207))~~ (208) **Skykomish River (Snohomish County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout(~~(s)~~) and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon:

(A) Open (~~the Saturday before Memorial Day~~) June 1 through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Daily limit 3 salmon; release Chinook and chum.

(C) For years ending in even numbers: Open September 16 through November 15: Limit 2, release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

~~((208))~~ (v) Salmon: For years ending in even numbers:

(A) Open September 16 to November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

(209) **Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

~~((209))~~ (210) **Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) From the Saturday before Memorial Day through November 30: Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

~~((210))~~ (211) **Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

- (i) Sturgeon catch and release is permissible year-round.
- (ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(iii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, for years ending in odd numbers:

(A) Open August 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

(vi) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

(i) Open the Saturday before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open August 16 through December 31.

(B) Limit 3; release Chinook and chum.

~~((214))~~ (v) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(212) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon, for years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

(viii) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish.

~~((212))~~ **(213) South Prairie Creek (Pierce County):** From the mouth to the city of Buckley diversion dam: Closed waters.

~~((213))~~ **(214) Spada Lake (Reservoir) (Snohomish County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.

~~((214))~~ **(215) Spada Lake (Reservoir) tributaries (Snohomish County):** Closed waters.

~~((215))~~ **(216) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.

~~((216))~~ **(217) Squalicum Lake (Whatcom County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((217))~~ **(218) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Open the Saturday before Memorial Day through July 31.

(b) Selective gear rules.

~~((18))~~ (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((218))~~ **(219) Steel Lake (King County):** Open the fourth Saturday in April through October 31.

~~((219))~~ **(220) Stetattle Creek (Whatcom County):** From the mouth to Bucket Creek: Closed waters.

~~((220))~~ **(221) Stevens, Lake (Snohomish County):** Chumming is permissible.

~~((221))~~ **(222) Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.

~~((222))~~ (223) **Stickney Lake (Snohomish County):**

Open the fourth Saturday in April through October 31.

~~((223))~~ (224) **Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open ~~((the Saturday before Memorial Day))~~ August 1 through November 30.

(A) Selective gear rules.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((224))~~ (225) **Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the Saturday before Memorial Day through June 30 and October 16 through November 30:

(A) Fly fishing only.

(B) From ~~((August 1))~~ October 16 through November 30; night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From ~~((August 1))~~ October 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open the Saturday before Memorial Day through June 30 and October 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open from Saturday before Memorial Day through July 31 and October 16 through November 30.

(ii) Selective gear rules.

~~((#))~~ (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((225))~~ (226) **Stillaguamish River, South Fork (Snohomish County):**

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source: ~~((From August 1 through October 31))~~

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

~~((#))~~ (A) Anti-snagging rules.

~~((#))~~ (B) Night closure.

~~((226))~~ (227) **Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((227))~~ (228) **Suiattle River (Skagit/Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

~~((228))~~ (229) **Sultan River (Snohomish County):** From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((229))~~ (230) **Sultan River; North Fork (Snohomish County):** Closed waters.

~~((230))~~ (231) **Sultan River; South Fork (Snohomish County):** Closed waters.

~~((231))~~ (232) **Summit Lake (Thurston County):** Open the fourth Saturday in April through October 31.

~~((232))~~ (233) **Susan Lake (Thurston County):**

(a) Selective gear rules.

(b) Release all fish.

~~((233))~~ (234) **Swan's Mill Pond (Stossel Creek (King County))**: Open the Saturday before Memorial Day through October 31.

~~((234))~~ (235) **Symington Lake (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((235))~~ (236) **Tahuya River (Mason County)**:

(a) From the mouth to the Belfair Tahuya Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream:

Selective gear rules.

~~((236))~~ (237) **Tanwax Lake (Pierce County)**: Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((237))~~ (238) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin**: Open year-round.

~~((238))~~ (239) **Tarboo Creek (Jefferson County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((239))~~ (240) **Tarboo Lake (Jefferson County)**:

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((240))~~ (241) **Teal Lake (Jefferson County)**:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((241))~~ (242) **Tenas Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((242))~~ (243) **Tennant Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((243))~~ (244) **Terrell, Lake (Whatcom County)**: It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

~~((244))~~ (245) **Thornton Creek (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((245))~~ (246) **Thornton Lake, lower (Whatcom County)**: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((246))~~ (247) **Tiger Lake (Kitsap/Mason counties)**: Open the fourth Saturday in April through October 31.

~~((247))~~ (248) **Toad Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

~~((248))~~ (249) **Tokul Creek (King County) (Snoqualmie River tributary)**:

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

~~((249))~~ (250) **Tolt River (King County)**:

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) On the North Fork, from the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

(c) On the North Fork from the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

(d) On the South Fork, from the mouth upstream to the dam: Closed waters.

~~((250))~~ (251) **U Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((251))~~ (252) **Uncle John Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((252))~~ (253) **Union River (Mason County)**:

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((253))~~ (254) **Vogler Lake (Skagit County)**:

(a) Fly fishing only.

(b) Release all fish.

~~((254))~~ (255) Wagners Lake (Snohomish County):

Open the fourth Saturday in April through October 31.

~~((255))~~ (256) Walker Lake (King County): Open the fourth Saturday in April through October 31.

~~((256))~~ (257) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through November 30 (~~in years ending in odd numbers~~).

(B) Daily limit 3 salmon; release Chinook and chum.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through November 30 (~~in years ending in odd numbers~~).

(B) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon, release Chinook and chum.

(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters.

(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((257))~~ (258) Wapato Lake (Pierce County): Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((258))~~ (259) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):

(a) Open year-round.

(b) Chumming is permissible.

(c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(d) December 1 through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Trout: Minimum length 12 inches.

(iii) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((259))~~ (260) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) ~~(West)~~ East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) December 1 through the last day in February:

(A) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) March 1 through June 30:

(A) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

~~((260))~~ (261) **Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December 31.

(A) Daily limit 6; anglers may retain up to 2 adult salmon.

(B) Release wild coho.

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) From August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((261))~~ (262) **Whatcom, Lake (Whatcom County):**

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

~~((262))~~ (263) **Whatcom, Lake, tributaries (Whatcom County):** Closed waters.

~~((263))~~ (264) **White (Stuck) River (Pierce County):**

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

~~((264))~~ (265) **White Chuck River (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((265))~~ (266) **Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((266))~~ (267) **Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((267))~~ (268) **Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

~~((268))~~ (269) **Wilkeson Creek (Pierce County)**

(South Prairie Creek tributary): From the mouth to the confluence with Gale Creek: Closed waters.

~~((269))~~ (270) **Woodard Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((270))~~ (271) **Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((271))~~ (272) **Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((272))~~ (273) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(2) Aeneas Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(3) Ahtanum Creek (Yakima County): Selective gear rules.

- (4) **Ahtanum Creek, North Fork (Yakima County):**
 (a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.
 (b) Selective gear rules.
- (5) **Ahtanum Creek, Middle Fork (Yakima County):**
 (a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.
 (b) Selective gear rules.
- (6) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (7) **Amber Lake (Spokane County):**
 (a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Open March 1 through November 30.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (8) **American River (Yakima County):**
 (a) Selective gear rules.
 (b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.
- (9) **Amon Wasteway (Benton County):** Selective gear rules.
- (10) **Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.
- (11) **Asotin Creek, mainstem and forks (Asotin County):**
 (a) Closed waters:
 (i) South Fork from mouth upstream.
 (ii) North Fork from USFS border upstream.
 (b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.
 (c) Selective gear rules.
- (12) **Aspen Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (13) **Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.
- (14) **Banks Lake (Grant County):**
 (a) Chumming is permissible.
 (b) Game fish: Statewide minimum length/daily limit, except:
 (i) Crappie: Daily limit 10; minimum length 9 inches.
 (ii) Yellow perch: Daily limit 25.
- (15) **Bayley Lake (Stevens County):**
 (a) Inlet stream: Closed waters.
 (b) Open the fourth Saturday in April through October 31.
 (c) Fly fishing only.
 (d) It is unlawful to fish from a floating device equipped with a motor.
 (e) Release all fish.
- (16) **Bear Creek (tributary to South Fork Tieton River) (Yakima County):** From the mouth to the falls (approximately 0.75 mile): Closed waters.
- (17) **Bear Lake (Spokane County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (18) **Beaver Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (19) **Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.
- (20) **Beaver Lake, (Little):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (21) **Beda Lake (Grant County):**
 (a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (22) **Beehive (Lake) Reservoir (Chelan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (23) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (24) **Big Four Lake (Columbia County):**
 (a) Fly fishing only.
 (b) It is unlawful to fish from any floating device.
 (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (25) **Big Meadow Lake (Pend Oreille County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (26) **Big Twin Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (27) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (28) **Black Canyon Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (29) **Black Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (30) **Black Lake (Okanogan County):** Selective gear rules.
- (31) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (32) **Blue Lake (Columbia County):** It is unlawful to fish from any floating device.
- (33) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (34) **Blue Lake (near Sinlahekin) (Okanogan County):**

- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (35) Blue Lake (near Wannacut Lake) (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.
- (36) Bobcat Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.
- (37) Bonaparte Creek (Okanogan County):** From the mouth to the falls approximately river mile 1.0: Closed waters.
- (38) Bonaparte Lake (Okanogan County):**
- (a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (39) Boulder Creek and tributaries (Okanogan County):** From the mouth to the barrier falls at river mile 1.0: Closed waters.
- (40) Box Canyon Creek and tributaries (Kittitas County):** From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.
- (41) Browns Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (42) Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.
- (43) Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.
- (44) Bumping River (Yakima County):**
- (a) It is permissible to fish up to the base of Bumping Dam.
- (b) From the mouth to Bumping Reservoir; selective gear rules.
- (45) Burke Lake (Grant County):** Open March 1 through September 30.
- (46) Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries:**
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Release all fish.
- (c) Selective gear rules.
- (47) Buzzard Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (48) Caldwell Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (49) Caliche Lakes, Upper (Grant County):** Open March 1 through September 30.
- (50) Calispell Creek (Calispell River) (Pend Oreille County):** From the mouth to Calispell Lake: Open year-round.
- (51) Campbell Lake (Okanogan County):**
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (52) Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (53) Cascade Lake (Grant County):** Open March 1 through September 30.
- (54) Cattail Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (55) Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**
- (a) From the mouth to Cedar Falls:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Release all fish.
- (b) From Cedar Falls upstream including tributaries: Selective gear rules.
- (56) Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (57) Chain Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.
- (58) Chapman Lake (Spokane County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Chumming is permissible.
- (59) Chelan Hatchery Creek (Chelan County):** Closed waters.
- (60) Chelan Lake (Chelan County):**
- (a) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.
- (b) Salmon: Daily limit 1; minimum length 15 inches.
- (c) No catch record card required.
- (61) Chelan Lake tributaries (Chelan County):**
- (a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(62) **Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) July 1 through October 31: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except: Release trout.

(c) Salmon:

(i) Open July 1 through October 31.

(ii) Barbless hooks required.

(iii) Minimum length 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(iv) Release coho and wild adult Chinook.

(d) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

(63) **Chewuch River (Okanogan County):**

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(64) **Chiwaukum Creek (Chelan County):**

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: Selective gear rules.

(65) **Chiwawa River (Chelan County):**

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.

(66) **Chopaka Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(67) **Chumstick Creek (Chelan County):** Closed waters.

(68) **Clear Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(69) **Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.

(70) **Cle Elum Lake (Reservoir) (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.

(71) **Cle Elum River (Kittitas County):**

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

(A) Open December 1 through last day in February for whitefish only.

(B) Whitefish gear rules.

(b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.

(72) **Cliff Lake (Grant County):** Open March 1 through September 30.

(73) **Coffee Pot Lake (Lincoln County):**

(a) Open March 1 through September 30.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Crappie: Daily limit 10; minimum length 9 inches.

(74) **Columbia Basin Hatchery Creek (Grant County):**

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(75) **Columbia Park Pond (Benton County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(76) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(77) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.

(78) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(79) **Conner Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(80) **Cooper River (Kittitas County):** From the mouth to Cooper Lake: Selective gear rules.

(81) **Coot Lake (Grant County):** Open the fourth Saturday in April through September 30.

(82) **Corral Creek (Benton County):** Selective gear rules.

(83) **Cougar Lake (Pasayten Wilderness) (Okanogan County):** Selective gear rules.

(84) **Cougar Lake (near Winthrop) (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(85) **Cowiche Creek (Yakima County):** Selective gear rules.

(86) **Coyote Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

(87) **Crab Creek (Adams/Grant/Lincoln counties):**

(a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.

(b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

(c) From O'Sullivan Dam upstream to Grant County Road 7 NE: Open year-round, statewide lake rules apply to all species.

(d) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.

(88) **Crawfish Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(89) **Crescent Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(90) **Crystal Lake (Grant County):** Open March 1 through September 30.

(91) **Cub Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to West Chewuch Road Bridge: Closed waters.

(92) **Cup Lake (Grant County):** Open March 1 through September 30.

(93) **Curl Lake (Columbia County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to fish from any floating device.

(94) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(95) **Davis Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(96) **Dayton Pond (Columbia County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(97) **Deadman Lake (Adams County):** Open the fourth Saturday in April through September 30.

(98) **Deep Creek (tributary to Bumping Lake) (Yakima County):** From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

(99) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.

(100) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(101) **Deer Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(102) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.

(103) **Deer Lake (Stevens County):**

(a) Open March 1 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(104) **Delaney Springs (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(105) **De Roux Creek (Kittitas County):** From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(106) **Dog Creek (tributary to Chewuch) (Okanogan County):** From mouth upstream to falls approximately 1.5 miles: Closed waters.

(107) **Domerie Creek (Kittitas County):** Selective gear rules.

(108) **Downs Lake (Lincoln/Spokane counties):**

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(109) **Dry Falls Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(110) **Dune Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(111) **Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(112) **Eagle Creek (tributary to Twisp River) (Okanogan County):** From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(113) **Early Winters Creek (tributary to Methow River) (Okanogan County):**

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(114) **Eightmile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(115) **Elbow Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

- (116) **Ell Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (117) **Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- (118) **Empire Lake (Ferry County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (119) **Entiat River (Chelan County):**
 (a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): Open July ~~(14)~~ 16 through September 30 for hatchery Chinook only.
 (i) Selective gear rules.
 (ii) Night closure.
 (iii) Minimum ~~((size))~~ length 12 inches; daily limit ~~((2 adult hatchery Chinook salmon))~~ 6.
 (iv) Release coho and ~~((wild adult Chinook))~~ sockeye.
 (v) Open December 1 through the last day in February for whitefish only.
 (vi) Whitefish gear rules.
 (b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:
 (i) Whitefish:
 (ii) Open December 1 through the last day in February for whitefish only.
 (iii) Whitefish gear rules.
 (c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.
- (120) **Ephrata Lake (Grant County):** Closed waters.
- (121) **Esquatzel Coulee (Franklin County):** Open year-round.
- (122) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.
- (123) **Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately ~~((1-5))~~ .15 miles: Closed waters.
- (124) **Fan Lake (Pend Oreille County):**
 (a) Open the fourth Saturday in April through September 30.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (125) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (126) **Fiorito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (127) **Fish Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.
- (128) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (129) **Fish Lake (Spokane County):**
 (a) Open the fourth Saturday in April through September 30.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (130) **Fishhook Pond (Walla Walla County):** It is unlawful to fish from a floating device.
- (131) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.
- (132) **Forde Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (133) **Fourth of July Lake (Adams/Lincoln counties):**
 (a) Open the Friday after Thanksgiving through March 31.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (134) **Frank's Pond (Chelan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Open to juvenile anglers only.
- (135) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (136) **Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (137) **Gadwall Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (138) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.
- (139) **Goat Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (140) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.
- (141) **Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- (142) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (143) **Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:
 (a) Crappie: Daily limit 10; minimum length 9 inches.
 (b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.
- (144) **Grande Ronde River (Asotin County):**
 (a) From the mouth to County Road Bridge, about 2.5 miles upstream:
 (i) Open year-round for game fish other than trout and steelhead.
 (ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

(145) Green Lakes (Lower and Upper) (Okanogan County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(146) Grimes Lake (Douglas County):

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(147) Halfmoon Lake (Adams County): Open the fourth Saturday in April through September 30.

(148) Hampton Lakes (Lower and Upper) (Grant County): Open the fourth Saturday in April through September 30.

(149) H and H Reservoir Number One (Pascal's Pond) (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(150) Harris Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(151) Hatch Lake (Stevens County): Open the Friday after Thanksgiving through March 31.

(152) Hays Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(153) Headgate Pond (Asotin County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(154) Hen Lake (Grant County): Open the fourth Saturday in April through September 30.

(155) Hog Canyon Creek (Spokane County): From the mouth to Scroggie Road: Closed waters.

(156) Hog Canyon Lake (Spokane County): Open the Friday after Thanksgiving through March 31.

(157) Homestead Lake (Grant County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(158) Hourglass Lake (Grant County): Open the fourth Saturday in April through September 30.

(159) Hutchinson Lake (Adams County): Open the fourth Saturday in April through September 30.

(160) I-82 Ponds, 1 through 7 (Yakima County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(161) Icicle River and tributaries (Creek) (Chelan County):

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed to all species except:

(i) Open for hatchery Chinook salmon only.

(ii) Open May 15 to July 31.

(iii) Night closure.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Daily limit 2 hatchery Chinook; minimum length 12 inches.

~~((v))~~ It is unlawful to retain more than 2) (vi) Mandatory retention of hatchery Chinook.

~~((b))~~ (c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

~~((e))~~ (d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot):

(i) Closed to all species except:

(A) Open for hatchery Chinook only.

(B) Open May 15 to July 31.

(C) Night closure.

(D) Daily limit 2; minimum length 12 inches.

(ii) It is unlawful to retain more than 2 hatchery Chinook.

~~((d))~~ (e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

(162) Indian Creek (Yakima County): From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

(163) Ingalls Creek (Chelan County): From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

(164) Jameson Lake (Douglas County): Open the fourth Saturday in April through October 31.

(165) Jasmine Creek (Okanogan County): Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(166) **Jefferson Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(167) **Jolanda, Lake (Chelan County):** Closed waters.

(168) **Kachess Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(169) **Kachess River (Kittitas County):**

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

(170) **Keechelus Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(171) **Kettle Creek (tributary to American River) (Yakima County):** Closed waters.

(172) **Kettle River (Stevens County):** From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(173) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.

(174) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(175) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

(176) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(177) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(178) **Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.

(179) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

(180) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(181) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(182) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(183) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(184) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(185) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(186) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

(187) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Land-locked salmon rules.

(188) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(189) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

(190) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

(191) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(192) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

- (i) Trout: Daily limit 1; minimum length 18 inches.
(ii) Eastern brook trout count as part of trout daily limit.
- (193) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (194) **Little Wenatchee River (Chelan County):**
(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.
(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.
- (195) **Long Lake (Ferry County):**
(a) Open the fourth Saturday in April through October 31.
(b) Fly fishing only.
(c) It is unlawful to use flies containing lead.
(d) It is unlawful to fish from a floating device equipped with a motor.
- (196) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (197) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Land-locked salmon rules.
- (198) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (199) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.
- (200) **Lost Lake (Okanogan County):**
(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (201) **Lost River (tributary to Methow River) (Okanogan County):**
(a) From the mouth to the mouth of Monument Creek: Closed waters.
(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:
(i) Open the Saturday before Memorial Day through August 15.
(ii) Selective gear rules.
(iii) Game fish: Statewide minimum length/daily limit, except:
(A) Trout: Minimum length 14 inches; daily limit 2.
(B) Dolly Varden/bull trout may be retained as part of trout daily limit.
- (202) **Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (203) **Mad River (Chelan County):**
(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.
(b) From Windy Creek upstream and tributaries: Selective gear rules.
- (204) **Manastash Creek (Kittitas County):** Selective gear rules.
- (205) **Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (206) **Martha Lake (Grant County):** Open March 1 through September 30.
- (207) **Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (208) **Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (209) **McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.
- (210) **McDowell Lake (Stevens County):**
(a) Open the fourth Saturday in April through October 31.
(b) Fly fishing only.
(c) It is unlawful to fish from a floating device equipped with a motor.
(d) Release all fish.
- (211) **McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.
- (212) **Medical Lake (Spokane County):**
(a) Open March 1 through November 30.
(b) Selective gear rules.
(c) It is unlawful to fish from a floating device equipped with a motor.
(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (213) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.
- (214) **Mercer Creek (Kittitas County):** Selective gear rules.
- (215) **Merry Lake (Grant County):**
(a) Open March 1 through November 30.
(b) Selective gear rules.
(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (216) **Methow River (Okanogan County):**
(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.
(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.
(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:
(i) Open the Saturday before Memorial Day through September 15.
(ii) Selective gear rules.
(iii) Release all fish.
(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:
(i) Selective gear rules.
(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.
(e) From Gold Creek to Foghorn Dam:
(i) Open the Saturday before Memorial Day through September 30.
(ii) Selective gear rules.
(iii) Release all fish.
(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

(i) Open the Saturday before Memorial Day through August 15:

(A) Release all fish.

(B) Selective gear rules.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek.

(i) Selective gear rules.

(ii) Release all fish.

(217) **Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

(218) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to the Wilderness Boundary: Closed waters.

(219) **Molson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(220) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules.

(221) **Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

(222) ~~((222)) (222) **Mouse Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.~~

(223) **Moses Lake (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

((224)) (223) **Mud Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

((225)) (224) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

((226)) (225) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

((227)) (226) **Myron Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

((228)) (227) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

((229)) (228) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

((230)) (229) **Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

((231)) (230) **Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((232)) (231) **Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

((233)) (232) **Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: Selective gear rules.

((234)) (233) **Nile Creek and tributaries (Yakima County):** Selective gear rules.

((235)) (234) **No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

((236)) (235) **North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

((237)) (236) **North Elton Pond (Yakima County):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((238))~~ (237) **North Potholes Reserve Ponds (Grant County):** Open March 1 through the day before waterfowl season begins.

~~((239))~~ (238) **Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((240))~~ (239) **Oak Creek and tributaries (Yakima County):** Selective gear rules.

~~((241))~~ (240) **Okanogan River (Okanogan County):**

(a) Within the mainstem or tributaries open for game fish: It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(b) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.

(C) Daily limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(D) Release coho, sockeye, and wild adult Chinook.

(c) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Daily limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(C) Release coho, sockeye, and wild adult Chinook.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule and night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release trout.

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(C) Release coho, sockeye, and wild adult Chinook.

(e) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

~~((242))~~ (241) **Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

~~((243))~~ (242) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

~~((244))~~ (243) **Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

~~((245))~~ (244) **Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((246))~~ (245) **Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((247))~~ (246) **Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

~~((248))~~ (247) **Patterson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((249))~~ (248) **Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((250))~~ (249) **Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

~~((251))~~ (250) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((252))~~ (251) **Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.

~~((253))~~ (252) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((254))~~ (253) **Phalon Lake (Stevens County):** Closed waters.

~~((255))~~ (254) Phillips Lake (Stevens County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((256))~~ (255) Pierre Lake (Stevens County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((257))~~ (256) Pillar Lake (Grant County): Open the fourth Saturday in April through September 30.

~~((258))~~ (257) Ping Pond (Oasis Park Pond) (Grant County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((259))~~ (258) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((260))~~ (259) Poacher Lake (Grant County): Open the fourth Saturday before April through September 30.

~~((261))~~ (260) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:

- (a) Crappie: Minimum length 9 inches.
- (b) Crappie and bluegill: Combined limit of 25 fish.
- (c) Yellow perch: Daily limit 25 fish.

~~((262))~~ (261) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.

~~((263))~~ (262) Powerline Lake (Franklin County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((264))~~ (263) Quail Lake (Adams County):

- (a) Fly fishing only.
- (b) It is unlawful to fish from any floating device equipped with a motor.
- (c) Release all fish.

~~((265))~~ (264) Quarry Pond (Walla Walla County): It is unlawful to fish from any floating device.

~~((266))~~ (265) Quincy Lake (Grant County): Open March 1 through September 30.

~~((267))~~ (266) Rainbow Lake (Columbia County):

- (a) Open March 1 through November 30.
 - (b) It is unlawful to fish from any floating device.
- ~~((268))~~ (267) Rat Lake (Okanogan County):
- (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((269))~~ (268) Rattlesnake Creek and tributaries (Yakima County):

- (a) Selective gear rules.
- (b) Release all fish.

~~((270))~~ (269) Red Rock Creek (Grant County): Open the Saturday before Memorial Day through September 30.

~~((271))~~ (270) Reflection Pond (Okanogan County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((272))~~ (271) Renner Lake (Ferry County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((273))~~ (272) Rigley Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

~~((274))~~ (273) Rimrock Lake (Reservoir) (Yakima County): Chumming is permissible.

~~((275))~~ (274) Ringold Springs Hatchery Creek (Franklin County): Closed waters.

~~((276))~~ (275) Roaring Creek (Entiat River tributary) (Chelan County): Closed waters.

~~((277))~~ (276) Rock Creek (Adams/Whitman counties):

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

- (i) Selective gear rules.
- (ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

~~((278))~~ (277) Rocky Ford Creek and Ponds (Grant County):

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

~~((279))~~ (278) Rocky Lake (Stevens County): Open the fourth Saturday in April through October 31.

~~((280))~~ (279) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties): Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

~~((281))~~ (280) **Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((282))~~ (281) **Royal Lake (Adams County):** Closed waters.

~~((283))~~ (282) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

~~((284))~~ (283) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Sturgeon: Closed to fishing.

~~((285))~~ (284) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((286))~~ (285) **Saddle Mountain Lake (Grant County):** Closed waters.

~~((287))~~ (286) **Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((288))~~ (287) **Salmon Creek (Okanogan County):**

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout other than eastern brook trout.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

~~((289))~~ (288) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the

north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

~~((290))~~ (289) **Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

~~((291))~~ (290) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((292))~~ (291) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((293))~~ (292) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((294))~~ (293) **Shellneck Creek (Yakima County):** Closed waters.

~~((295))~~ (294) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

~~((296))~~ (295) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((297))~~ (296) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((298))~~ (297) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((299))~~ (298) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((300))~~ (299) **Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15:

(ii) Barbless hooks required for salmon and steelhead.

(iii) Anti-snagging rule.

(iv) Night closure.

(v) Game fish: Statewide minimum length/daily limit, except: Release trout.

(vi) Salmon:

(A) Daily limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho, sockeye, and wild adult Chinook.

(vii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((301))~~ (300) **Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((302))~~ (301) **Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((303))~~ (302) **Skookum Lake, South (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((304))~~ (303) **Snake River:**

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

(i) Trout: Open the Saturday before Memorial Day through October 31.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.

(B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

~~((305))~~ (304) **Snipe Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((306))~~ (305) **Snipes Creek (Benton County):** Selective gear rules.

~~((307))~~ (306) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

~~((308))~~ (307) **Spokane River (Spokane County):** From Nine Mile Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through March 15:

(c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

~~((309))~~ (308) **Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed waters:

(i) Cow Creek.

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.

(iii) The small bay at the southeast end of the lake.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

~~((310))~~ (309) **Spring Creek (Benton County):** Selective gear rules.

~~((311))~~ (310) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

~~((312))~~ (311) **Spring Lake (Columbia County):** It is unlawful to fish from any floating device.

~~((313))~~ (312) **Spring Lakes (Upper and Lower) (Grant County):** Open March 1 through September 30.

~~((314))~~ (313) **Springdale Pond (Lucky Duck Pond) (Stevens County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((315))~~ (314) **Spruce Creek (tributary to South Fork Tieton River) (Yakima County):** Closed waters.

~~((316))~~ (315) **Starvation Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((317))~~ **(316) Starzman Lakes (Okanogan County):**
Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

~~((318))~~ **(317) Stehekin River (Chelan County):** From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

~~((319))~~ **(318) Stratford/Brook Lake (Grant County):** Open March 1 through September 30.

~~((320))~~ **(319) Sugarloaf Lake (Okanogan County):**
Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

~~((321))~~ **(320) Sullivan Creek and tributaries (Pend Oreille County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

~~((322))~~ **(321) Sullivan Lake (Pend Oreille County):**
Game fish: Statewide minimum length/daily limit, except:
Trout: Daily limit 2; minimum length 14 inches.

~~((323))~~ **(322) Summit Lake (Okanogan County):**
Game fish: Statewide minimum length/daily limit, except:
Eastern brook trout count as part of trout daily limit.

~~((324))~~ **(323) Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((325))~~ **(324) Swan Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((326))~~ **(325) Swauk Creek and tributaries (Kittitas County):** Selective gear rules.

~~((327))~~ **(326) Taneum Creek and tributaries (Kittitas County):** Selective gear rules.

~~((328))~~ **(327) Teal Lakes (North and South) (Grant/Adams counties):** Open the fourth Saturday in April through September 30.

~~((329))~~ **(328) Teanaway River (Kittitas County), and tributaries except North Fork:** Selective gear rules.

~~((330))~~ **(329) Teanaway River, North Fork (Kittitas County):**

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

~~((331))~~ **(330) Tern Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((332))~~ **(331) Thirtymile Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to falls (approximately 700 feet): Closed waters.

~~((333))~~ **(332) Tieton River (Yakima County):**

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

~~((334))~~ **(333) Tieton River, North Fork (Yakima County):**

(a) The Clear Lake spillway channel: Closed waters.

(b) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(c) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

~~((335))~~ **(334) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

~~((336))~~ **(335) Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

~~((337))~~ **(336) Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

~~((338))~~ **(337) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((339))~~ **(338) Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

~~((340))~~ (339) **Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

~~((341))~~ (340) **Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

~~((342))~~ (341) **Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

~~((343))~~ (342) **Twisp River (Okanogan County):**

(a) Mouth to War Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

~~((344))~~ (343) **Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

~~((345))~~ (344) **Umtanum Creek (Kittitas County):** Selective gear rules.

~~((346))~~ (345) **Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

~~((347))~~ (346) **Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((348))~~ (347) **Vic Meyers (Rainbow) Lake (Grant County):**

(a) Open the fourth Saturday in April through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((349))~~ (348) **Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

~~((350))~~ (349) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((351))~~ (350) **Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

~~((352))~~ (351) **Ward Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((353))~~ (352) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((354))~~ (353) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((355))~~ (354) **Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) An internal combustion motor may be attached to a floating device, but cannot be used.

~~((356))~~ (355) **Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((357))~~ (356) **Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((358))~~ (357) **Wenaha River tributaries:**

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((359))~~ (358) **Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

~~((360))~~ (359) **Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit except: Release trout.

~~((361))~~ (360) **Wenatchee River (Chelan County):**

From the mouth to the Icicle Road Bridge:

(a) Closed waters, except:

(b) Salmon:

(i) Open August 1 through September 30.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Daily limit ~~((4))~~ 6; minimum length 12 inches it is unlawful to retain more than 2 adult hatchery Chinook.

(v) Release coho, sockeye, and wild adult Chinook salmon.

(c) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.

~~((362))~~ (361) **Whitepine Creek (Chelan County):**

From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

~~((363))~~ (362) **White River (Chelan County):**

From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

~~((364))~~ (363) **Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((365))~~ (364) Williams Lake (Spokane County): Open the fourth Saturday in April through September 30.

~~((366))~~ (365) Williams Lake (Stevens County): Open the Friday after Thanksgiving through March 31.

~~((367))~~ (366) Wilson Creek (Kittitas County): From BNSF railroad bridge upstream: Selective gear rules.

~~((368))~~ (367) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve): Open March 1 through September 30.

~~((369))~~ (368) Wolf Creek (Methow River tributary) (Okanogan County): Closed waters.

~~((370))~~ (369) Yakima River (Yakima County):

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to ~~((Prosser Dam))~~ the downstream side of the westbound I-82 Bridge: Open March 1 through October ~~((22))~~ 31.

(i) From 200 feet above to 200 feet below the USBR Chandler Powerhouse/Pumping Station: Closed waters September 1 through October ~~((22))~~ 31.

(ii) From March 1 through ~~((August))~~ October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(iii) Chumming is permissible.

(c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) Chumming is permissible.

(iii) Fishing from a floating device is prohibited September 1 through October ~~((22))~~ 31.

~~((371))~~ (iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

~~((372))~~ (v) Salmon:

(A) Open September 1 through October ~~((22))~~ 31.

(B) Night closure.

(C) Barbless hooks required.

(D) Limit 6; it is unlawful to retain more than 2 adults.

(d) From Prosser Dam to Highway 223 Bridge:

(i) Open March 1 through October 31.

(ii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(e) From Grant Avenue Bridge to Prosser Dam: Closed waters.

(f) From Highway 223 Bridge to 3,500 feet below Roza Dam:

(i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((373))~~ (g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

~~((374))~~ (h) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((375))~~ (i) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.

~~((376))~~ (370) Yakima Sportsmen's Park Ponds (Yakima County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((377))~~ (371) Yocum Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

WAC 220-312-060 Freshwater exceptions to statewide rules—Columbia. The following exceptions to statewide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

~~((iii) From June 16 through July 31, upstream of the Megler Astoria Bridge to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.~~

~~(iv) From August 1 through December 31, upstream to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.)~~

(e) Open year-round unless otherwise provided.

(f) Barbless hooks are required for salmon and steelhead.

(2) Rules by river section:

(a) From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) Open June 16 through July 31: ~~((H))~~ Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

~~((H)) (B) From June 16 through June 21:~~

(I) Daily limit 6; no more than 2 ((adult salmon, or one adult salmon and one)) hatchery steelhead((;)) may be retained.

~~((HH)) (II) Release all salmon other than hatchery jack Chinook.~~

(C) From June 22 through July 4:

(I) Daily limit 6; up to 2 adult salmon or 2 hatchery steelhead or one of each may be retained.

(II) Release all salmon other than ((sockeye and)) hatchery Chinook.

~~((B)) (D) From July 5 through July 31:~~

(I) Daily limit 6; no more than 2 hatchery steelhead may be retained.

(II) Release all salmon other than hatchery jack Chinook.

(E) Open August 1 through ((September 4)) August 24:

~~(I) Daily limit ((2, of which only one Chinook and/or one hatchery steelhead may be retained except from August 1 through August 31 release all steelhead)) one.~~

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~((C)) (F) Open ((September 5)) August 25 through September 30:~~

(I) Daily limit 2, of which only one hatchery steelhead may be retained.

(II) Release all salmon other than hatchery coho.

(III) Coho minimum length 16 inches.

~~((D)) (G) Open October 1 through December 31:~~

(I) Limit 6; no more than 2 adult hatchery salmon, or one hatchery adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except ~~((Chinook and))~~ hatchery coho.

~~((E)) (H) Open January 1 through March 31:~~

(I) Limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iv) Shad open May 16 through March 31.

(v) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(b) From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge:

(i) Trout:

(A) Open May 16 through March 31.

~~(B) Release all trout except hatchery cutthroat ((and hatchery steelhead (the limit is as provided under (b)(v) of this subsection):~~

~~(F) Anglers may retain up to)):~~

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

~~((H) Hatchery cutthroat minimum length 12 inches.~~

~~((H)) (D) Barbless hooks are required for cutthroat trout.~~

~~(ii) ((Salmon and steelhead:~~

~~(A) Open May 16 through June 15:~~

~~(F) Release all salmon except hatchery jack Chinook.~~

~~(H) Limit 6; no more than 2 hatchery steelhead may be retained.~~

~~(B) Open June 16 through July 31:~~

~~(I) Release all salmon except hatchery Chinook and sockeye.~~

~~(H) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.~~

~~(C) Open August 1 through September 30:~~

~~(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho. From August 1 through August 31 release all steelhead.~~

~~((H)) Shad open May 16 through March 31.~~

(iii) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock

Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(iv) Downstream of Warrior Rock line:

(A) Salmon and steelhead:

(I) Open May 16 through June 21: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(II) Open June 22 through July 4: Daily limit 6; no more than 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(III) Open July 5 through July 31: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(IV) Open August 1 through September 2: Daily limit 6; no more than ((2)) one adult salmon, or one ((~~adult salmon and one~~)) hatchery steelhead, may be retained. ((~~Only one may be an adult Chinook. Release wild Chinook from September 8 through September 14, and release all Chinook from September 15 through September 30. From August 1 through August 31 release all steelhead.~~

(D) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(E)) Release all salmon except Chinook and hatchery coho.

(V) Open ((~~October 1~~)) September 3 through December 31((~~:~~

(H)): Daily limit 6; no more than 2 hatchery adult salmon, or one adult salmon and one hatchery steelhead, may be retained. ((~~(H)~~)) Release all salmon except Chinook and hatchery coho.

((~~F~~) Open January 1 through March 31:

(I) Limit 6 fish; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(H) Release all salmon except hatchery Chinook.

(iii) ~~Shad open May 16 through March 31.~~) (VI) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(v) Upstream of Warrior Rock line: Salmon and steelhead:

(A) Open May 16 through June 21: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(B) Open June 16 through July 31: Daily limit 6; no more than 2 hatchery steelhead may be retained.

(C) Open June 22 through July 4: Daily limit 6; no more than 2 hatchery adult salmon or one hatchery adult salmon and one hatchery steelhead may be retained. Release all salmon except hatchery Chinook.

(D) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(E) Open August 1 through September 14: Daily limit 6; no more than one adult salmon or one hatchery steelhead. Release all salmon except Chinook and hatchery coho.

(F) Open September 15 through December 31: Daily limit 6; no more than 2 hatchery adult salmon, or one hatchery adult salmon and one hatchery steelhead, may be retained. Release all salmon except hatchery coho.

(c) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(II) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout ((~~except hatchery steelhead~~)).

(iv) Salmon and steelhead:

(A) Open June 16 through ((~~July 31~~)) June 21: ((~~(H)~~)) Daily limit 6; no more than 2 ((~~adult salmon, or one adult salmon and one~~)) hatchery steelhead((~~:~~)) may be retained. ((~~(H)~~)) Release all salmon except hatchery jack Chinook ((~~and sockeye~~)).

(B) Open June 22 through July 4: Daily limit 6; up to 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(C) Open July 5 through July 31: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(D) Open August 1 through ((~~December 31~~)) September 14: ((~~(H)~~)) Limit 6; no more than ((2)) one adult salmon((~~:~~)) or one ((~~adult salmon and one~~)) hatchery steelhead((~~:~~ ~~may be retained, except August 1 through August 31 release all steelhead.~~

((~~H~~)), Release all salmon except Chinook and hatchery coho.

~~((HH))~~ (E) Open September 15 through December 31: Daily limit 6; no more than 2 hatchery adult salmon, or one hatchery adult salmon and one hatchery steelhead, may be retained. Release all salmon except hatchery coho.

(F) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) Shad: Open May 16 through March 31.

(d) **From Bonneville Dam to The Dalles Dam:**

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam).

(II) Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) Open June 16 through July 31:

(I) Daily limit 6; no more than 2 hatchery adult salmon(;) or ((one)) 2 hatchery adult salmon ((and one)) or 2 hatchery steelhead or one of each, may be retained.

(II) Release all salmon except ~~((seekeye and))~~ hatchery Chinook.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Daily limit 6; no more than 2 adult salmon(;) or one adult salmon and one hatchery steelhead may be retained(;; except from August 1 through August 31 release all steelhead)). No more than one salmon may be an adult Chinook.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(e) **From The Dalles Dam to McNary Dam:**

(i) Closed waters:

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(B) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing-wall of the boat lock near the Washington shore.

(ii) Release all trout except hatchery steelhead.

(ii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one ((adult salmon and one hatchery steelhead,)) of each may be retained.

(II) Release all salmon except hatchery Chinook ~~((and seekeye))~~.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 adults, of which no more than 2 may be adult salmon or one adult salmon and one hatchery steelhead~~((; except release all steelhead from The Dalles Dam upstream to John Day Dam September 1 through September 30 and from John Day Dam upstream to McNary Dam September 1 through October 31)). No more than one salmon may be an adult Chinook.~~

(III) Release all salmon except Chinook and coho.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(f) **From McNary Dam to Highway 395 Bridge at Pasco:**

(i) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(ii) ~~((From June 16 through December 31, night closure in effect for all anglers except anglers enrolled in the Pike-minnow Reward Program fishing and targeting pikeminnow.~~

~~((iii))~~ Release all trout except hatchery steelhead.

~~((iv))~~ (iii) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(III) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(B) Open June 16 through July 31:

(I) Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one ((adult salmon and one hatchery steelhead,)) of each may be retained.

(II) Release all salmon except hatchery Chinook ~~((and seekeye))~~.

(C) Open August 1 through December 31:

(I) Daily limit 6; no more than 2 adult salmon or one adult salmon and one hatchery steelhead may be retained(;; except October 1 through November 30 release all steelhead)). No more than one salmon may be an adult Chinook.

(II) Release all salmon except Chinook and coho.

~~((HH)) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.~~

~~(v)~~ (iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(g) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

~~(iii) ((From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.~~

~~(iv)) Trout: Open year-round catch and release only.~~

~~(iv) Steelhead:~~

~~(A) Open October 1 through ((December 31 release all trout, except one)) October 31: Daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(B) ((January 1)) Open November 1 through March 31 ((release all trout, except anglers may retain one)): Daily limit 2 hatchery steelhead.~~

(v) Salmon:

(A) Open June 16 through August 15:

(I) Limit 4; no more than one adult hatchery Chinook salmon ((and no more than 2 sockeye salmon may be retained)).

(II) Release sockeye and wild adult Chinook.

~~(B) Open August 16 through October ((22)) 31: Limit 6; no more than 2 adult salmon may be retained. ((Once the adult salmon or steelhead limit is retained, anglers may not continue to fish for either species the remainder of the day.))~~

(h) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 30, T13N, R28E:

(i) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

~~(B) ((September 1 through November 30:)) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River, September 1 through November 30: Closed waters.~~

(ii) Trout and steelhead: Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Open April 1 through April 15:

~~(I) Release all trout((except anglers may retain one)).~~

~~(II) Daily limit 2 hatchery steelhead ((from April 1 through April 15)).~~

(C) From April 16 through March 31 adjacent Columbia River rules apply.

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

~~(iv) ((From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.~~

~~(v)) Trout: Open year-round catch and release only.~~

~~(v) Steelhead:~~

~~(A) Open October 1 through ((December 31 release all trout, except one)) October 31 daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(B) ((January)) Open November 1 through March 31 ((release all trout, except anglers may retain one)) daily limit 2 hatchery steelhead.~~

(vi) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook ((and no more than 3 sockeye salmon may be retained)).

(II) Release sockeye and wild adult Chinook.

~~(B) Open August 16 through October ((22)) 31: Limit 6; no more than 2 adult salmon may be retained. ((Once the adult salmon or steelhead daily limit has been retained, anglers may not continue to fish for either species the remainder of the day.))~~

(i) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):

(i) Open February 1 through October ((22)) 15.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook ((and no more than 3 sockeye salmon may be retained)).

(II) Release sockeye and wild adult Chinook.

~~(B) Open August 16 through October ((22)) 15: Limit 6; no more than 2 adult salmon may be retained.~~

(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek (waters of the Priest Rapids Hatchery system); extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook ((and no more than 3 sockeye salmon may be retained)).

(II) Release sockeye and wild adult Chinook.

~~(B) Open August 16 through October ((22)) 15: Limit 6; no more than 2 adult salmon may be retained.~~

(k) From Priest Rapids Dam to Rock Island Dam:

(i) Closed waters:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Minimum ~~((size))~~ length 12 inches; daily limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(II) Release coho, sockeye, and wild adult Chinook.

(B) Open September 1 through October ~~((22))~~ 15: Open for Chinook only; daily limit 6, no more than ~~((3))~~ 2 adults may be retained.

(l) From Rock Island Dam to Wells Dam:

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon open July 1 through October 15:

(A) Minimum size 12 inches; limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho, sockeye, and wild adult Chinook.**(m) From Wells Dam to Highway 173 Bridge at Brewster:**

(i) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Salmon open July 16 through August 31:

(A) Minimum size 12 inches; limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho, sockeye, and wild adult Chinook.**(n) From Highway 173 Bridge at Brewster to Chief Joseph Dam:**

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Salmon: Open July 1 through October 15:

(A) Minimum size 12 inches; limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook may be retained.

(B) Release coho, sockeye, and wild adult Chinook.

(o) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.

(p) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.

(2) Catch Record Card Area 5:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.

(c) August 16 through ~~((August 31))~~ September 30.

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.

(d) ~~((September))~~ October 1 through ~~((March))~~ February 15: Closed.

(e) ~~((March))~~ February 16 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(3) Catch Record Card Area 6:

(a) May 1 through June 30: Closed.

(b) July ~~((1))~~ 3 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.

(iv) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

~~((iv) 2 additional sockeye salmon may be retained as part of the daily limit.)~~

(c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 15.

~~(d) August 16 through ((February 28: Closed except in Dungeness Bay as described in this section:~~

~~(e) March)) September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum, Chinook and wild coho.~~

~~(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.~~

~~(e) October 1 through January 31: Closed except in Dungeness Bay as described in this section.~~

~~(f) February 1 through April 15:~~

~~(i) Daily limit of ((2)) 1 salmon.~~

~~(ii) Release wild coho and wild Chinook.~~

~~((f)) (g) April 16 through April 30: Closed.~~

~~((g)) (h) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except: October 1 through October 31: Daily limit of 2 hatchery coho only.~~

~~(4) **Catch Record Card Area 7:**~~

~~(a) May 1 through June 30: Closed.~~

~~(b) July 1 through July 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release ((coho)) chum and wild Chinook.~~

~~(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.~~

~~(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).~~

~~(c) August 1 through September ((30)) 3:~~

~~(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.~~

~~(ii) Release chum ((and coho)).~~

~~(iii) 2 Additional sockeye salmon may be retained as part of the daily limit.~~

~~(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).~~

~~(d) September 4 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum and Chinook.~~

~~(iii) October 1 through December 31: Closed.~~

~~(e) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).~~

~~(f) January 1 through April ((30)) 15:~~

~~(i) Daily limit of 1 salmon.~~

~~(ii) Release coho and wild Chinook.~~

~~(g) Waters of Bellingham Bay described in WAC 220-313-020(1):~~

~~(i) Closed March 1 through April 30 and July 1 through August 15.~~

~~(ii) August 16 through September 30: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.~~

~~(iii) October 1 through February 28 and June 1 through June 30: Same rules as Area 7.~~

~~(h) Waters east of a line from Gooseberry Point to Sandy Point: Closed September 8 through September 30.~~

~~(5) **Catch Record Card Area 8-1:**~~

~~(a) May 1 through ((October)) July 31: Closed.~~

~~(b) ((November)) August 1 through September 30:~~

~~(i) Daily limit 2 salmon.~~

~~(ii) Release Chinook.~~

~~(c) October 1 through November 30: Closed.~~

~~(d) December 1 through April 30:~~

~~(i) Daily limit of ((+)) 2 salmon.~~

~~(ii) Release coho and wild Chinook.~~

~~(6) **Catch Record Card Area 8-2:**~~

~~(a) May 1 through ((October)) July 31 are closed, except waters described in this subsection.~~

~~(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, ((May 26)) June 1 through September ((5)) 3: Daily limit of 2 salmon.~~

~~(ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Saturday through Sunday of each week, September ((6)) 8 through September 30: Daily limit of 2 salmon.~~

~~((iii) It is permissible to fish from shore in waters on Whidbey Island from Possession Point (Catch Record Card Area 8-2 and 9 border) north to the northern boundary of Possession Point Waterfront Park from August 1 through September 4: Daily limit of 2 hatchery coho.))~~

~~(b) ((November)) August 1 through September 23:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~(c) September 24 through November 30: Closed.~~

~~(d) December 1 through April 30:~~

~~(i) Daily limit of ((+)) 2 salmon.~~

~~(ii) Release coho and wild Chinook.~~

~~(7) **Catch Record Card Area 9:**~~

~~(a) May 1 through July 15: Closed.~~

~~(b) July 16 through August 15, except waters in this subsection:~~

~~(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.~~

~~(ii) Release chum, wild coho and wild Chinook.~~

~~(iii) Closed south of a line from Foulweather Bluff to Olele Point July 16 through August 15 except it is permissible to fish from shore in waters south of a line from Foulweather Bluff to Olele Point:~~

~~(A) Daily limit of 2 salmon.~~

~~(B) Release Chinook, chum and wild coho.~~

~~((C) Closed east of a line from the eastern boundary of Salsbury Point Park extending north to a line with the intersection of NE Cliffside Road and Hood Canal Drive NE.~~

~~(e) Closed August 16 through September 4 except it is permissible to fish from shore.)) (c) August 16 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook, chum and wild coho.~~

~~((iii) Closed east of a line from the eastern boundary of Salsbury Point Park extending north to a line with the intersection of NE Cliffside Road and Hood Canal Drive NE.))~~

~~(d) ((September 5)) October 1 through ((October)) December 31: Closed.~~

~~(e) ((November)) January 1 through ((November 30)) April 15:~~

- (i) Daily limit of 1 salmon.
- (ii) Release wild coho and wild Chinook.
- ~~(f) ((December 1 through January 15): Closed.~~
- ~~(g) January 16 through April 15:~~
- ~~(i) Daily limit of 1 salmon.~~
- ~~(ii) Release coho and wild Chinook.~~
- ~~(h)) April 16 through April 30: Closed.~~
- ~~((+)) (g) Edmonds Fishing Pier:~~
- (i) Open year-round.
- (ii) Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (iii) Release chum from August 1 through September 30.
- (8) Catch Record Card Area 10:**
- (a) May 1 through ~~((June 30))~~ May 31: Closed.
- (b) ~~((July))~~ June 1 through July 15:
- (i) Daily limit of 2 salmon.
- (ii) Release Chinook(~~(;)~~) and chum ~~((and wild coho)).~~
- (c) July 16 through August ~~((15))~~ 30:
- (i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (ii) Release chum(~~(; wild coho))~~ and wild Chinook.
- (d) ~~((August 16))~~ September 1 through ~~((October 31))~~ November 15:
- (i) Daily limit of 2 salmon.
- (ii) Release Chinook ~~((and wild coho)).~~
- (iii) Release chum ((August 16)) September 1 through September 15.
- (e) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August ~~((31))~~ 15.
- (f) Waters of Elliott Bay east of a line from West Point to Alki Point: Closed July 1 through August 31, except: ~~((+))~~ Those waters east of a line from Pier 91 to Duwamish Head, open August 11 through August 13 only.
- ~~(A) Daily limit of 2 salmon.~~
- ~~(B) Release chum and wild coho.~~
- ~~((+))~~ In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 15 through August 31 from Friday through Sunday of each week only.
- ~~((A))~~ (i) Daily limit of 2.
- ~~((B))~~ (ii) Release Chinook, chum and wild coho.
- (g) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:
- (i) ~~((Daily limit of 3 salmon.))~~ July 1 through September 30.
- (ii) Daily limit of 3 salmon.
- (iii) Release wild Chinook and wild coho.
- ~~((+))~~ (iv) Release chum from August 1 through September 15.
- (h) November ~~((+))~~ 16 through ~~((February 28))~~ December 31: Closed.
- (i) January 1 through March 30:
- ~~((+))~~ (ii) Daily limit of 2 salmon~~((; no more than one may be a Chinook salmon.~~
- ~~((+))~~.
- (iii) Release wild Chinook ((and wild coho)).

- (i) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.
- (j) ~~((March))~~ April 1 through April 30: Closed.
- (k) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:
- (i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (ii) Release chum from August 1 through September 15.
- (l) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.
- (m) Free-flowing freshwaters are closed downstream of the mouth at Gorst Creek, from July 1 through September 30.
- (9) Catch Record Card Area 11:**
- (a) May 1 through May 31: Closed.
- (b) June 1 through ~~((October 31))~~ September 30:
- (i) Daily limit of 2 salmon of which one may be a hatchery Chinook.
- (ii) Release wild Chinook.
- (c) October 1 through April 30:
- (i) Daily limit 2 salmon.
- (ii) Release wild Chinook.
- (iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed June 1 through July 31 and April 1 through April 30.
- ~~((e) November 1 through April 30:~~
- ~~(i) Daily limit of 2 salmon.~~
- ~~(ii) Release wild Chinook and wild coho.~~
- ~~(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed from April 1 through April 30:))~~
- (d) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock, open year-round: Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (10) Catch Record Card Area 12:**
- (a) May 1 through June 30: Closed.
- (b) July 1 through September 30, in waters south of Ayock Point except waters listed in this subsection:
- (i) Daily limit of 4 salmon.
- (ii) Release chum and wild Chinook.
- (iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:
- (A) Daily limit of 4 salmon.
- (B) Release chum and wild Chinook.
- (C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.
- (D) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the

ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.

~~(c) ((In years ending in even numbers, August 16)) September 1 through September 30, in waters north of Ayock Point:~~

- ~~(i) Daily limit of 4 salmon.~~
- ~~(ii) Release chum and Chinook.~~
- ~~(iii) Waters north of a line true east from Broad Spit: Closed September 16 through September 30.~~

~~(d) ((In years ending in odd numbers, August 1 through September 30, in waters north of Ayock Point:~~

- ~~(i) Daily limit of 4 salmon.~~
- ~~(ii) Release chum and Chinook.~~
- ~~(iii) August 1 through August 15: Only hooks measuring one half inch or less from point to shank may be used.~~
- ~~(iv) Waters north of a line true east from Broad Spit: Closed September 16 through September 30.~~

~~(e)) October 1 through December 31:~~

~~(i) Waters north of a line true east from Broad Spit - Closed.~~

~~(ii) All other waters except waters listed in this subsection:~~

~~(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.~~

~~(B) Release wild Chinook. Release chum October 1 through October 15.~~

~~(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:~~

~~(A) Daily limit of 4 salmon.~~

~~(B) Release wild Chinook. Release chum October 1 through October 15.~~

~~(C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.~~

~~(D) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.~~

~~((f)) (e) January 1 through April 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release wild Chinook.~~

~~((g)) (f) July 1 through September 30: Free-flowing freshwater is closed downstream of the mouth of the Dewatto, Dosewallips, Duckabush, Hamma Hamma, and Skokomish rivers.~~

(11) Catch Record Card Area 13:

(a) May 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

(b) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(c) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad

bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

(d) Fox Island Public Fishing Pier, open year-round: Daily limit 2 salmon; no more than one may be a Chinook salmon.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 17-19-009, filed 9/7/17, effective 10/8/17)

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(2) **Catch Record Card Area 1:**

(a) May 1 through June 23: Closed.

(b) July 24 through September 4:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(c) September 5 through April 30: Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(3) **Catch Record Card Area 2:**

(a) May 1 through June 30: Closed.

(b) July 1 through September 4:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(ii) Beginning August 14, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) September 5 through April 30 - Closed.

(4) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June 30: Closed.

(b) July 1 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon; no more than 3 may be adult salmon of which only one may be a coho.

(ii) Release wild Chinook.

(iii) Beginning August 1, the Willapa Bay Control Zone is closed. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

~~((iv))~~ (v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) Humptulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff.

(b) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

(c) May 1 through July 31: Closed.

~~((b))~~ (d) August 1 through September 15:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

~~((e) September 16))~~ (e) October 1 through November 30:

(i) Daily limit of ~~((2))~~ 1 salmon ~~((, of which one may be a wild coho)).~~

(ii) Release Chinook.

(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

~~((d))~~ (f) December 1 through April 30: Closed.

~~((e))~~ (g) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(6) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

(a) May 1 through June 30: Closed.

(b) July 1 through August 13: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 14 through April 30: Closed.

(7) Catch Record Card Area 3:

(a) May 1 through June 23: Closed.

(b) June 24 through September 4:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(c) September 5 through April 30: Closed.

(8) Catch Record Card Area 4:

(a) May 1 through June 23: Closed.

(b) June 24 through September 4:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) Waters east of a true north-south line through Sail Rock are closed through July 31.

(iv) Waters east of the Bonilla-Tatoosh line closed to Chinook retention beginning August 1.

(v) Release chum salmon beginning August 1.

(c) September 5 through April 30: Closed.

(9) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

WSR 18-12-122

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 6, 2018, 11:37 a.m.]

Supplemental Notice to WSR 17-18-104, 18-05-099, 18-07-028.

Preproposal statement of inquiry was filed as WSR 16-22-072.

Title of Rule and Other Identifying Information: Chapter 392-400 WAC regarding student discipline.

Hearing Location(s): On July 18, 2018, at 10:30 a.m., at the Office of Superintendent of Public Instruction (OSPI), 600 South Washington Street, Olympia, WA 98501. If you are planning to testify, please arrive by 10:30 a.m.

Date of Intended Adoption: July 19, 2018.

Submit Written Comments to: Dierk Meierbachtol, P.O. Box 47200, Olympia, WA 98504-7200, email DisciplineRuleComments@k12.wa.us, fax 360-753-4201, by July 17, 2018.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email kristin.murphy@k12.wa.us, by July 10, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 28A.600-.015 requires OSPI to adopt lawful and reasonable rules pre-

scribing the substantive and procedural due process guarantees of students in public schools. These rules are found in chapter 392-400 WAC.

On September 6, 2017, OSPI filed proposed revisions to chapter 392-400 WAC (WSR 17-18-104) that were intended to (1) align student discipline definitions with new requirements and statutory language in HB [2SHB] 1541 (chapter 72, Laws of 2016); (2) provide further guidance on the requirements in HB [2SHB] 1541, including specific guidance on the provision of educational services while a student is suspended or expelled; and (3) increase clarity and readability of the entire chapter.

Following the public comment period, OSPI made revisions to the rule that were substantially different from the rule proposed in WSR 17-18-104. OSPI therefore provided supplemental notice under RCW 34.05.340 that OSPI intended to reopen the proceedings for public comment on the proposed rule (WSR 18-05-099). Public hearings on the proposed rules were held on March 30, April 2, and May 2, 2018.

OSPI has carefully reviewed the written and oral comments during the rule-making comment period for WSR 18-05-099 and is now proposing to make additional revisions to the proposed rules published in WSR 18-05-099. Because these additional revisions are a substantial variation from the proposed rules described in the published notice, OSPI is reopening the proceedings for public comment on the proposed variance.

These revisions to the proposed rules include the following:

- **Effective dates.** To provide ample time for school districts to implement proposed due process rules and train school personnel, OSPI is proposing the following new effective dates:

The following current rules will remain effective for the 2018-19 school year:

- WAC 392-400-225 (School district rules defining misconduct)
- WAC 392-400-230 (Persons authorized to impose discipline suspension, expulsion, or emergency removal upon students)
- WAC 392-400-233 (Unexcused absences and tardiness)
- WAC 392-400-235 through 392-400-285 (Discipline, suspensions, and expulsions)
- WAC 392-400-295 through 392-400-305 (Emergency expulsions)
- WAC 392-400-310 through 392-400-410 (Long-term suspension and expulsion appeals)

The following proposed rules will be effective for the 2018-19 school year:

- WAC 392-400-010 (Purpose)
- WAC 392-400-015 (Authority)
- WAC 392-400-020 (Application)
- WAC 392-400-023 (Definitions)
- WAC 392-400-330 and 392-400-335 (Classroom exclusions)
- WAC 392-400-610 (Educational services)

- WAC 392-400-710 (Student reengagement)
- WAC 392-400-805 (Fundamental rights)
- WAC 392-400-810 (Exceptions for the purposes of protecting victims)
- WAC 392-400-815 (Behavior agreements)
- WAC 392-400-820 (Firearm exceptions)
- WAC 392-400-825 (Corporal punishment, restraint, and isolation)
- WAC 392-400-830 (School meals)

The following proposed rules will be effective for the 2019-20 school year:

- WAC 392-400-025 (Definitions)
- WAC 392-400-110 (Discipline policies and procedures)
- WAC 392-400-430 through 392-400-480 (Suspensions and expulsions)
- WAC 392-400-510 through 392-400-530 (Emergency expulsions)
- **Classroom exclusion.** The definition of classroom exclusion is revised to clarify that a classroom exclusion does not include actions that result in missed instruction for a brief duration when (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations, and (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.
- **Emergency expulsions.** The proposed WAC 392-400-510 is revised to authorize the use of emergency expulsions in situations where a student's presence poses an immediate and continuing threat of material and substantial disruption of the educational process. The revision also clarifies that an "immediate and continuing threat of material and substantial disruption of the educational process" means (a) the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day, and (b) school personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
- **Educational services.** The proposed WAC 392-400-610 is revised to remove language regarding the administrative transfer of students. The proposed rule is further revised to provide that, during a suspension, expulsion, or emergency expulsion, school districts must provide students the opportunity to receive educational services that enable the student to (a) continue to participate in the general education curriculum; (b) meet the educational standards established within the district; and (c) complete subject, grade-level, and graduation requirements. In addition, the proposed rule is revised to incorporate the language of RCW 28A.600.020(7).
- **End date of suspensions and expulsions.** The proposed WAC 392-400-430 is revised to clarify that if a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless (a) the school district

superintendent or designee grants a petition to extend a student's expulsion; (b) the student is excluded from the student's regular educational setting for the purpose of protecting victims of certain offenses; or (c) the student is otherwise precluded under law from returning to the student's regular educational setting.

- **Suspensions and expulsions administered by another school district.** The proposed WAC 392-400-810 regarding long-term suspensions and expulsions administered by another school district is removed.
- **Exceptions for the purpose of protecting victims.** A new section is added to clarify that, in accordance with RCW 28A.600.460, a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses.
- **School meals.** The rules are revised to clarify that a school district may not administer discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

Reasons Supporting Proposal: These supplemental revised rules reflect public comments that OSPI received on proposed revisions to the student discipline rules filed on September 6, 2017, and February 21, 2018. The revised rules incorporate substantial stakeholder feedback, including feedback from the OSPI student discipline task force, school districts, parents, and advocacy groups. They are intended to (1) simplify and clarify due process procedures for school districts, students, and families; (2) eliminate problems of interpretation and problems of practice that are a result of confusing or vague terminology; (3) encourage fewer adversarial resolutions to discipline-related issues and the use of best practices to minimize the use of exclusionary discipline practices; (4) provide for more collaborative and culturally sensitive and culturally responsive reengagement process; (5) increase opportunities for student, family, and community engagement in discipline, including in the development of discipline policies and in resolving discipline-related issues; and (6) provide ample time for school districts to implement the new proposed due process rules and train school personnel.

Statutory Authority for Adoption: RCW 28A.600.015, 28A.600.020.

Statute Being Implemented: RCW 28A.600.010 through 28A.600.022, 28A.320.211.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Dierk Meierbachtol, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6004; and Implementation: Joshua Lynch, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-4969.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

June 4, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

Chapter 392-400 WAC

~~((PUPHS))~~ STUDENT DISCIPLINE

NEW SECTION

WAC 392-400-010 Purpose. The purpose of this chapter is to ensure that school districts in Washington:

- (1) Provide due process to students;
- (2) Implement culturally responsive discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;
- (3) Engage school personnel, students, parents, families, and the community in decisions related to the development and implementation of discipline policies and procedures;
- (4) Ensure fairness and equity in the administration of discipline;
- (5) Administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;
- (6) Provide educational services that students need to complete their education without disruption;
- (7) Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion; and
- (8) Provide a safe and supportive learning environment for all students.

NEW SECTION

WAC 392-400-015 Authority. The authority for this chapter is RCW 28A.600.015 and 28A.600.020, which require the office of superintendent of public instruction to establish rules that prescribe the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, school districts.

NEW SECTION

WAC 392-400-020 Application. (1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

- (2) This chapter must be construed in a manner consistent with the following laws and rules:

(a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;

(b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;

(c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;

(d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;

(e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and

(f) RCW 28A.415.410 and 28A.415.420, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

NEW SECTION

WAC 392-400-023 Definitions. As used in this chapter the terms:

(1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-225.

(2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in WAC 392-400-330 and 392-400-335. Classroom exclusion does not include actions that result in missed instruction for a brief duration when:

(a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and

(b) The student remains under the supervision of the teacher or other school personnel during such brief duration.

(3) "Corrective action" means discipline, classroom exclusion, suspension, emergency expulsion, or expulsion.

(4) "Culturally responsive" has the same meaning as "cultural competency" in RCW 28A.410.270.

(5) "Discipline" and "other forms of discipline" mean all forms of corrective action used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(6) "Discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and 28A.600.015, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.-280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) "Disruption of the educational process" means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

(8) "Emergency expulsion" means an emergency removal from school for up to, and not exceeding, ten consecutive school days from the student's current school placement by a school district superintendent or a designee of the superintendent. The superintendent or designee must have good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school.

(9) "Expulsion" means a denial of attendance for a period of time up to, but not longer than, the length of an academic term, as defined by the school board, from the time a student is removed from his or her current school placement by a school district superintendent or a designee of the superintendent. An expulsion also may include a denial of admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the school district.

(10) "Length of an academic term" means the total number of school days in a single trimester or semester, as defined by the school board.

(11) "Long-term suspension" means a suspension that:

(a) Exceeds ten school days and has an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action;

(b) Cannot be imposed in such a manner that causes the student to lose academic grades or credit in excess of one semester or trimester during the same school year; and

(c) Cannot be imposed beyond the school year in which the alleged misbehavior occurs.

(12) "Parent" has the same meaning as in WAC 392-172A-01125.

(13) "School business day" means any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(14) "School day" means a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

(15) "Short-term suspension" means a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

(16) "Suspension" means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

NEW SECTION

WAC 392-400-025 Definitions. As used in this chapter the terms:

(1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.

(2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in WAC 392-400-330 and 392-400-335. Classroom exclusion does not include actions that result in missed instruction for a brief duration when:

(a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and

(b) The student remains under the supervision of the teacher or other school personnel during such brief duration.

(3) "Culturally responsive" has the same meaning as "cultural competency" in RCW 28A.410.270.

(4) "Discipline" means any action taken by a school district in response to behavioral violations.

(5) "Disruption of the educational process" means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

(6) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.

(7) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.

(8) "Length of an academic term" means the total number of school days in a single trimester or semester, as defined by the school board.

(9) "Other forms of discipline" means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(10) "Parent" has the same meaning as in WAC 392-172A-01125.

(11) "School business day" means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent of a school district is open to the public for business.

(12) "School board" means the governing board of directors of a local school district.

(13) "School day" means any day or partial day that students are in attendance at school for instructional purposes.

(14) "Suspension" means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

(a) "In-school suspension" means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) "Long-term suspension" means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) "Short-term suspension" means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

DISCIPLINE POLICIES AND PROCEDURES

NEW SECTION

WAC 392-400-110 Discipline policies and procedures—Development, review, and distribution. (1) **School district policies and procedures beginning in the 2019-20 school year.** Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency

expulsions, consistent with WAC 392-400-430 through 392-400-530;

(h) Establish grievance procedures to address parents' or students' grievances related to the administration of classroom exclusions and other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;

(k) Provide a process for students who have been suspended or expelled to petition for readmission; and

(l) Be consistent with the model policy developed under RCW 28A.345.090.

(2) **Development and review.** A school district must develop and periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) **Distribution of policies and procedures.** A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

DISCIPLINE, SUSPENSION, AND EXPULSION RULES

AMENDATORY SECTION (Amending WSR 07-04-048, filed 1/31/07, effective 3/3/07)

WAC 392-400-230 Persons authorized to impose discipline, suspension, or expulsion (, or emergency removal) upon students. (1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC 392-400-225 ((and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC 392-400-290)).

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC 392-400-225. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: Provided, That except in emergency circumstances as provided for in WAC 392-400-290, the teacher shall have first attempted one or more alternative forms of corrective action: Provided further, That in no event without the consent of the teacher shall an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded.

AMENDATORY SECTION (Amending WSR 14-15-153, filed 7/23/14, effective 8/23/14)

WAC 392-400-233 ((Unexcused)) Absences ((and)), tardiness, and school meals. ~~((1) Students with one or more unexcused absences and subject to compulsory attendance pursuant to chapter 28A.225 RCW may be subject to corrective action reasonably calculated to modify the student's conduct. If a school district imposes corrective action on a student for one or more unexcused absences, the school district must:~~

~~(a) Provide notice to the student's parent(s) or guardian(s) in writing in English or, if different, the primary language of the parent(s) or guardian(s), that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;~~

~~(b) Schedule a conference or conferences with the parent(s) or guardian(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, and to determine, by appropriate means, whether the student should be made a focus of concern for placement in special programs designed for his or her educational success; and~~

~~(c) Take steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s) or guardian(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.~~

~~(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:~~

~~(a) The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;~~

~~(b) The student's attendance or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course; and~~

~~(c) The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the tardiness or absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, or the Individuals with Disabilities Education Act.)) (1) **Absences and tardiness.** A school district may not suspend or expel a student from school for absences or tardiness.~~

~~(2) **School meals.** A school district may not administer a corrective action in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.~~

AMENDATORY SECTION (Amending WSR 16-18-028, filed 8/26/16, effective 9/1/16)

WAC 392-400-235 Discipline—Conditions and limitations. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to this section, subject to the following limitations and conditions and the grievance procedure set forth in WAC 392-400-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) School districts may not suspend the provision of educational services to a student as a disciplinary action.

~~((3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited.~~

~~Corporal punishment does not include:~~

~~(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;~~

~~(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or~~

~~(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.))~~

CLASSROOM EXCLUSIONS

NEW SECTION

WAC 392-400-330 Classroom exclusions—Conditions and limitations. (1) **Authority to administer classroom exclusions.**

(a) **Teacher authority.** A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.

(b) **Other school personnel authority.** A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.

(2) **Other forms of discipline.** The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(3) **Limitations on classroom exclusion.**

(a) **Duration of classroom exclusion.** A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(b) **Removal from school.** A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.

(4) **Assignments and tests.** The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

NEW SECTION

WAC 392-400-335 Classroom exclusion—Notice and procedure. Following a classroom exclusion under WAC 392-400-330:

(1) **Notice to principal.** The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

(2) **Notice to parents.** The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(3) **Emergency circumstances.** When a teacher or school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and

continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

(a) The teacher or other school personnel must immediately notify the principal or designee; and

(b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

(4) **Reporting.** The principal or designee must report all classroom exclusions, including the behavioral violation that led to each classroom exclusion, to the school district superintendent or designee.

SUSPENSIONS AND EXPULSIONS

NEW SECTION

WAC 392-400-430 Suspensions and expulsions—General conditions and limitations. A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) **Parent involvement.** A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) **Considerations.** Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) **Completing academic requirements.** A school district may not:

(a) Suspend the provision of educational services to a student in response to behavioral violations; or

(b) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

(4) **Opportunity to receive educational services.** A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(5) **Reporting.** The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(6) **Reentry.** After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(7) **Absences and tardiness.** A school district may not suspend or expel a student from school for absences or tardiness.

(8) **Access to school district property.** When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(9) **End date.**

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

NEW SECTION

WAC 392-400-435 Short-term and in-school suspensions—Additional conditions and limitations. (1) **Other forms of discipline.** Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) **Length of exclusion.** A school district may not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

(3) **Grade-level limitations.**

(a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term; and

(b) A school district may not administer a short-term or in-school suspension for a student in grades five through twelve:

(i) For more than fifteen cumulative school days during any single semester; or

(ii) For more than ten cumulative school days during any single trimester.

(4) **School personnel.** When administering an in-school suspension, a school district must ensure school personnel:

(a) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and

(b) Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes as required under WAC 392-400-610.

NEW SECTION

WAC 392-400-440 Long-term suspensions—Additional conditions and limitations. (1) **Other forms of discipline.** Before administering a long-term suspension, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best prac-

tices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) **Limitations on long-term suspensions.** A school district may only administer a long-term suspension:

(a) For behavioral violations under RCW 28A.600.015 (6); and

(b) After the school district has determined that, if the student returned to school before completing a long-term suspension:

(i) The student would pose an imminent danger to students or school personnel; or

(ii) The student would pose an imminent threat of material and substantial disruption of the educational process.

(3) **Length of exclusion.**

(a) A long-term suspension may not exceed the length of an academic term.

(b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

(4) **Grade-level limitations.** Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade.

NEW SECTION

WAC 392-400-445 Expulsions—Additional conditions and limitations. (1) **Other forms of discipline.** Before administering an expulsion, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) **Limitations on expulsions.** A school district may only administer an expulsion:

(a) For behavioral violations under RCW 28A.600.015 (6); and

(b) After the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

(3) **Length of exclusion.** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.

(4) **Grade-level limitations.** Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.

NEW SECTION

WAC 392-400-450 Suspensions and expulsions—Initial hearing with student. (1) **Initial hearing.** Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

(a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;

(b) An explanation of the evidence regarding the behavioral violation;

(c) An explanation of the discipline that may be administered; and

(d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

(2) **Parent participation.**

(a) **Short-term and in-school suspensions.** At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) **Long-term suspensions and expulsions.** At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

(3) **Administrative decision.** Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

(4) **Language assistance.** The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-455 Suspensions and expulsions—Notice to student and parents. (1) **Initial notice.** Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) **Written notice.** No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

(d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

(e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

(f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and

(g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-460 Suspensions and expulsions—Optional conference with principal. (1) **Requesting a conference.** If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:

(a) Share the student's perspective and explanation regarding the behavioral violation;

(b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and

(c) Discuss other forms of discipline that may be administered.

(4) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.

NEW SECTION

WAC 392-400-465 Suspensions and expulsions—Appeal. (1) **Requesting an appeal.** A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) **Time limit.** A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) **Short-term and in-school suspensions.**

(a) **Appeal.** The superintendent or designee must provide the student and parents the opportunity to share the stu-

dent's perspective and explanation regarding the behavioral violation orally or in writing.

(b) **Appeal decision.** The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

(i) The decision to affirm, reverse, or modify the suspension;

(ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;

(iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) **Long-term suspensions and expulsions.**

(a) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(i) The time, date, and location of the appeal hearing;

(ii) The name(s) of the official(s) presiding over the appeal;

(iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;

(iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;

(v) The student's and parents' rights under (f) of this subsection; and

(vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) **Reengagement.** Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) **Appeal hearing.** The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) **Presiding officials.** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) **Evidence and witnesses.**

(i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing.

The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(A) The district made a reasonable effort to produce the witness; and

(B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) **Student and parent rights.** During the appeal hearing, the student and parents have the right to:

(i) Be represented by legal counsel;

(ii) Question witnesses;

(iii) Share the student's perspective and provide explanation regarding the behavioral violation; and

(iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(h) **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:

(i) The findings of fact;

(ii) A determination whether:

(A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;

(B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and

(C) The suspension or expulsion is affirmed, reversed, or modified;

(iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.

(5) **Language assistance.** The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with lim-

ited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) **Pending appeal.** If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

(a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;

(b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;

(c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

NEW SECTION

WAC 392-400-470 Suspensions and expulsions—Review and reconsideration. (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.

(2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC 392-400-465.

(3) **Review procedure.**

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the decision must be made by the school board.

(4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and

(c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-475 Discipline appeal council. A school board may designate a discipline appeal council to hear and decide appeals under WAC 392-400-465 or to review and reconsider the district's appeal decisions under WAC 392-400-470. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

NEW SECTION

WAC 392-400-480 Petition to extend expulsion. (1) **Petition.** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:

(a) The behavioral violation that resulted in the expulsion and the public health or safety concerns;

(b) The student's academic, attendance, and discipline history;

(c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;

(d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;

(e) The proposed extended length of the expulsion; and

(f) The student's reengagement plan.

(2) **Time limit.** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee may petition to extend an expulsion at any time.

(3) **Notice.** The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:

(a) A copy of the petition;

(b) The student's and parents' right to an informal conference with the school district superintendent or designee to be

held within five school business days from the date the district provided written notice to the student and parents; and

(c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.

(4) **Written decision.** The school district superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

(a) If the petition is granted, the written decision must include:

(i) The date on which the extended expulsion will end;

(ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and

(iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.

(b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.

(5) **Review and reconsideration.**

(a) **Requesting review.** The students or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.

(b) **Time limit.** A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.

(c) **Review procedure.**

(i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.

(ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC 392-400-465.

(d) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and

(ii) The date on which the extended expulsion will end.

(6) **Duration.** Any extension of an expulsion may not exceed the length of an academic term.

(7) **Language assistance.** The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(8) **Annual reporting.** The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

EMERGENCY EXPULSIONS

NEW SECTION

WAC 392-400-510 Emergency expulsions—Conditions and limitations. A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(1) **Sufficient cause.** The school district must have sufficient cause to believe that the student's presence poses:

(a) An immediate and continuing danger to other students or school personnel; or

(b) An immediate and continuing threat of material and substantial disruption of the educational process, subject.

(2) **Determination of immediate and continuing threat of disruption.** For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

(a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and

(b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

(3) **Time limit.** An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(4) **Conversion.** If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480.

(5) **Reporting.** All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

NEW SECTION

WAC 392-400-515 Emergency expulsions—Notice to student and parents. (1) **Initial notice.** After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school

personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

(2) **Written notice.** Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;

(b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;

(c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;

(d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and

(e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-520 Emergency expulsions—Optional conference with principal. (1) **Requesting a conference.** If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) **Conference.** During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

(4) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525.

NEW SECTION

WAC 392-400-525 Emergency expulsions—Appeal.

(1) **Requesting an appeal.** A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.

(2) **Time limit.** A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.

(3) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(a) The time, date, and location of the appeal hearing;

(b) The name(s) of the official(s) presiding over the appeal;

(c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;

(d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and

(e) The student's and parents' rights under subsection (7) of this section.

(4) **Appeal hearing.** The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

(5) **Presiding official(s).** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) **Evidence and witnesses.**

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and

(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) **Student and parent rights.** The student and parents have the right to:

(a) Be represented by legal counsel;

(b) Question witnesses;

(c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and

(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) **Appeal decision.** The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

(a) The findings of fact;

(b) A determination whether the student's presence continues to pose:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480; and

(d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) **Language assistance.** The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-530 Emergency expulsions—Review and reconsideration. (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) **Review procedure.**

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480.

(5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

EDUCATIONAL SERVICES

NEW SECTION

WAC 392-400-610 Educational services during suspension, expulsion, or emergency expulsion. (1) Educational services.

(a) During the suspension, expulsion, or emergency expulsion of a student, a school district must provide the student the opportunity to receive educational services. The educational services must enable the student to:

(i) Continue to participate in the general education curriculum;

(ii) Meet the educational standards established within the district; and

(iii) Complete subject, grade-level, and graduation requirements.

(b) When providing a student the opportunity to receive educational services under this section, the school district must consider:

(i) Meaningful input from the student, parents, and the student's teachers;

(ii) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and

(iii) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

(c) A district may provide educational services to the student in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

(2) **Notice.** As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

(a) A description of the educational services that will be provided; and

(b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

(3) **Exclusions for up to five days.** For students subject to suspension or emergency expulsion for up to five consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;

(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(4) **Exclusions for six to ten days.** For students subject to suspension or emergency expulsion for six to ten consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;

(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:

(i) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

(ii) Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(5) **Long-term suspensions and expulsions.** For students subject to expulsion or suspension for more than ten consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.

(6) **Language assistance.** The school district must ensure that notices and communications required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

REENGAGEMENT

NEW SECTION

WAC 392-400-710 Student reengagement after long-term suspension or expulsion. (1) **Reengagement meeting.** When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:

(a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or

(b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

(2) **Reengagement plan.** The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:

(a) The nature and circumstances of the incident that led to the student's suspension or expulsion;

(b) As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;

(c) Shortening the length of time that the student is suspended or expelled;

(d) Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and

(e) Supporting the student, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

(3) **Documentation.** The school district must document the reengagement plan and provide a copy of the plan to the student and parents.

(4) **Language assistance.** The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require

language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) **Student and parent rights.** Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

ADDITIONAL DUE PROCESS PROTECTIONS

NEW SECTION

WAC 392-400-805 Fundamental rights. When administering discipline under this chapter, the school district must not:

(1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;

(2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;

(3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;

(4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or

(5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

NEW SECTION

WAC 392-400-810 Exceptions for the purpose of protecting victims. In accordance with RCW 28A.600.460, a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows:

(1) **Teacher victim.** A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;

(2) **Student victim.** A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

NEW SECTION

WAC 392-400-815 Behavior agreements. (1) **General.** A school district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspen-

sion conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.

(2) **Policies and procedures.** A school district entering into behavior agreements under this section must adopt written policies and procedures authorizing the agreements.

(3) **Reengagement meetings and educational services.** A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided under WAC 392-400-610.

(4) **Duration.** The duration of behavior agreements must not exceed the length of an academic term.

(5) **Subsequent behavioral violations.** Nothing in this section precludes a school district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

(6) **Language assistance.** The school district must ensure any behavior agreement under this section is provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

NEW SECTION

WAC 392-400-820 Firearm exceptions. As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.

(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or

(c) Any student while participating in a rifle competition authorized by the school district.

NEW SECTION

WAC 392-400-825 Corporal punishment, restraint, and isolation. (1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as nec-

essary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or

(c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.

(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

NEW SECTION

WAC 392-400-830 School meals. A school district may not administer any discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to the student.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-400-200 Purpose and application.

WAC 392-400-205 Definitions.

WAC 392-400-210 Student responsibilities and duties.

WAC 392-400-215 Student rights.

WAC 392-400-220 Student disciplinary boards—Establishment at option of school district—Functions.

WAC 392-400-227 School district rules defining students religious rights.

WAC 392-400-290 Emergency removal from a class, subject, or activity.

WAC 392-400-420 Reengagement meetings and plans.